Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 17, NUMBER 5
THURSDAY, NOVEMBER 1, 1990

Administrative Regulation Review Subcommittee, November Agenda.....1663
Regulation Review Procedure.....1665

Emergency Regulations Now In Effect:
Corrections.....1666
Transportation.....1668
Human Resources.....1670

As Amended:
Agriculture.....1712
Natural Resources & Environmental Protection - Water.....1715
Workforce Development.....1718
Public Service Commission.....1720
Human Resources.....1724

Amended After Hearing:
Transportation.....1736

Proposed Amendments Received through October 15, 1990:
Board of Dentistry.....1777
Board of Architects.....1778
Fish and Wildlife Resources.....1793
Corrections.....1807
Transportation.....1812
Labor - OSHA.....1842
Alcoholic Beverage Control.....1860
Human Resources.....1863

Proposed Regulations Received Through October 15, 1990:
Board of Architects.....1884
Fish and Wildlife Resources.....1884
Justice.....1885
Transportation.....1886
Workforce Development.....1888
Alcoholic Beverage Control.....1889
Housing, Buildings and Construction.....1890
Human Resources.....1893

Reprint:
Human Resources - Medicaid.....1944

Oct. Minutes of the Administrative Regulation Review Subcommittee.....1945
Other Committee Reports.....1950

CUMULATIVE SUPPLEMENT
Locator Index - Effective Dates.....E2
KRS Index.....E13
Subject Index.....E22

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 November 7-8, 1990. See **tentative** agenda on pages 1663-1665 in this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 1990 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.**

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Volume number and Page number. Example: Volume 2, Kentucky Register, page 318 (short form: 2 Ky.R. 318).

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
(ISSN 0096-1493)
c 1990 Legislative Research Commission, All Rights Reserved

The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: $48 per volume of 12 issues, beginning in July and ending with the June issue of the subsequent year. Second class postage paid at Frankfort, Kentucky.
POSTMASTER: Send address changes to Administrative Register of Kentucky, Room 64, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

Senator John A. "Eck" Rose
Senate President Pro Tem

Representative Donald J. Blandford
Speaker of the House

Senate Members

Charles W. Berger
Assistant President Pro Tem

Joe Wright
Majority Floor Leader

John D. Rogers
Minority Floor Leader

David K. Karem
Majority Caucus Chairman

David L. Williams
Minority Caucus Chairman

Helen Garrett
Majority Whip

Eugene P. Stuart
Minority Whip

House Members

Pete Worthington
Speaker Pro Tem

Gregory D. Stumbo
Majority Floor Leader

William Strong
Minority Floor Leader

Jody Richards
Majority Caucus Chairman

Ken Harper
Minority Caucus Chairman

Kenny Rapier
Majority Whip

Bill Lile
Minority Whip

Vic Hellard, Jr. Director
Samuel L. Hensley, Assistant Director for Education and Information

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Representative Mark D. O'Brien, Chairman
Senator Gene Huff
Senator Pat McCuiston
Senator William L. Quinlan
Representative James E. Bruce
Representative Thomas R. Kerr
Representative Ronny Layman

Staff

Susan C. Wunderlich
Donna M. Pierce
Peggy Jones
O. Joseph Hood
Gregory Karambellas
Susan Eastman

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - November 7, 1990
(Rm. 110, Capitol Annex @ 2 p.m.)
DEPARTMENT OF PERSONNEL

Classified

101 KAR 2:035. Compensation plan and pay incentive systems. (Not Amended After Hearing) (Deferred from October)

101 KAR 2:045. Applications, qualifications and examinations. (Not Amended After Hearing) (Deferred from October)

101 KAR 2:055. Registers and job bank service. (Not Amended After Hearing) (Deferred from October)

101 KAR 2:065. Cerification and selection of eligibles for appointment. (Not Amended After Hearing) (Deferred from October)

101 KAR 2:075. Vacancies, detail to special duty and temporary overlap. (Not Amended After Hearing) (Deferred from October)

101 KAR 2:095. Classified service regulations. (Not Amended After Hearing) (Deferred from October)

101 KAR 2:100. Leave regulations. (Not Amended After Hearing) (Deferred from October)

Unclassified

101 KAR 3:010. Leave regulations for unclassified service. (Not Amended After Hearing) (Deferred from October)

101 KAR 3:045. Unclassified service; classification and compensation incentive systems. (Not Amended After Hearing) (Deferred from October)

REVENUE CABINET

Income Tax; Withholding

103 KAR 18:110. Withholding methods.

Sales and Use Tax: General Exemptions

103 KAR 30:091. Sales to farmers. (Deferred from October Meeting)

Selective Excise Tax - Miscellaneous

103 KAR 44:040 & E. Motor vehicle valuation.

GENERAL GOVERNMENT CABINET

Board of Accountancy

201 KAR 1:068. Quality enhcancement program.

201 KAR 1:100. Continuing professional education requirements.

Board of Pharmacy

201 KAR 2:074. Pharmacy services in hospitals. (Amended After Hearing) (Deferred since April)

Board of Medical Licensure

201 KAR 9:300. Interpretation of KRS 311.900(1).

201 KAR 9:305. Recertification of athletic trainers.

TOURISM CABINET
Department of Fish and Wildlife Resources

Game

301 KAR 2:044 & E. Taking of migratory wildlife.

301 KAR 2:140. Seasons for wild turkey.

NATURAL RESOURCES AND ENVIORNMENTAL PROTECTION CABINET
Department for Enviornmental Protection
Division of Waste Management

Underground Storage Tanks

401 KAR 42:011. Definitions of terms used in 401 KAR Chapter 42, program scope, and interim prohibition. (Repeals 401 KAR 42:010)

401 KAR 42:020. Performance standards for new UST systems.

401 KAR 42:030. General operating requirements.

401 KAR 42:040. Release detection.

401 KAR 42:050. Release reporting, investigation, and confirmation.

401 KAR 42:060. Release response and corrective action for UST systems containing petroleum or hazardous substances.

401 KAR 42:070. Out-of-service UST systems and closure.

401 KAR 42:090. Financial responsibility.

Division for Air Quality

General Administrative Procedures

401 KAR 50:010. Definitions and abbreviations of terms used in Title 401 Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65. (Amended After Hearing) (Deferred from October meeting)

New Source Requirements; Nonattainment Areas

401 KAR 51:010. Attainment status designations. (Not Amended After Hearing) (Deferred from October meeting)

New Source Standards

401 KAR 59:021. New solid waste incinerators. (Amended After Hearing) (Deferred from October meeting)

401 KAR 59:023. New medical waste or hazardous waste incinerators. (Amended After Hearing) (Deferred from October meeting)

Existing Source Standards

401 KAR 61:011. Existing solid waste incinerators (Amended After Hearing) (Deferred from October meeting)

401 KAR 61:013. Existing medical waste and hazardous waste incinerators. (Amended After Hearing) (Deferred from October meeting)

CORRECTIONS CABINET

Office of the Secretary

501 KAR 6:030 & E. Kentucky State reformatory.
501 KAR 6:040. Kentucky State penitentiary.
501 KAR 6:160 & E. Correctional industries.

TRANSPORTATION CABINET

Office of Minority Affairs

600 KAR 4:010. Certification of disadvantaged, minority and women business enterprises.

Department of Vehicle Regulation

Driver Improvement

601 KAR 13:070 & E. School attendence and academic sufficiency verification.

Department of Highways

Traffic

603 KAR 5:110 & E. Permits for moving mobile homes which do not exceed fourteen (14) feet in width. (Amended after Hearing)
603 KAR 5:111 & E. Permits for moving mobile homes in excess of fourteen (14) feet in width. (Amended after Hearing)
603 KAR 5:230 & E. Bridge weight limits on the extended weight coal or coal haul road system. (Amended after Hearing)

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - November 8, 1990
(Rm. 110, Capitol Annex @ 10 a.m.)

EDUCATION AND HUMANITIES CABINET
Department of Education
Office of School Administration and Finance

School District Finance

702 KAR 3:010. Guidelines for use of capital outlay funds.
702 KAR 3:020. Bond issue approval.
702 KAR 3:040. Check issuing policy.
702 KAR 3:045. Withholding funds.
702 KAR 3:050. Application to exceed budget.
702 KAR 3:060. Procedure for payment of employment.
702 KAR 3:070. Teachers' salary scheduling.
702 KAR 3:075. Substitute teachers' salary scheduling.
702 KAR 3:080. Treasurer's bond, penal sum.
702 KAR 3:090. Depository bond, penal sum.
702 KAR 3:100. Data form, professional staff.
702 KAR 3:110. Document filing dates.
702 KAR 3:170. Educational television equipment purchases.
702 KAR 3:220. Guidelines for waiver of school fees.
702 KAR 3:230. Vocational allocations of add-on SEEK funds.

Office of Instruction

Instructional Services

704 KAR 3:410. Preschool education program for four year old children.

Office of Education for Exceptional Children

Exceptional and Handicapped Program

707 KAR 1:051. Exceptional children's programs.
707 KAR 1:140. Qualifications for approved classroom assignment of teachers of exceptional children.

WORKFORCE DEVELOPEMENT CABINET
Department for Adult and Technical Education

Unclassified Personnel Regulations

780 KAR 6:010. Classification plan.
780 KAR 6:020. Compensation plan.
780 KAR 6:030. Appointments.
780 KAR 6:040. Special appointments.
780 KAR 6:050. Probationary periods.
780 KAR 6:060. Attendence.
780 KAR 6:070. Records and reports.
780 KAR 6:080. Employee actions.
780 KAR 6:090. Disciplinary actions.
780 KAR 6:100. Appeals and hearings.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control

Licensing

804 KAR 4:110. Dormant license renewal.

Department of Financial Institutions

Administration

808 KAR 1:050. Retention of records.

Credit Unions

808 KAR 3:020. Record retention schedule.

CABINET FOR HUMAN RESOURCES
Department for Human Resources

Health Services and Facilities
902 KAR 20:026. Operation and services; skilled nursing facilities.
902 KAR 20:048. Operation and services; nursing homes.
902 KAR 20:051. Operation and services; intermediate care.
902 KAR 20:086. Operation and services; intermediate care facilities for the mentally retarded and developmentally disabled.

Department for Social Insurance

Public Assistance
904 KAR 2:006. Technical requirements; AFDC.
904 KAR 2:016. Standards for need and amount; AFDC.
904 KAR 2:022. Kentucky administrative process for child support.

ADMINISTRATIVE 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 administrative 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 the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting following publication. If a proposed administrative regulation is not amended as a result of the hearing or if the hearing is cancelled, the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the administrative 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 ADMINISTRATIVE REGULATIONS NOW IN EFFECT

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

STATEMENT OF EMERGENCY
501 KAR 6:030E

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the Corrections Cabinet needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected institutional policies must be implemented to allow the Kentucky State Reformatory to submit a series of new and revised policies to prepare the institution for an upcoming national accreditation audit. These policies are needed to bring the Kentucky State Reformatory into compliance with standards set by the American Correctional Association. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on September 14, 1990 in accordance with KRS Chapter 13A.

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

CORRECTIONS CABINET

501 KAR 6:030E. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: September 20, 1990
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 policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. 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 September 14, 1990 [June 15], 1990 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

KSR 01-00-09	Public Information and News Media Relations
KSR 01-00-10	Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14	Extraordinary Occurrence Report
KSR 01-00-15	Cooperation and Coordination with Oldham County Court
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates
KSR 02-00-01	Inmate Canteen
KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts
KSR 02-00-12	Institutional Funds and Issuance of Checks
KSR 04-00-02	Staff Training and Development
KSR 05-00-01	Officers' Daily Housing Security and Safety Log
KSR 05-00-02	Research Activities
KSR 05-00-03	Management Information Systems
KSR 06-00-01	Inmate Master File
KSR 06-00-02	Records Audit
KSR 06-00-03	Kentucky Open Records Law and Release of Psychological/ Psychiatric Information
KSR 07-00-02	Institutional Tower Room Regulations
KSR 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers
KSR 07-00-06	Asbestos Abatement
KSR 07-00-07	Discharge Monitoring Report (DMR)
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery
KSR 08-00-10	Hazardous Chemicals and Material Safety Data Sheet
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure
KSR 09-00-05	Gate I Entrance and Exit Procedure
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy
KSR 09-00-14	Use of Force
KSR 09-00-21	Crime Scene Camera
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23	Drug Abuse Testing
KSR 09-00-25	Inmate Motor Vehicle Operator's License
KSR 09-00-26	Contraband Outside Institutional Perimeter
KSR 09-00-27	Construction Crew Entry/Exit
KSR 09-00-28	Restricted Areas
KSR 09-00-29	Transportation of Inmates
KSR 09-00-30	Parole Board
KSR 10-00-01	Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records
KSR 10-00-02	Unit D - General Operational Procedures
KSR 10-00-03	Unit D - Inmate Tracking System and Records System
KSR 10-00-04	Unit D - Administrative Segregation
KSR 10-00-05	Unit D - Disciplinary Segregation
KSR 10-00-06	Unit D - Protective Custody
KSR 10-00-07	Unit D - Geriatrics
KSR 10-00-08	Unit D - Safekeepers
KSR 10-00-09	Unit D - Hold Ticket Residents
KSR 10-00-10	Unit D - Inmate Legal Access (Amended 9/14/90)
KSR 10-00-11	Unit D - Behavior Problem Control
KSR 10-00-12	Unit D - Designated Staff Visits
KSR 10-00-13	Unit D - Property Room Access
KSR 11-00-01	Meal Planning for the General Population
KSR 11-00-02	Special Diets

KSR 11-00-03 Food Service Inspections [(Amended 6/15/90)]
KSR 11-00-04 Dining Room Dress Code for Inmates
KSR 11-00-06 Health Standards/Regulations for Food Service Employees [(Amended 6/15/90)]
KSR 11-00-07 Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01 Inmate Summer Dress Regulations
KSR 12-00-02 Sanitation and General Living Conditions
KSR 12-00-03 State Items Issued to Inmates
KSR 12-00-07 Regulations for Inmate Barbershop
[KSR 13-00-01 Identification of Mentally Retarded Inmates (Deleted 9/14/90)]
KSR 13-00-02 Hospital Operations, Rules and Regulations [(Amended 6/15/90)]
KSR 13-00-03 Medication for Inmates Leaving Institution Grounds
KSR 13-00-04 Medical and Dental Care
KSR 13-00-05 Medical Records [(Added 6/15/90)]
[KSR 13-00-06 Infection Control (Amended 6/15/90) (Deleted 9/14/90)]
[KSR 13-00-07 Referral of Inmates Considered to Have Severe Emotional Disturbances (Deleted 9/14/90)]
KSR 13-00-08 Institutional Laboratory Procedures [(Amended 6/15/90)]
KSR 13-00-09 Institutional Pharmacy Procedures
KSR 13-00-10 Requirements for Medical Personnel
KSR 13-00-11 Health Evaluation [(Amended 6/15/90)]
KSR 13-00-12 Vision Care/Optometry Services
KSR 13-00-14 Periodic Health Examinations for Inmates [(Amended 6/15/90)]
KSR 13-00-15 Medical Alert System
KSR 13-00-16 Suicide Prevention and Intervention Program
KSR 13-00-17 Special Care [(Added 6/15/90)]
KSR 13-02-01 Mental Health Services (Added 9/14/90)
KSR 13-02-02 Mentally Retarded Inmates (Added 9/14/90)
KSR 13-02-03 Suicide Prevention and Intervention Program (Added 9/14/90)
KSR 13-02-04 Division of Mental Health's Residential Services (Added 9/14/90)
KSR 14-00-01 Inmate Rights
[KSR 14-00-02 A/C Center and Unit D Inmate Access to Legal Aide Services (Deleted 9/14/90)]
KSR 14-00-04 Inmate Grievance Procedure
[KSR 14-00-05 Inmate Marriages (Deleted 9/14/90)]
[KSR 14-00-06 Inmate Legal Aides (Deleted 9/14/90)]
KSR 15-00-02 Regulations Prohibiting Immate 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 15-00-10 Program Services for Special Housing Placement
KSR 15-01-01 Operational Procedures and Rules and Regulations for Unit A, B & C: Functions of Assigned Personnel
KSR 15-01-02 Operational Procedures and Rules and Regulations for Unit A, B, & C: Staff Operational Procedures
KSR 15-01-03 Inmate Rules and Regulations [(Amended 6/15/90)]
KSR 15-01-04 Institutional Medical and Fire Safety Service: Unit Application
KSR 15-01-05 Institutional Inmate Services
KSR 15-01-06 Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Housing Criteria and Regulations, Honor Status and General Population [(Amended 6/15/90)]
KSR 16-00-01 Visiting Regulations (Amended 9/14/90)
KSR 16-00-02 Inmate Correspondence and Mailroom Operations
KSR 16-00-03 Inmate Access to Telephones
KSR 17-00-03 Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-05 Dormitory 10 Operations (Amended 9/14/90)
KSR 17-00-06 Identification Department Admission and Discharge Procedures [(Amended 6/15/90)]
KSR 17-00-07 Inmate Personal Property
KSR 17-00-08 Repair of Inmate Owned Appliances by Outside Dealers
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 (Amended 9/14/90)
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: September 14, 1990
FILED WITH LRC: September 20, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
501 KAR 6:160E

In order to continue to operate the Corrections Cabinet in accordance with KRS Chapter 196, the cabinet needs to implement this

emergency regulation. The attached is a new regulation for Correctional Industries within the Corrections Cabinet. Previously, Correctional Industries has not had any policies incorporated by reference by which to operate. These policies will provide the necessary guidance for Correctional Industries staff to operate the various plants and the central office within this division. This emergency regulation will be replaced by the ordinary administrative regulation filed with LRC on September 14, 1990 in accordance with KRS Chapter 13A.

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

CORRECTIONS CABINET

501 KAR 6:160E. Correctional Industries.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: September 20, 1990
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.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures are incorporated by reference on September 14, 1990 and hereinafter should be referred to as Correctional Industries 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

CI 01-01-01	Establishment and Issuance of Policies and Procedures
CI 01-01-02	Administration and Use of the Policy and Procedures Manual, Including Issuance, Revision and Dissemination
CI 01-02-01	Organization of Correctional Industries
CI 01-03-01	Annual Planning Document
CI 01-04-01	Personnel Records
CI 01-04-04	New Employee Orientation
CI 02-01-01	Budgeting
CI 02-02-01	Purchasing
CI 02-03-01	Equipment Inventory and Other Nonexpendable Items
CI 02-04-01	Accounts Receivable
CI 03-01-01	Raw Material and Work In-Process Inventory
CI 03-01-02	Finished Goods Inventory
CI 03-01-03	Stocking of Warehouse
CI 03-02-01	Delivery of Goods and Services
CI 03-02-02	Pickup of Reupholstery and Repair Items
CI 04-01-01	Marketing
CI 04-02-01	Advertising Correctional Industry Products and Services
CI 04-02-02	Correctional Industries Catalog
CI 04-02-03	Prototypes and Samples Not For Sale
CI 04-03-01	Pricing of Correctional Industries Products
CI 04-03-02	Preparation of Bids
CI 04-03-03	Customer Orders
CI 04-03-04	Sale of Industry Products to Private Individuals
CI 04-03-05	Sales and Sales Reporting
CI 04-04-02	Warranty of Products
CI 05-01-01	Inmate Job Descriptions
CI 05-01-02	Equal Opportunity Employment
CI 05-01-03	Job Performance Evaluations
CI 05-01-04	Inmate Compensation
CI 05-01-05	Job Assignments
CI 05-02-01	Inmate Orientation
CI 05-03-01	Standards for Working in Correctional Industries Plants
CI 06-01-01	Safety and Working Conditions
CI 06-02-01	Tool Control
CI 06-02-02	Searches
CI 06-02-03	Use of State Vehicles
CI 06-03-01	Inmate Supervision
CI 07-01-01	Production Scheduling
CI 07-01-02	New Production Development
CI 07-02-01	Quality Control

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: September 14, 1990
FILED WITH LRC: September 20, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
603 KAR 5:112E

This administrative regulation governs the issuance of annual overdimensional permits to transport utility poles or pipes. This administrative regulation is needed on an emergency basis because of a change in state law which was effective July 13, 1990. House Bill 678 passed by the General Assembly allows for the first time for the issuance of an annual overdimensional permit of this type. In order that the safety requirements be effective nearly as soon as the permit, this emergency regulation is being promulgated. This emergency regulation will be replaced with an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on September 26, 1990.

WALLACE G. WILKINSON, Governor
MILO D. BRYANT, Secretary

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers

603 KAR 5:112E. Annual permits for moving utility poles or pipes.

RELATES TO: KRS 189.270
STATUTORY AUTHORITY: KRS 189.270
EFFECTIVE: October 1, 1990
NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of Highways to issue annual permits for the movement of utility poles or pipes exceeding legal dimensions. This regulation establishes the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest of highway safety.

Section 1. Definitions. (1) "Daylight hours" means the period of a day from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset. However, it does not include any time when atmospheric conditions such as heavy

rain, snow, sleet or fog render visibility lower than is ordinarily the case during that period of the day.

(2) "National holiday" means New Year's Day, Memorial Day (as observed on the last Monday in May), Independent Day, Labor Day, Thanksgiving Day and Christmas Day.

Section 2. Permit Application. (1) Application for an annual permit to move overdimensional utility poles or pipes on Kentucky highways shall only be made to the Department of Vehicle Regulation, Division of Motor Carriers, Frankfort, Kentucky.

(2) An application for an annual permit to transport overdimensional utility poles or pipes shall include the following information:

(a) Name of the motor carrier applying for the permit;

(b) KYU identification number of the motor carrier;

(c) The full address of the motor carrier; and

(d) Description of the towing vehicle for which the annual permit is being applied specifically including its length, number of axles, style, year, make, registration license number, vehicle identification number, and company unit number.

Section 3. Permit Required. (1) No utility pole or pipe and straight truck style vehicle with a combined length greater than forty-five (45) feet shall be operated upon any state-maintained Kentucky highway until a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(2) No utility pole or pipe and combination style vehicle with a combined length greater than fifty-five (55) feet shall be operated upon any state-maintained Kentucky highway not listed in 603 KAR 5:070, Section 2(2) until a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(3) No vehicle and trailer combination and utility pole or pipe which exceeds the length limitations set forth in 603 KAR 5:070, Section 2(1) shall be operated upon any Kentucky highway listed in 603 KAR 5:070, Section 2(2) until a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(4) The procedures which shall be followed for the issuing of a single trip permit are set forth in 601 KAR 5:075.

Section 4. Annual Permits. (1) The movement of a vehicle transporting utility poles or pipe under the provisions of an annual permit shall only be on highways or in the geographical area specified on the annual permit.

(2) If the permit holder intends to transport overdimensional utility poles or pipes under the provisions of the annual permit but outside the area or highways specified on the annual permit, he shall contact the Division of Motor Carriers and receive approval for that move or series of moves prior to the move.

(3) If the utility pole or pipe in excess of forty-five (45) feet overhangs the vehicle required to be permitted on both the front and rear by more than ten (10) feet each, the permit holder shall contact the Operations Branch of the Highway District Office having jurisdiction over the county in which the moves are scheduled to occur and receive permission for that move or series of moves prior to the move. The Highway District Office may require that the permit holder demonstrate his proposed method and route of operation prior to issuing or denying permission for the move.

Section 5. Safety Items. (1) On all highways of four (4) or more lanes, one (1) rear street escort vehicle shall be required for the movement of a vehicle and trailer combination which when combined with its load exceeds 110 feet in length.

(2) On highways of less than four (4) lanes, one (1) escort shall be required in the rear of each vehicle and trailer combination which when combined with its load exceeds seventy-five (75) feet in length. This requirement shall not be applicable if the pole or pipe being transported is fifty-five (55) feet or less in length.

(3) On highways of less than four (4) lanes, one (1) rear and one (1) lead escort shall be required for each vehicle and trailer combination which when combined with its load exceeds eighty-five (85) feet in length.

(4) If the pole or pipe being transported exceeds fifty-five (55) feet in length, a front escort vehicle shall accompany the vehicle required to be permitted when transporting utility poles or pipe if the front overhang exceeds ten (10) feet. If the pole or pipe being transported exceeds fifty-five (55) feet in length, a rear escort vehicle shall accompany the vehicle required to be permitted when transporting utility poles or pipe if the rear overhang exceeds ten (10) feet.

(5) An escort vehicle, either front or rear, may be required by the Transportation Cabinet when the cabinet determines that highway conditions dictate the need.

(6) An amber strobe or flashing light shall be placed on the power unit of the towing vehicle and shall be in use any time the power unit is in operation.

(7) An amber strobe or flashing light shall be placed on the extreme ends of the pole or pipe when the front or rear overhang exceeds four (4) feet. The light shall be in use any time the vehicle is on or beside a highway. No front overhang shall be allowed on a combination vehicle.

(8) All towing vehicles and loads shall be marked and lighted and operated in accordance with those requirements set forth in 601 KAR 1:005.

(9) The towing unit shall maintain radio communication with its escort vehicles at all times.

Section 6. Duplicate Permits. A duplicate permit which is needed to replace a lost or destroyed annual permit or to transfer the permit to another towing vehicle may be obtained from the Division of Motor Carriers by the payment of ten (10) dollars.

Section 7. Presentation of Permits. Permits shall be carried in the towing vehicles at all times and shall be presented, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation for inspection.

Section 8. Permit Validity. Permits are valid only during daylight hours as defined in Section 1 of this regulation, from Monday through Saturday noon, except for those periods before, during and after national holidays. If the national holiday occurs on Tuesday or Wednesday, travel shall not be allowed from noon of the day preceding the national holiday until daylight of the day following the national holiday. If the national holiday occurs on Sunday or Monday the restricted period shall extend from noon of the preceding Friday to daylight of the following Tuesday. If the national holiday occurs on a Thursday, Friday or Saturday, the restricted period shall extend from noon of the preceding day to daylight of the following Monday.

Section 9. Liability. The permit holder shall be liable for and pay the cost of any damage to persons or public or private property incurred as a result of the movement of the overdimensional load.

JEROME L. LENTZ, Commissioner
GILBERT NEWMAN, State Highway Engineer
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: September 19, 1990
FILED WITH LRC: October 1, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
902 KAR 17:010E

Senate Bill 68 and Senate Bill 265 directed certain changes be made to the State Health Plan. This document is reflective of those legislatively mandated changes which became effective July 13, 1990. It is imperative that the new State Health Plan be incorporated by reference on an emergency basis in order that the Commission for Health Economics Control in Kentucky (CHECK) have revised review criteria and standards reflecting these statutory changes in its review of applications for certificates of need as required by the 1990 General Assembly. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on September 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Health Services

902 KAR 17:010E. State health plan.

RELATES TO: KRS 216B.040(2)(a)
STATUTORY AUTHORITY: KRS 194.050, 194.090(2)(a) [1986 Acts Chapter 474]
EFFECTIVE: October 4, 1990
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 Kentucky State Health Plan provides review criteria and standards which are used by 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 incorporate the Kentucky State Health Plan 1990-1993 into the administrative regulations [assist in the inventory of existing health resources and to set planning goals and guidelines].

Section 1. The Kentucky State Health Plan 1990-1993 [1988-1990], was adopted by the Council for Health Services on August 16, 1990 [Statewide Health Coordinating Council on April 6, 1989], and approved by Governor Wallace G. Wilkinson as the document that provides review criteria and standards [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 1990-1993 [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 1990-1993 [1988-1990] is hereby adopted in its entirety by reference as regulations of the Cabinet for Human Resources as if fully set out herein.

C. HERNANDEZ, M.D., M.P.H., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 28, 1990
FILED WITH LRC: October 4, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
902 KAR 20:300E

This emergency regulation implements a new licensure category of long-term residential nursing care entitled "nursing facilities". This regulation is necessary to provide facilities licensure standards that mirror federal certification standards 42 CFR Part 405. These federal standards went into effect October 1, 1990 and these licensure standards need to be implemented as quickly as possible after this date. The emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler before October 15, 1990.

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

CABINET FOR HUMAN RESOURCES
Office of Inspector General

902 KAR 20:300E. Operation and services; nursing facilities.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990
STATUTORY AUTHORITY: KRS 216B.042 and 216B.105
EFFECTIVE: October 5, 1990
NECESSITY AND FUNCTION: KRS 216B.042 and 216B.105 mandate that the Kentucky Cabinet for Human Resources regulate health facilities and

health services. This regulation provides licensure standards for the operation and services of a nursing facility.

Section 1. Definitions. (1) "Facility" means a nursing facility licensed pursuant to this regulation and 902 KAR 20:008.

(2) "Nurse aide" means any individual providing nursing or nursing related services to residents in a facility except unpaid volunteers.

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

Section 2. Scope of Operations. (1) A nursing facility shall be subject to the provisions of Kentucky's nursing home reform laws, KRS Chapter 216.

(2) A nursing facility shall have written policies which assure the reporting of cases of abuse, neglect or exploitation of adults and children to the cabinet pursuant to KRS Chapters 209 and 620.

(3 Tuberculosis testing. All employees and patients shall be tested for tuberculosis in accordance with the provisions of 902 KAR 20:200, Tuberculosis testing in long-term care facilities.

Section 3. Resident Rights. The resident has a right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the facility. A facility must protect and promote the rights of each resident, including each of the following rights:

(1) Exercise of rights.

(a) The resident shall have the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States.

(b) The resident shall have the right to be free of interference, coercion, discrimination, or reprisal from the facility in exercising his or her rights.

(c) In the case of a resident adjudged incompetent under the laws of a state by a court of competent jurisdiction, the rights of the resident shall be exercised by the person appointed under state law to act on the resident's behalf.

(2) Notice of rights and services.

(a) The facility shall inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. Such notification shall be made prior to or upon admission and during the resident's stay. Receipt of such information, and any amendments to it, shall be documented in writing.

(b) The resident shall have the right to inspect and purchase photocopies of all records pertaining to the resident, upon written request and forty-eight (48) hours notice to the facility;

(c) The resident shall have the right to be fully informed in language that he or she can understand of his or her total health status, including but not limited to, his or her medical condition;

(d) The resident shall have the right to refuse treatment, and to refuse to participate in experimental research; and

(e) The facility shall inform each resident before, or at the time of admission, and periodically during the resident's stay, of services available in the facility and of charges for those services, including any charges for services not covered by third party payors of the facility's per diem rate.

(f) The facility shall furnish a written description of legal rights which includes:

1. A description of the manner of protecting personal funds, under paragraph (3) of this section; and

2. A statement that the resident may file a complaint with the licensure agency concerning resident abuse, neglect, and misappropriation of resident property in the facility.

(g) The facility shall inform each resident of the name, specialty and way of contacting the physician responsible for his or her care.

(h) The facility shall prominently display in the facility written information, and provide to residents and potential residents oral and written information about how to apply for and use third party benefits, and how to receive refunds for previous payments covered by such benefits.

(i) Notification of changes.

1. Except in a medical emergency or when a resident is incompetent, a facility shall consult with the resident immediately and notify the resident's physician, and if known, the resident's legal representative or interested family member within twenty-four (24) hours when there is:

a. An accident involving the resident which results in injury;

b. A significant change in the resident's physical, mental, or psychosocial status;

c. A need to alter treatment significantly; or

d. A decision to transfer or discharge the resident from the facility as specified in Section 4(1) of this regulation.

2. The facility shall also promptly notify the resident and, if known, the resident's legal representative or interested family member when there is:

a. A change in room or roommate assignment as specified in Section 6(5)(b) of this regulation; or

b. A change in resident rights under federal or state law or regulations as specified in subsection (2)(a) of this section.

(3) Protection of resident funds.

(a) The resident shall have the right to manage his or her financial affairs and the facility shall not require residents to deposit their personal funds with the facility.

(b) Management of personal funds. Upon written authorization of a resident, the facility shall hold, safeguard, manage and account for the personal funds of the resident deposited with the facility, as specified in paragraphs (c) through (g) of this subsection.

(c) Deposit of funds.

1. Funds in excess of fifty (50) dollars. The facility shall deposit any resident's personal funds in excess of fifty (50) dollars in an interest bearing account (or accounts) that is separate from any of the facility's operating accounts, and that credits all interest earned on the resident's account to his or her account.

2. Funds less than fifty (50) dollars. The facility shall maintain a resident's personal funds that do not exceed fifty (50) dollars in a noninterest bearing account or petty cash fund.

(d) Accounting and records. The facility shall establish and maintain a system that assures a full and complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the facility on the resident's behalf.

1. The system shall preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.

2. The individual financial record shall be available on request to the resident or his or her legal representative.

(e) Conveyance upon death. Upon the death of a resident with a personal fund deposited with the facility, the facility shall convey promptly the resident's funds, and a final accounting of those funds, to the individual administering the resident's estate.

(f) Assurance of financial security. The facility shall purchase a surety bond, or provide self-insurance to assure the security of all personal funds of residents deposited with the facility.

(g) Limitation on charges to personal funds. The facility shall not impose a charge against the personal funds of a resident for any item or service for which payment is made by a third party payor.

(4) Free choice. The resident shall have the right to:

(a) Choose a personal attending physician;

(b) Be fully informed in advance about care and treatment of any changes in that care or treatment that may affect the resident's well-being; and

(c) Unless adjudged incompetent or otherwise found to be incapacitated under the laws of the state, participate in planning care and treatment or changes in care and treatment.

(5) Privacy and confidentiality of his personal and clinical records.

(a) Personal privacy includes accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups, but this does not require the facility to provide a private room;

(b) Except as provided in paragraph (c) of this subsection, the resident may approve or refuse the release of personal and clinical records to any individual outside the facility;

(c) The resident's right to refuse release of personal and clinical records shall not apply when:

1. The resident is transferred to another health care institution; or

2. Record release is required by law or third-party payment contract.

(6) Grievances. A resident shall have the right to:

a. Voice grievances with respect to treatment or care that is, or fails to be furnished, without discrimination or reprisal for voicing the grievances; and

b. Prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents.

(7) Examination of survey results. A resident shall have the right to:

(a) Examine the results of the most recent survey of the facility conducted by federal or state surveyors and any plan of correction in effect with respect to the facility. The results shall be posted by the facility in a place readily accessible to residents; and

(b) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

(8) Work. The resident shall have the right to:

(a) Refuse to perform services for the facility;

(b) Perform services for the facility, if he or she chooses, when:

1. The facility documents the need or desire for work in the plan of care;

2. The plan specifies the nature of the services performed and whether the services are voluntary or paid;

3. Compensation for paid services is at or above prevailing rates; and

4. The resident agrees to the work arrangements described in the plan of care.

(9) The resident shall have the right to privacy in written communications, including the right to:

(a) Send and receive mail promptly that is unopened; and

(b) Have access to stationery, postage and writing implements at the resident's own expense.

(10) Access and visitation rights.

(a) The resident shall have the right and the facility shall provide immediate access to any resident by the following:

1. Any representative of the federal government;

2. Any representative of the state;

3. The resident's individual physician;

4. The Kentucky long-term care ombudsman;

5. The Kentucky Department for Public Advocacy;

6. Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and

7. Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.

(b) The facility shall provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(c) The facility shall allow representatives of the ombudsman, described in paragraph (a)4 of this subsection, to examine a resident's clinical records with the permission of the resident or the resident's legal representative, and consistent with state law.

(11) Telephone. The resident shall have the right to have regular access to the private use of a telephone.

(12) Personal property. The resident shall have the right to retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

(13) Married couples. The resident shall have the right to share a room with his or her spouse when married residents live in the same facility and both spouses consent to the arrangement.

Section 4. Admission, Transfer and Discharge Rights. (1) Transfer and discharge.

(a) Transfer and discharge requirements. The facility shall permit each resident to remain in the facility, and not transfer or discharge the

resident from the facility unless:

1. The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

2. The transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility;

3. The safety of individuals in the facility is endangered;

4. The health of individuals in the facility would otherwise be endangered;

5. The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility; or

6. The facility ceases to operate.

(b) Documentation. When the facility transfers or discharges a resident under any of the circumstances specified in paragraphs (a)1 through 5 of this subsection, the resident's clinical record must be documented. The documentation must be made by:

1. The resident's physician when transfer or discharge is necessary under paragraph (a)1 or 2 of this subsection; and

2. A physician when transfer or discharge is necessary under paragraph (a)4 of this subsection.

(c) Notice before transfer. Before a facility transfers or discharges a resident, the facility shall:

1. Notify the resident and, if known, a family member or legal representative of the resident of the transfer or discharge and the reasons;

2. Record the reasons in the resident's clinical record; and

3. Include in the notice the items described in paragraph (e) of this subsection.

(d) Timing of the notice. Except when specified in paragraph (d)2 of this subsection, the notice of transfer or discharge required under paragraph (c) of this subsection must be made by the facility at least thirty (30) days before the resident is transferred or discharged.

2. Notice may be made as soon as practicable before transfer or discharge when:

a. The safety of individuals in the facility would be endangered, under paragraph (a)3 of this subsection;

b. The health of individuals in the facility would be endangered, under paragraph (a)4 of this subsection;

c. The resident's health improves sufficiently to allow a more immediate transfer or discharge, under paragraph (a)2 of this subsection;

d. An immediate transfer or discharge is required by the resident's urgent medical needs, under paragraph (a)1 of this subsection;

e. A resident has not resided in the facility for thirty (30) days.

(e) Contents of the notice. For nursing facilities, the written notice specified in paragraph (c) of this subsection shall include the following:

1. A statement that the resident has the right to appeal the action to the state agency designated by the state for such appeals.

2. The name, address and telephone number of the state long-term care ombudsman;

3. For nursing facility residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals; and

4. For nursing facility residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals.

(f) Orientation for transfer or discharge. A facility shall provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

(2) Notice of bed-hold policy and readmission.

(a) Notice before transfer. Before a facility transfers a resident to a hospital or allows a resident to go on therapeutic leave, the facility shall provide written information to the resident and family member or legal representative that specifies the duration of the bed-hold policy if any, during which the resident is permitted to return and resume residence in the facility; and

(b) Notice upon transfer. At the time of transfer of a resident to a hospital or for therapeutic leave, a nursing facility shall provide written notice to the resident and a family member or legal representative, which specifies the duration of the bed-hold policy described in paragraph (a) of this subsection.

(c) Permitting resident to return to facility. A nursing facility shall establish and follow a written policy under which a resident whose hospitalization or therapeutic leave exceeds the bed hold period, is readmitted to the facility immediately upon the first availability of a bed in a semiprivate room if the resident:

1. Requires the services provided by the facility; and

2. Is eligible for nursing facility services.

(3) Equal access to quality care. A facility shall establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services for all individuals regardless of source of payment;

(4) Admissions policy.

(a) The facility shall:

1. Not require a third party guarantee of payment to the facility as a condition of admission, or expedited admission, or continued stay in the facility;

2. Not charge, solicit, accept, or receive, in addition to any amount otherwise required to be paid for services, any gift, money, donation or other consideration as a precondition of admission, expedited admission or continued stay in the facility.

(b) A facility shall:

1. Not require residents or potential residents to waive their rights to Medicare or Medicaid;

2. Not require oral or written assurance that residents or potential residents are not eligible for, or will not apply for, Medicare or Medicaid benefits.

(c) A facility may require an individual who has legal access to a resident's income or resources available to pay for facility care, to sign a contract, without incurring personal financial liability, to provide facility payment from the resident's income or resources.

(d) A nursing facility may charge a resident for items and services the resident has requested and received, and that are not covered in the facility's basic per diem rate.

(e) A nursing facility may solicit, accept or receive a charitable, religious or philanthropic contribution from an organization or from a person unrelated to the resident, or potential resident, but only to the extent that the

contribution is not a condition of admission, expedited admission, or continued stay in the facility.

(5) Restraints. The resident shall have the right to be free from any physical restraints imposed or psychoactive drug administered for purposes of discipline or convenience, and not required to treat the resident's medical symptoms.

(6) Abuse. The resident shall have the right to be free from verbal sexual, physical or mental abuse, corporal punishment, and involuntary seclusion.

(7) Staff treatment of residents. The facility shall develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of residents.

(a) The facility shall:

1. Not use verbal, mental, sexual, or physical abuse, including corporal punishment, or involuntary seclusion; and

2. Not employ individuals who have been convicted of abusing, neglecting or mistreating individuals.

(b) The facility shall have evidence that all alleged violations are thoroughly investigated, and shall prevent further potential abuse while the investigation is in progress.

(c) The results of all investigations shall be reported to the administrator or his designated representative or to other officials in accordance with applicable provisions of KRS Chapter 199 or 620, if the alleged violation is verified appropriate corrective action is taken.

Section 6. Quality of Life. A facility shall care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life.

(1) Dignity. The facility shall promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his or her individuality.

(2) Self-determination and participation. The resident shall have the right to:

(a) Choose activities, schedules, and health care consistent with his or her interests, assessments and plans of care:

(b) Interact with members of the community both inside and outside the facility; and

(c) Make choices about aspects of his or her life in the facility that are significant to the resident.

(3) Participation in resident and family groups.

(a) A resident shall have the right to organize and participate in resident groups in the facility;

(b) A resident's family shall have the right to meet in the facility with the families of other residents in the facility;

(c) The facility shall provide a resident or family group, if one exists, with private space;

(d) Staff or visitors may attend meetings at the group's invitation;

(e) The facility shall provide a designated staff person responsible for providing assistance and responding to written requests that result from group meetings;

(f) When a resident or family group exists, the facility shall listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.

(4) Accommodation of needs. A resident shall have the right to:

(a) Reside and receive services in the facility with reasonable accommodation of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered; and

(b) Receive notice before the resident's room or roommate in the facility is changed.

(5) Activities.

(a) The facility shall provide for an ongoing program of activities designed to meet, in accordance with the comprehensive assessment, the interests and the physical, mental and psychosocial well-being of each resident.

(b) The activities program shall be directed by a qualified therapeutic recreation specialist who is:

1. Eligible for certification as a therapeutic recreation specialist by a recognized accrediting body; or

2. Has two (2) years of experience in a social or recreational program within the last five (5) years, one (1) of which was full time in a patient activities program in a health care setting; or

3. Is a qualified occupational therapist or occupational therapy assistant; or

4. Has completed a training course approved by the state.

(6) Social services.

(a) The facility shall provide medically-related social services to attain or maintain the highest practicable physical, mental or psychosocial well-being of each resident.

(b) A facility with more than 120 beds shall employ a full-time qualified social worker, or an individual with a bachelor's degree in a related field.

(c) Qualifications of social worker. A qualified social worker is an individual who is licensed pursuant to KRS 335.090.

(7) Environment.

(a) The facility shall provide:

1. A safe, clean, comfortable and homelike environment, allowing the resident to use his or her personal belongings to the extent possible;

2. Housekeeping and maintenance services necessary to maintain a sanitary, orderly and comfortable interior;

3. Clean bed and bath linens that are in good condition;

4. Private closet space in each resident room.

5. Adequate and comfortable lighting levels in all areas; comfortable and safe temperature levels.

6. For the maintenance of comfortable sound levels.

(b) Infection control and communicable diseases.

1. The facility shall establish policies which are consistent with the Center for Disease Control guidelines, and address the prevention of disease transmission to and from patients, visitors and employees, including:

a. Universal blood and body fluid precautions;

b. Precautions for infections which can be transmitted by the airborne route; and

c. Work restrictions for employees with infectious diseases.

d. The cleaning, disinfection, and sterilization methods used for equipment and the environment.

2. The facility shall establish an infection

control program which:
a. Investigates, controls and prevents infections in the facility;
b. Decides what procedures, such as isolation, should be applied to an individual resident; and
c. Maintains a record of incidents and corrective actions related to infections.
d. Addresses the prevention of the spread of infection.
(i) When the infection control program determines that a resident needs isolation to prevent the spread of infection, the facility shall isolate the resident.
(ii)The facility shall prohibit employees with a communicable disease or infected skin lesions from direct contact with residents or their food, if direct contact will transmit the disease.
(iii) The facility shall require staff to wash their hands after each direct resident contact for which handwashing is indicated by accepted professional practice.
3. The facility shall provide in-service education programs on the cause, effect, transmission, prevention and elimination of infections for all personnel responsible for direct patient care.
4. Sharp wastes.
a. Sharp wastes, including needles, scalpels, razors, or other sharp instruments used for patient care procedures, shall be segregated from other wastes and placed in puncture resistant containers immediately after use.
b. Needles shall not be recapped by hand, purposely bent or broken, or otherwise manipulated by hand.
c. The containers of sharp wastes shall either be incinerated on or off site, or be rendered nonhazardous by a technology of equal or superior efficacy, which is approved by both the Cabinet for Human Resources and the Natural Resources and Environmental Protection Cabinet.
5. Disposable waste.
a. All disposable waste shall be placed in suitable bags or closed containers so as to prevent leakage or spillage, and shall be handled, stored, and disposed of in such a way as to minimize direct exposure of personnel to waste materials.
b. The facility shall establish specific written policies regarding handling and disposal of all wastes.
c. The following wastes shall be disposed of by incineration, autoclaved before disposal, or carefully poured down a drain connected to a sanitary sewer: blood, blood specimens, used blood tubes, or blood products.
d. Any wastes conveyed to a sanitary sewer shall comply with applicable federal, state, and local pretreatment regulations pursuant to 40 CFR 403 and 401 KAR 5:055, Section 9.
6. Patients infected with the following diseases shall not be admitted to the facility: anthrax, campylobacteriosis, cholera, diphtheria, hepatitis A, measles, pertussis, plague, poliomyelitis, rabies (human), rubella, salmonellosis, shigellosis, typhoid fever, yersiniosis, brucellosis, giardiasis, leprosy, psittacosis, Q fever, tularemia, and typhus.
7. A facility may admit a (noninfectious) tuberculosis patient under continuing medical supervision for his tuberculosis disease.
8. Patients with active tuberculosis may be admitted to the facility whose isolation facilities and procedures have been specifically approved by the cabinet.
9. If, after admission, a patient is suspected of having a communicable disease that would endanger the health and welfare of other patients, the administrator shall assure that a physician is contacted and that appropriate measures are taken on behalf of the patient with the communicable disease and the other patients.

Section 7. Resident Assessment. The facility shall conduct 0initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity.
(1) Admission orders. At the time each resident is admitted, the facility shall have physician orders for the resident's immediate care.
(2) Comprehensive assessments.
(a) The facility shall make a comprehensive assessment of a resident's needs, which describes the resident's capability to perform daily life functions and significant impairments in functional capacity.
(b) The comprehensive assessment shall include at least the following information:
1. Medically defined conditions and prior medical history;
2. Medical status measurement;
3. Functional status;
4. Sensory and physical impairments;
5. Nutritional status and requirements;
6. Special treatments or procedures;
7. Psychosocial status;
8. Discharge potential;
9. Dental condition;
10. Activities potential;
11. Rehabilitation potential;
12. Cognitive status; and
13. Drug therapy.
(c) Frequency. Assessments shall be conducted:
1. No later than four (4) days after the date of admission;
2. For current residents of a facility, not later than October 1, 1991;
3. Promptly after a significant change in the resident's physical or mental condition; and
4. In no case less often than once every twelve (12) months.
(d) Review of assessments. The nursing facility shall examine each resident no less than once every three (3) months, and as appropriate, revise the resident's assessment to assure the continued accuracy of the assessment.
(e) Use. The results of the assessment are used to develop, review, and revise the resident's comprehensive plan of care, under subsection (4) of this section.
(f) Coordination. The facility shall coordinate assessments with the Kentucky required preadmission screening and annual review program to the maximum extent practicable to avoid duplicative testing and effort.
(3) Accuracy of assessments.
(a) Coordination. Each assessment shall be conducted or coordinated by a registered nurse who signs and certifies the completion of the assessment with the appropriate participation of health professionals.
(b) Certification. Each individual who completes a portion of the assessment shall sign and certify the accuracy of that portion of the assessment.
(4) Comprehensive care plans.
(a) The facility shall develop a comprehensive

care plan for each resident that includes measurable objectives and timetables to meet a resident's medical, nursing and psychosocial needs that are identified in the comprehensive assessment.

(b) A comprehensive care plan shall be:

1. Developed within seven (7) days after completion of the comprehensive assessment;

2. Prepared by an interdisciplinary team, that includes the attending physician, a registered nurse with responsibility for the resident, and other appropriate staff in disciplines as determined by the resident's needs, and with the participation of the resident, the resident's family or legal representative, to the extent practicable; and

3. Periodically reviewed and revised by a team of qualified persons after each assessment.

(c) The services provided or arranged by the facility shall:

1. Meet professional standards of quality; and

2. Be provided by qualified persons in accordance with each resident's written plan of care.

(5) Discharge summary. When the facility anticipates discharge, a resident shall have a discharge summary that includes:

(a) A recapitulation of the resident's stay;

(b) A final summary of the resident's status to include items in subsection (2)(b) of this section, at the time of the discharge that shall be available for release to authorized persons and agencies, with the consent of the resident or legal representative; and

(c) A postdischarge plan of care that developed with the participation of the resident and his or her family, which will assist the resident to adjust to his or her new living environment.

(6) Preadmission screening for mentally ill individuals and individuals with mental retardation. A nursing facility shall not admit any new resident in conflict with the Kentucky preadmission screening and annual review program.

Section 8. Quality of Care. Each resident shall receive the necessary nursing, medical and psychosocial services to attain and maintain the highest possible mental and physical functional status, as defined by the comprehensive assessment and plan of care. Each resident shall services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care.

(1) Activities of daily living. Based on the comprehensive assessment of a resident, the facility shall ensure:

(a) A resident's abilities in activities of daily living do not diminish unless circumstances of the individual's clinical condition demonstrate that diminution was unavoidable. This includes the resident's ability to:

1. Bathe, dress and groom;
2. Transfer and ambulate;
3. Toilet;
4. Eat; and
5. To use speech, language or other functional communication systems.

(b) A resident is given the appropriate treatment and services to maintain or improve his or her abilities specified in paragraph (a) of this subsection; and

(c) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene.

(2) Vision and hearing. To ensure that residents receive proper treatment and assistive devices to maintain vision and hearing abilities, the facility shall, if necessary, assist the resident:

(a) In making appointments; and

(b) By arranging for transportation to and from the office of a medical practitioner specializing in the treatment of vision or hearing impairment of the office of a professional specializing in the provision of vision or hearing assistive devices.

(3) Pressure sores. Based on the comprehensive assessment of a resident, the facility shall ensure that:

(a) A resident who enters the facility without pressure sores does not develop pressure sores unless the individual's clinical condition demonstrates that they were unavoidable; and

(b) A resident having pressure sores receives necessary treatment and services to promote healing, prevent infection and prevent new sores from developing.

(4) Urinary incontinence. Based on the resident's comprehensive assessment, the facility shall ensure that:

(a) A resident who is incontinent of bladder receives the appropriate treatment and services to restore as much normal bladder functioning as possible;

(b) A resident who enters the facility without an in-dwelling catheter is not catheterized unless the resident's clinical condition demonstrates that catheterization was necessary; and

(c) A resident who is incontinent of bladder receives appropriate treatment and services to prevent urinary tract infections and to restore as much normal bladder function as possible.

(5) Range of motion. Based on the comprehensive assessment of a resident, the facility shall ensure that:

(a) A resident who enters the facility without a limited range of motion does not experience reduction in range of motion unless the resident's clinical condition demonstrates that a reduction in range of motion is unavoidable; and

(b) A resident with a limited range of motion and/or receives appropriate treatment and services to increase range of motion to prevent further decrease in range of motion.

(6) Psychosocial functioning. Based on the comprehensive assessment of a resident, the facility shall ensure that:

(a) A resident who displays psychosocial adjustment difficulty, receives appropriate treatment and services to achieve as much remotivation and reorientation as possible; and

(b) A resident whose assessment did not reveal a psychosocial adjustment difficulty does not display a pattern of decreased social interaction and/or increased withdrawn, angry, or depressive behaviors, unless the resident's clinical condition demonstrates that such a pattern was unavoidable.

(7) Accidents. The facility shall ensure that:

(a) The resident environment remains as free of accident hazards as is possible; and

(b) Each resident receives adequate supervision and assistive devices to prevent accidents.

(8) Nutrition. Based on a resident's comprehensive assessment, the facility shall ensure that a resident:

(a) Maintains acceptable parameters of nutritional status, such as body weight and protein levels, unless the resident's clinical condition demonstrates that this is not possible; and

(b) Receives a therapeutic diet when there is a nutritional problem.

(9) Special needs. The facility shall ensure that residents receive proper treatment and care for the following special services:

(a) Injections;

(b) Parenteral and enteral fluids;

(c) Colostomy, ureterostomy or ileostomy care;

(d) Tracheostomy care;

(e) Tracheal suctioning;

(f) Respiratory care;

(g) Podiatric care; and

(h) Prostheses.

(10) Drug therapy.

(a) Unnecessary drugs. Each resident's drug regimen shall be free from unnecessary drugs.

(b) Antipsychotic drugs. Based on a comprehensive assessment of a resident, the facility shall ensure that:

1. Residents who have not used antipsychotic drugs and are not given these drugs unless antipsychotic drug therapy is necessary to treat a specific condition; and

2. Residents who use antipsychotic drugs receive gradual dose reductions, drug holidays or behavioral programming, unless clinically contraindicated in an effort to discontinue these drugs.

(c) Medication errors. The facility shall ensure that:

1. It is free of significant medication error rates; and

2. Residents are free of any significant medication errors.

Section 9. Nursing Services. The facility shall have sufficient nursing staff to provide nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care.

(1) Sufficient staff.

(a) The facility shall provide services by sufficient numbers of each of the following types of personnel on a twenty-four (24) hour basis to provide nursing care to all residents in accordance with resident care plans:

1. Except when waived under subsection (3) of this section, licensed nurses; and

2. Other nursing personnel.

(b) Except when waived under subsection (3) of this section, the facility shall designate a licensed nurse to serve as a charge nurse on each tour of duty.

(2) Registered nurse.

(a) Except when waived under subsection (3) or (4) of this section, the facility shall use the services of a registered nurse for at least eight (8) consecutive hours a day, seven (7) days a week.

(b) Except when waived under subsection (3) or (4) of this section, the facility must designate a registered nurse to serve as the director of nursing on a full-time basis.

(c) The director of nursing may serve as a charge nurse only when the facility has an average daily occupancy of sixty (60) or fewer residents.

(3) Licensed nurse waiver. Waiver of requirement to provide licensed nurses on a twenty-four (24) hour basis. A facility may request a waiver from either the requirement that a nursing facility provide a registered nurse for at least eight (8) consecutive hours a day, seven (7) days a week, as specified in subsection (2) of this section, or the requirement that a nursing facility provide licensed nurses on a twenty-four (24) hour basis, including a charge nurse as specified in subsection (1) of this section, if the following conditions are met:

(a) The facility demonstrates to the satisfaction of the cabinet that the facility has been unable, despite diligent efforts (including offering wages at the community prevailing rate for nursing facilities), to recruit appropriate personnel;

(b) The cabinet determines that a waiver of the requirement will not endanger the health or safety of individuals staying in the facility;

(c) A waiver granted under the conditions listed in this subsection is subject to revocation if the cabinet finds that the health and safety of the residents is threatened.

(d) In granting or renewing a waiver, a facility may be required by the cabinet to use other qualified, licensed personnel.

(4) Registered nurse waiver. Wavier of the requirement to provide services of a registered nurse for more than forty (40) hours a week, including a director of nursing specified in subsection (2) of this section, if the cabinet finds that the facility:

(a) Is located in a rural area and the supply of skilled nursing facility services in the area is not sufficient to meet the needs of individuals residing in the area;

(b) Has one (1) full-time registered nurse who is regularly on duty at the facility forty (40) hours a week; and

(c) Either:

1. Has only patients whose physicians have indicated (through physicians' orders or admission notes) that they do not require the services of a registered nurse or a physician for a forty-eight (48) hour period; or

2. Has made arrangements for a registered nurse or a physician to spend time at the facility, as determined necessary by the physician, to provide necessary skilled nursing services on days when the regular full-time registered nurse is not on duty.

(d) A waiver of the registered nurse requirement under paragraph (a) of this subsection is subject to revocation if the cabinet finds that the health and safety of the residents is threatened.

Section 10. Dietary service in the facility shall provide each resident with a nourishing, palatable, well-balanced diet that meets the daily nutritional and special dietary needs of each resident.

(1) Staffing. The facility shall employ a qualified dietician either full time, part time, or on a consultant basis.

(a) If a qualified dietician is not employed full time, the facility shall designate a person to serve as the director of food service.

(b) A qualified dietician is one who is qualified based upon either registration by the

Commission on Dietetic Registration of the American Dietetic Association, or on the basis of education, training, or experience in identification of dietary needs, planning and implementation of dietary programs.

(2) Sufficient staff. The facility shall employ sufficient support personnel competent to carry out the functions of the dietary service.

(3) Menus and nutritional adequacy. Menus shall:

(a) Meet the nutritional needs of residents in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;

(b) Be prepared in advance;

(c) Be followed.

(4) Food. Each resident shall receive and the facility shall provide:

(a) Food prepared by methods that conserve nutritive value, flavor and appearances;

(b) Food that is palatable, attractive and at the proper temperature;

(c) Food prepared in a form designed to meet individual needs; and

(d) Substitutes offered of similar nutritive value to residents who refuse food served.

(5) Therapeutic diets. Therapeutic diets must be prescribed by the attending physician.

(6) Frequency of meals.

(a) Each resident shall receive and the facility shall provide at least three (3) meals daily, at regular times comparable to normal mealtimes in the community.

(b) There shall be no more than fourteen (14) hours between a substantial evening meal and breakfast the following day, except as provided in paragraph (d) of this subsection.

(c) The facility shall offer snacks at bedtime daily.

(d) When a nourishing snack is provided at bedtime, up to sixteen (16) hours may elapse between a substantial evening meal and breakfast the following day if a resident group agrees to this meal span and a nourishing snack is served.

(7) Assistive devices. The facility shall provide special eating equipment and utensils for residents who need them.

(8) Sanitary conditions. The facility shall:

(a) Procure food from sources approved or considered satisfactory by federal, state or local authorities;

(b) Store, prepare, distribute, and serve food under sanitary conditions; and

(c) Dispose of garbage and refuse properly.

Section 11. Physician Services. A physician shall personally approve a recommendation that an individual be admitted to a facility. Each resident shall remain under the care of a physician.

(1) Physician supervision. The facility shall ensure that:

(a) The medical care of each resident is supervised by a physician; and

(b) Another physician supervises the medical care of residents when their attending physician is unavailable.

(2) Physician visits. The physician shall:

(a) Review the resident's total program of care, including medications and treatments, at each visit required by subsection (3) of this section;

(b) Write, sign and date progress notes at each visit; and

(c) Sign all orders.

(3) Frequency of physician visits. The resident shall be seen by a physician at least once every thirty (30) days for the first ninety (90) days after admission, and at least once every ninety (90) days thereafter.

(a) A physician visit is considered timely if it occurs not later than ten (10) days after the date the visit was required.

(b) Except as provided in paragraph (e) of this subsection, all required physician visits shall be made by the physician personally.

(c) At the option of the physician, required visits after the initial visit may alternate between personal visits by the physician and visits by a physician assistant or nurse practitioner in accordance with subsection (5) of this section.

(4) Availability of physicians for emergency care. The facility shall provide or arrange for the provision of physician services twenty-four (24) hours a day, in case of an emergency.

(5) Physician delegation of tasks.

(a) Except as specified in paragraph (b) of this subsection, a physician may delegate tasks to a physician assistant or nurse practitioner who is acting within the scope of practice as defined by state law, and is under the supervision of the physician.

(b) A physician shall not delegate a task when the regulations specify that the physician shall perform it personally, or when the delegation is prohibited under state law or by the facility's own policies.

Section 12. Specialized Rehabilitative Services. A facility shall provide or obtain rehabilitative services, such as physical therapy, speech-language pathology, and occupational therapy, to every resident it admits.

(1) Provision of services. If specialized rehabilitative services are required in the resident's comprehensive plan of care, the facility shall:

(a) Provide the required services; or

(b) Obtain the required services from an outside resource in accordance with Section 15(6)(a) and (b) of this regulation, from a provider of specialized rehabilitative services.

(2) Qualifications. Specialized rehabilitative services must be provided under the written order of a physician by qualified personnel.

Section 13. Dental Services. The facility shall assist residents in obtaining routine and twenty-four (24) hour emergency dental care. The facility shall provide or obtain from an outside resource, in accordance with Section 15(6)(a) and (b) of this regulation following dental services to meet the needs of each resident:

(1) Routine dental services; and

(2) Emergency dental services.

Section 14. Pharmacy Services. The facility shall provide routine and emergency drugs and biologicals to its residents, or obtain them under an agreement described in Section 15(6)(a) and (b) of this regulation.

(1) Procedures.

(a) A facility shall provide pharmaceutical services (including procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals) to meet the needs of each resident.

(b) Administration of medications. All medications shall be administered by licensed medical or nursing personnel in accordance with the Medical Practice Act (KRS 311.530 to 311.620) and Nurse Practice Act (KRS Chapter 314) or by personnel who have completed a state approved training program from a state approved provider. The administration of oral and topical medicines by certified medicine technicians shall be under the supervision of licensed medical personnel. Intramuscular injections shall be administered by a licensed or registered nurse, or a physician. If intravenous injections are necessary they shall be administered by a licensed physician or registered nurse. Each dose administered shall be recorded in the medical record.

(2) Service consultation. The facility shall employ or obtain the services of a pharmacist licensed pursuant to KRS Chapter 315 who:

(a) Provides consultation on all aspects of the provision of pharmacy services in the facility;

(b) Establishes a system of records of receipt and disposition of all drugs in sufficient detail to enable an accurate reconciliation; and

(c) Determines that drug records are in order and that an account of all controlled drugs is maintained and periodically reconciled.

(3) Drug regimen review.

(a) The drug regimen of each resident shall be reviewed at least once a month by a licensed pharmacist.

(b) The pharmacist shall report any irregularities to the attending physician or the director of nursing, or both, and these reports shall be acted upon.

(4) Labeling of drugs and biologicals. The facility shall label drugs and biologicals in accordance with currently accepted professional principles, and include the appropriate accessory and cautionary instructions, and the expiration date.

(5) Storage of drugs and biologicals.

(a) In accordance with state and federal laws, the facility shall store all drugs and biologicals in locked compartments under proper temperature controls, and permit only authorized personnel to have access to the keys.

(6) The facility shall provide separately locked, permanently affixed compartments for storage of controlled drugs listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other drugs subject to abuse, except when the facility uses single unit package drug distribution systems in which the quantity stored is minimal and a missing dose can be readily detected.

Section 15. Administration. A facility shall be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.

(1) Compliance with federal, state and local laws and professional standards. The facility shall operate and provide services in compliance with all applicable federal, state and local laws, regulations and codes, and with accepted professional standards and principles that apply to professionals providing services in a facility.

(2) Governing body.

(a) The facility shall have a governing body, or designated persons functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the facility; and

(b) The governing body appoints the administrator who shall be:

1. Licensed as a nursing home administrator pursuant to KRS 216A.080; and

2. Responsible for management of the facility.

(3) Required training of nurse aides.

(a) General rules. A facility shall not use any individual working in the facility as a nurse aide for more than four (4) months, on a full-time, temporary, per diem, or other basis, unless:

1. That individual is listed on the Kentucky Nurse Aide Registry; and

2. That individual is competent to provide nursing and nursing related services.

(b) Competency. A facility shall permit an individual to serve as a nurse aide or provide services of a type for which the individual has not demonstrated competence only when:

1. The individual is currently enrolled and participating in the Kentucky Medicaid Nurse Aide Training Program; or

2. The facility has asked and not yet received a reply from the Kentucky Nurse Aide Registry for information concerning the individual.

(c) Regular in-service education. The facility shall provide regular performance review and regular in-service education to ensure that individuals used as nurse aides are competent to perform services as nurse aides. In-service education must include training for individuals providing nursing and nursing related services to residents with cognitive impairments.

(4) Proficiency of nurse aides. The facility shall ensure that nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.

(5) Staff qualifications.

(a) The facility shall employ on a full-time, part-time, or consultant basis those professionals necessary to carry out the provisions of this regulation.

(b) Professional staff shall be licensed, certified or registered in accordance with applicable state statutes.

(6) Use of outside resources.

(a) If the facility does not employ a qualified professional person to furnish a specific service to be provided by the facility, the facility shall have that service furnished to residents by a person or agency outside the facility.

(b) Arrangements or agreements pertaining to services furnished by outside resources shall specify in writing that the facility assumes responsibility for:

1. Obtaining services that meet professional standards and principles that apply to professionals providing services in such a facility; and

2. The timeliness of the services.

(7) Medical director.

(a) The facility shall designate a physician to serve as medical director.

(b) The medical director shall be responsible for:

1. Implementation of resident care policies; and

2. The coordination of medical care in the

facility.

(8) Laboratory services.

(a) The facility shall provide or obtain clinical laboratory services to meet the needs of its residents. The facility shall be responsible for the quality and timeliness of the services.

1. If the facility provides its own laboratory services, the services shall meet the applicable state statutes and regulations pursuant to KRS Chapter 333, or laboratory requirements for hospitals for those distinct part units within licensed hospitals.

2. If the facility provides blood bank and transfusion services, it must meet the applicable conditions for:

a. Independent laboratories licensed pursuant to KRS Chapter 333; or

b. Hospitals licensed pursuant to 902 KAR 20:016;

3. If the laboratory chooses to refer specimens for testing to another laboratory, the referral laboratory must be licensed in accordance with KRS Chapter 333, or meet the laboratory standards in 902 KAR 20:016 for hospitals.

4. If the facility does not provide laboratory services on site, it shall have an agreement to obtain these services only from a laboratory that is licensed pursuant to KRS Chapter 333 as an independent laboratory, or in accordance with 902 KAR 20:016 for hospital laboratories.

(b) The facility shall:

1. Provide or obtain laboratory services only when ordered by the attending physician;

2. Promptly notify the attending physician of the findings;

3. Assist the resident in making transportation arrangements to and from the source of service, if the resident needs assistance.

4. File in the resident's clinical record signed and dated reports of clinical laboratory services.

(9) Radiology and other diagnostic services.

(a) The nursing facility shall provide or obtain radiology and other diagnostic services to meet the needs of its residents. The facility is responsible for the quality and timeliness of the services.

1. If the facility provides its own diagnostic services, the services must meet the standards established in 902 KAR 20:016, Section 4(6).

2. If the facility does not provide diagnostic services, it shall have an agreement to obtain these services from a provider or supplier that is licensed or registered pursuant to KRS 211.842 through KRS 211.852.

(b) The facility shall:

1. Provide or obtain radiology and other diagnostic services only when ordered by the attending physician;

2. Promptly notify the attending physician of the findings;

3. Assist the resident in making transportation arrangements to and from the source of service, if the resident needs assistance; and

4. File in the resident's clinical record signed and dated reports of x-ray and other diagnostic services.

(10) Clinical records.

(a) The facility shall maintain clinical records on each resident in accordance with accepted professional standards and practices that are:

1. Complete;

2. Accurately documented;

3. Readily accessible; and

4. Systematically organized.

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

(c) The facility shall safeguard clinical record information against loss, destruction, or unauthorized use;

(d) The facility shall keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is required by:

1. Transfer to another health care institution;

2. Law;

3. Third-party payment contract; or

4. The resident.

(e) The facility shall:

1. Permit each resident to inspect his or her records on request; and

2. Provide copies of the records to each resident no later than forty-eight (48) hours after a written request from a resident, at a photocopying cost not to exceed the amount customarily charged in the community.

(f) The clinical record shall contain:

1. Sufficient information to identify the resident;

2. A record of the resident's assessments;

3. The plan of care and services provided; and

4. The results of any preadmission screening conducted by the state; and

5. Progress notes.

(11) Disaster and emergency preparedness.

(a) The facility shall have detailed written plans and procedures to meet all potential emergencies and disasters, such as fire, severe weather, and missing residents.

(b) The facility shall train all employees in emergency procedures when they begin to work in the facility, periodically review the procedures with existing staff, and carry out staff drills using those procedures.

(12) Transfer agreement.

(a) The facility shall have in effect a written transfer agreement with one (1) or more licensed hospitals that reasonably assures that:

1. Residents shall be transferred from the facility to the hospital, and ensured of timely admission to the hospital when transfer is medically appropriate as determined by the attending physician; and

2. Medical and other information needed for care and treatment of residents and when the transferring facility deems it appropriate, for determining whether such residents can be adequately cared for in a less expensive setting than either the facility or the hospital, will be exchanged between the institutions.

(b) The facility shall be considered to have a transfer agreement in effect if the facility has attempted in good faith to enter into an agreement with a hospital sufficiently close to the facility to make transfer feasible.

(13) Quality assessment and assurance.

(a) A facility shall maintain a quality assessment and assurance committee consisting of:

1. The director of nursing services;

2. A physician designated by the facility; and

3. At least three (3) other members of the facility's staff.

(b) The quality assessment and assurance committee:

1. Meets at least quarterly to identify issues with respect to which quality assessment and assurance activities are necessary; and

2. Develops and implements appropriate plans of action to correct identified quality deficiencies.

EDWARD A. WILSON, Inspector General
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 5, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
902 KAR 20:310E

This emergency regulation implements a new licensure category of long-term residential nursing care entitled "nursing facilities". This regulation is necessary to provide facilities licensure standards that mirror federal certification standards 42 CFR Part 405. These federal standards went into effect October 1, 1990 and these licensure standards need to be implemented as quickly as possible after this date. The emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler before October 15, 1990.

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

CABINET FOR HUMAN RESOURCES
Office of Inspector General

902 KAR 20:310E. Facility specifications; nursing facility.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1),(2)
STATUTORY AUTHORITY: KRS 216B.042, 216B.105
EFFECTIVE: October 5, 1990
NECESSITY AND FUNCTION: KRS 216B.042 and 216B.105 mandate that the Kentucky Cabinet for Human Resources regulates health facilities and health services. This regulation provides licensure requirements for structural specifications for the alteration and maintenance of existing nursing facilities.

Section 1. Definitions. (1) "Board" means the Commission for Health Economics Control in Kentucky.

(2) "License" means an authorization issued by the board for the purpose of operating a nursing facility.

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

Section 2. Preparation and Approval of Plans and Specifications. (1) Before alterations are begun to existing buildings or any change in existing nursing home facilities, the licensee or applicant shall submit plans to the licensure agency for approval.

(2) All architectural, mechanical and electrical drawings shall bear either the seal of an architect registered in the Commonwealth of Kentucky or the seal of a professional engineer registered in the Commonwealth of Kentucky, or both.

(3) Drawings shall not exceed thirty-six (36) by forty-six (46) inches when trimmed.

(4) All such plans and specifications must be approved by the licensure agency prior to commencement of alteration of existing buildings.

(5) Plans and specifications in specific detail as required by the Kentucky Building Code shall be submitted together with architectural and/or engineering stamps as required by KRS Chapters 322 and 323, to the Department of Housing, Buildings and Construction for determining compliance with the Kentucky Building Code. All such plans and specifications must be approved by the Department of Housing, Buildings and Construction and appropriate local building permits shall be obtained prior to commencement of any alteration.

Section 3. Submission of Plans and Specifications. (1) First stage, schematic plans.

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts (scaled one-fourth (1/4) inch to one (1) foot) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage, preliminary plans. Preliminary sketch plans shall include the following:

(a) Architectural: plans of basement and floors.

(b) Outline specifications.

1. General description of the alteration, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, sterilizing, and other special equipment;

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings.

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in

contract shall be so indicated;

h. Conveying systems. Details of construction, machine and control space necessary, size and type of equipment, and utility requirements for the following: dumbwaiters-electric, hand, hydraulic; elevators-freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings.

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings.

a. Heating, steam piping, and air-condition systems. Radiators and steam heated equipment, such as sterilizers, warmers, and steam tables; heating and steam mains and branches with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heater with stokers; oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping, and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems. Size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections; gas, oxygen, and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings.

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;

f. Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits;

g. All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in detail for each class of work;

4. Access to the work. Representatives of the appropriate state agencies shall have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

Section 4. Compliance with Building Codes, Ordinances and Regulations. (1) This section may be administered independently from other sections of this regulation.

(2) General. Nothing stated herein shall relieve the sponsor from compliance with building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(3) The following requirements shall apply where applicable and as adopted by the respective agency authority:

(a) Requirements for safety pursuant to 815 KAR 10:020, as amended;

(b) Requirements for plumbing pursuant to 815 KAR 20:010 through 20:190, as amended;

(c) Requirements for air contaminants for incinerators pursuant to 401 KRS 59:020 and 401 KAR 61:010;

(d) Requirements for elevators pursuant to 815 KAR 4:010; and

(e) Requirements for making buildings and facilities accessible to and usable by the physically handicapped, pursuant to KRS 198B.260 and regulations promulgated thereunder.

(4) Prior to occupancy, facility must have final approval from appropriate agencies.

(5) All facilities shall be currently approved by the Fire Marshal's Office in accordance with the Life Safety Code, before relicensure is granted by the licensure agency.

Section 5. Facility Requirements and Special Conditions. (1) Independent facilities with a capacity of fifty (50) beds or less present special problems. The sizes of the various departments will depend upon the requirements of the facilities. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the standards of safety and of medical and nursing practices and the social needs of patients. In other respects, the general standards set forth herein, including the area requirements, shall apply.

(2) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, mirrors, etc.

(3) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the licensure agency. At least two (2) rooms per nursing unit shall be designed for single person occupancy (one (1) bed) and shall have private toilet rooms with bath. At least sixty (60) percent of the beds shall be located in rooms designed for one (1) or two (2) beds.

Section 6. Nursing Unit. (1) Patient rooms. Each patient room shall meet the following requirements:

(a) Maximum room capacity: four (4) patients;

(b) Patient rooms shall be designed to permit no more than two (2) beds side by side parallel to the window wall. Not less than a four (4) foot space shall be provided between beds, and at least a three (3) foot space between the side of a bed and the nearest wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of opposite bed in multibed rooms;

(c) Window. All patient rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least eight (8) percent of patient room floor area;

(d) Lavatory. In single and two (2) bed rooms with private toilet room, the lavatory may be located in the toilet room. Where two (2) patient rooms share a common toilet, a lavatory shall be provided in each patient room;

(e) Wardrobe or closet for each patient. Minimum clean dimensions: one (1) foot deep by one (1) foot and eight (8) inches wide with full length hanging space clothes rod and shelf;

(f) Cubicle curtains, or equivalent built-in devices for complete privacy for each patient in each multibed room and in tub, shower and toilet rooms;

(g) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom, and the soiled workroom. No room shall be used as a patient room where the access is through another patient's room;

(2) Patient toilet rooms.

(a) A toilet room shall be directly accessible from each patient room and from each central bathing area without going through the general corridor. One (1) toilet room may serve two (2) patient rooms but not more than four (4) beds. The minimum dimensions of any room containing only a toilet shall be three (3) feet by five (5) feet;

(b) Toilets must be easily usable by wheelchair patients. Grab bars shall be provided at all toilets;

(c) At least one (1) toilet for each sex shall be provided for training purposes and access by wheelchairs. It shall be accessible from the nursing corridor, may be part of the bathing area and shall have a minimum size, of five (5) feet by six (6) feet;

(d) Doors to toilet rooms shall have a minimum width of two (2) feet and ten (10) inches to admit a wheelchair.

(3) Service areas in each nursing unit. The size of each service area will depend on the number and types of beds within the unit include:

(a) Nurses' station for nurses' charting, doctors' charting, communications, and storage for supplies and nurses' personal effects;

(b) Staff lounge area. The area shall have personal storage space and a toilet room for staff;

(c) Visitors toilet room. The facility shall provide a toilet room for visitors. The staff toilet room may serve as the visitors toilet room if marked and accessible;

(d) Clean workroom for storage and assembly of supplies for nursing procedures containing work counter, sink;

(e) Soiled workroom containing clinical sink, work counter with two (2) compartment sink, waste receptacles, and soiled linen receptacles;

(f) Medicine room adjacent to nurses' station with sink, refrigerator, locked storage, and facilities for preparation and dispensing of medication (may be designated area within clean workroom if a self-contained cabinet is provided). The controlled substances locker must be under double lock;

(g) Clean linen storage with enclosed storage space (may be a designated area within the clean workroom);

(h) Nourishment station with storage space, sink, hot plate and refrigerator for serving between-meal nourishments (may serve one (1) nursing unit on same floor);

(i) Equipment storage room for storage of IV stands, inhalators, air mattresses, walkers, and similar bulky equipment (may serve more than one (1) nursing unit on same floor);

(j) Patient baths. One (1) shower stall or one (1) bathtub required for each fifteen (15) beds not individually served. There shall be at least one (1) freestanding bathtub in each bathroom. Grab bars or patient lift with a safety device shall be provided at all bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for a wheelchair and attendant. Showers in central bathing facilities shall not be less than four (4) feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed;

(k) Stretcher and wheelchair parking area or alcove;

(l) Janitor's closet for storage of housekeeping supplies and equipment. Floor receptor or service sink;

(m) Bedpan washing facilities. Bedpan washing attachments are recommended for each patient room toilet. It will be acceptable, however, to have separate bedpan washing closets in each nursing unit, provided that they are so located that bedpans need not be carried through lobbies, dining and recreation areas, or day rooms.

(4) Patient's dining, TV viewing and recreation areas.

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50). Additional space shall be provided for outpatients if they participate in a day care program.

(b) Storage shall be provided for recreational equipment and supplies (e.g., wall cabinet and closets).

Section 7. Therapy Units. (1) If the facility has a physical therapy unit the following shall be provided (depending on the program):

(a) Office (may also serve for occupational therapy office);

(b) Exercise and treatment areas with sink or lavatory and cubicle curtains around treatment areas;

(c) Hydrotherapy areas with cubicle curtains around treatment areas;

(d) Storage for supplies and equipment; and

(e) Toilet rooms located for convenient access by physical therapy patient (may also serve occupational therapy patients).

(2) If the facility has an occupational therapy unit it shall include:

(a) Office space (may be shared with physical therapy office);

(b) Therapy area with sink or lavatory;

(c) Storage for supplies and equipment;
(d) Toilet room (not required if other toilet facilities are convenient).
(3) Personal care room with space for shampoo sink and barber chair (not required in facility of less than twenty-five (25) beds).
(4) If the facility has more than 120 beds, it shall provide the following:
(a) Office space for a social worker;
(b) Toilet room (not required if other toilet facilities are convenient).

Section 8. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary storage, processing, and handling, otherwise the following shall be provided:
(1) Food preparation center with a lavatory but no mirror;
(2) Food serving facilities to accommodate patients and staff;
(3) Dishwashing room with commercial-type and a lavatory;
(4) Potwashing facilities;
(5) Refrigerated storage to accommodate three (3) day supply;
(6) Dry storage to accommodate three (3) day supply;
(7) Cart-cleaning facilities;
(8) Cart storage area;
(9) Waste disposal facilities;
(10) Can washing facilities;
(11) Staff dining facilities;
(12) Patient dining facilities;
(13) Janitor's closet with storage for housekeeping supplies and equipment, floor receptor or service sink; and
(14) Toilet room which is conveniently accessible to dietary staff with a two (2) door separation from food preparation area or dining area.

Section 9. Administration Department. The facility shall have adequate administrative, public, and staff facilities (e.g., offices, lobby, toilet facilities) to accommodate the needs of the public, patients, and staff without interfering with the provision of medical care services.

Section 10. Laundry. The following shall be included:
(1) Soiled linen room;
(2) Clean linen and mending room;
(3) Linen cart storage;
(4) Lavatories accessible from soiled, clean, and processing rooms;
(5) Laundry processing room with commercial type equipment sufficient to take care of seven (7) days' needs within the workweek;
(6) Janitor's closet with storage for housekeeping supplies and equipment, floor receptor or service sink; and
(7) Storage for laundry supplies.
(Subsections (5), (6) and (7) of this section need not be provided if laundry is processed outside the facility.)

Section 11. Storage and Service Areas. (1) Central storage room(s) with at least ten (10) square bed for first fifty (50) beds; and five (5) square feet per bed for eleven (11) beds over fifty (50), to be concentrated in one (1) area.
(2) Adequate secure storage space must be provided for staff and volunteer's personal belongings.
(3) Engineering service and equipment areas. The following shall be provided:
(a) Boiler room;
(b) Mechanical and electrical equipment room(s) (can be combined with boiler room);
(c) Adequate storage for building maintenance and engineering supplies;
(d) Storage room for housekeeping equipment (need not be provided if space is available in janitor's closets or elsewhere);
(e) Incinerator space. If the facility has an incinerator, it shall be in a separate room, in a designated area within the boiler room, or outdoors;
(f) Yard equipment storage room for yard maintenance equipment and supplies.

Section 12. Details and Finishes. The facility shall be designed for maximum safety for the occupants to minimize the incidence of accidents. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:
(1) Details.
(a) Doors to patient toilet rooms and other rooms needing access for wheelchairs shall have a minimum width of two (2) feet and ten (10) inches.
(b) Such items as drinking fountains, telephone booths and vending machines shall be located so that they do not project into the required width of exit corridors.
(c) Handrails shall be provided on both sides of corridors used by patients in facilities with a clean distance of one-half (1/2) inch between handrail and wall.
(d) All doors to patient-room toilet rooms and patient-room bathrooms shall swing outward or shall be equipped with hardware which will permit access in any emergency.
(e) All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.
(f) Thresholds and expansion joint covers, if used, shall be flush with the floor.
(g) Grab bars and accessories in patient toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.
(h) Lavatories intended for use by patients shall be installed to permit wheelchairs to slide under.
(i) The location and arrangement of lavatories and sinks with blade handles intended for handwashing purposes shall provide sixteen (16) inches clearance each side of center line of fixture.
(j) Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in standing position.
(k) Towel dispensers shall be provided at all lavatories and sinks used for handwashing.
(l) If linen and refuse chutes are used, they shall be designed as follows:
1. Minimum diameter of gravity-type chutes shall be two (2) feet;
2. Chutes shall extend at least four (4) feet above the roof and shall be covered by a metal skylight glazed with thin plain glass or plastic.
(m) Ceiling heights.

1. The boiler room ceiling shall not be less than two (2) feet six (6) inches above the main boiler header and connecting piping with nine (9) feet headroom under piping for maintenance and access;

2. Corridors, storage rooms, patients' toilet room, and other minor rooms shall not be less than seven (7) feet and six (6) inches.

3. Ceilings in all other rooms shall not be less than eight (8) feet.

(n) Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.

(o) Noise reduction criteria. Provision shall be made to minimize sound transmission in:

1. Corridors in patient areas;
2. Nurses' stations;
3. Utility rooms;
4. Floor pantries; and
5. Lobbies and recreation areas.

(p) Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.

(2) Finishes.

(a) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish. Carpeting is not permitted in the following areas: kitchen, dishwashing room, soiled utility room, janitor's closet, soiled linen rooms, storage room, bathrooms, public toilet rooms, patient toilet rooms, hydrotherapy rooms, treatment rooms, and any other room where the floor is subject to repeated wetting or soiling.

(b) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.

(c) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moisture-proof. Wall bases in dietary areas shall be free of spaces that can harbor insects.

(d) Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

Section 13. Elevators. All facilities where either patient beds or inpatient facilities such as diagnostic, recreation, patient dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:

(1) Number of elevators. All facilities with patient beds or residential facilities located on any floor other than the first floor shall have at least one (1) hospital-type elevator and such additional elevators as determined by the licensure agency from a study of the facility plan and the estimated vertical transportation requirements.

(2) Cars and platforms. Elevator cars and platforms shall be constructed of noncombustible material, except that fire-retardant-treated material may be used if all exterior surfaces of the cars are covered with metal. Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep. Car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.

(3) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half (1/2) inch.

Section 14. Foundations. Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths, the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

Section 15. Mechanical Requirements. (1) General. Prior to completion of the contract and final acceptance of the facility, the architect and/or engineer shall obtain certification from the contractor that all mechanical systems have been tested and that the installation and performance of these systems conform to the requirements of the plans and specifications.

(2) Steam and hot water systems.

(a) Boilers. If boilers are used, a minimum of two (2) must be provided. The combined capacity of the boilers, based upon the published Steel Boiler Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(3) Temperatures and ventilating systems.

(a) Temperatures. A minimum temperature of seventy-one (71) degrees Fahrenheit, shall be provided for in all occupied areas in winter conditions. A maximum temperature of eighty-one (81) degrees Fahrenheit shall be provided for in occupied areas in summer conditions.

(b) Ventilation system details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at the discharge end of the system. The ventilation rates shown in Section 17, Table 1 of this regulation, shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air-intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in Section 17, Table 1 of this regulation.

3. Room supply air inlets, recirculation, and exhaust air outlets installed in nonsensitive areas shall be located not less than than three

(3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate bathrooms, toilet rooms, or janitor's closets opening directly into corridors.

5. Filters.

(a) Central systems that serve patient care areas shall be provided with filters rated at eighty (80) percent efficiency based upon the National Bureau of Standards Dust Spot Method with Atmospheric Dust.

(b) Central systems that serve only areas other than patient care areas shall be provided with filters rated at twenty-five (25) percent efficiency based upon the National Bureau of Standards Dust Spot Method with Atmospheric Dust.

6. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and required temperatures in the facility.

(4) Plumbing and other piping systems.

(a) Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff, and all lavatories used by patients and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be at a distance from the center line of the sink to be operational.

(b) Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(5) Water supply system.

(a) Systems shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Bedpan flushing devices shall be provided.

(f) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(g) Plumbing fixtures which require hot water and which are intended for patient use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(h) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from, necessary overhead piping systems.

(6) Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Clinical	Dietary	Laundry
Gal/hr/bed	6 1/2	4	4 1/2
Temp. F.	100-110	180*	140-180**

*Temperature may be reduced to 140 if chloritizer is used.

**If the temperature used is below 180, the facility shall utilize detergents and other additives to insure that the linens will be adequately cleaned.

(b) A hot water system which supplies fixtures utilized by patients shall be equipped with an antiscald mixing valve.

(c) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have noncorrosive lining.

(7) Plumbing approval. Prior to final approval of the plans and specifications by the licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings and Construction.

Section 16. Electrical Requirements. (1) Electrical requirements of the Kentucky Building Code shall apply where applicable.

(2) The wiring in each facility shall be inspected by a certified electrical inspector and a certificate of approval shall be issued to the facility, prior to occupancy. However, the wiring in existing buildings shall be approved by a certified electrical inspector only when the building has not been previously so approved for health care occupancy or where the State Fire Marshal finds that a hazardous condition exists.

(3) Switchboard and power panels. All breakers and switches shall be indexed.

(4) Lighting.

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Patients' bedrooms shall have general lighting and night lighting. A reading light shall be provided for each patient. A fixed receptacle type night light mounted approximately sixteen (16) inches above the floor, shall be provided in each patient room. Patients' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire. All switches for control of light in patient areas shall be of the quiet operating type.

(c) Lighting levels for the facility shall comply with the requirements of Section 17, Table 2 of this regulation.

(5) Receptacles. Convenience outlets.

(a) Bedroom. Each patient bedroom shall have duplex receptacles on each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds), receptacles for luminairies television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(6) Nurses' calling system. A nurses' calling station shall be installed at each patient bed and in each patient toilet, bath, and shower room. The nurses' call in toilet, bath, or shower rooms, shall be an emergency call. All calls shall register at the nurses' station and shall actuate a visible signal in the corridor at the patients' door, in the clean workroom, soiled workroom, and nourishment station of the nursing unit. Nurses' call systems which provide two (2) way voice communications shall be equipped with an indicating light at each calling station which lights and remains lighted as long as the voice circuit is operative.

(7) Emergency electric service.

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the nursing care, treatment, or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be as follows:

1. An emergency generating set, when the normal service is supplied by one (1) or more central station transmission lines;

2. An emergency generating set or a central station transmission line, when the normal electric supply is generated on the premises.

(c) Emergency generating set.

1. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electric system. The emergency generator set shall be sufficient kilowatt capacity to supply all electrical connections itemized in paragraph (d) of this subsection.

2. In facilities constructed prior to the effective date of this regulation which are supplied by at least two (2) dedicated and separate utility service feeders, an emergency generating set is not required.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting.

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Dining and recreation rooms;

c. Nursing station and medication preparation area;

d. Generator set location, switch-gear location, and boiler room;

e. Elevator; and

f. Night lights in patient rooms.

2. Equipment. Essential to life safety and for protection of important or vital materials:

a. Nurses' calling system;

b. Alarm system including fire alarm actuated at manual stations, water-flow alarm devices of sprinkler system if electrically operated, fire-detecting and smoke-detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for nonflammable medical gas systems, if installed;

c. Fire pump, if installed;

d. Sewerage or sump-lift pump, if installed;

e. At least one (1) duplex receptacle located on the headwall in each patient room;

f. One (1) elevator, where elevators are used for vertical transportation of patients. Provide manual switch-over to operate other elevators.

g. Equipment such as burners and pumps necessary for operation of one (1) or more boilers and their necessary auxiliaries and controls, required for heating and sterilization; and

h. Equipment necessary for maintaining telephone service.

3. Emergency heating. An emergency heating system for the patient rooms, or the corridors of the facility designed at 150 percent efficiency, shall be required. Emergency heating of patient rooms or corridors shall not be required in areas where the facility is supplied by at least two (2) utility service feeders, each supplied by separate generating sources or a network distribution system fed by two (2) or more generators, with the facility feeders so routed, connected, and protected that a fault any place between the generators and the facility will not likely cause an interruption of more than one (1) of the facility service feeders.

(e) Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through one (1) or more primary automatic transfer switches to all emergency lighting, all alarms, nurses' call, equipment necessary for maintaining telephone service, and receptacles in patient corridors. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage battery-powered lights shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation of required emergency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

Section 17. Table 1 - Pressure Relationships and Ventilation of Certain Nursing Home Areas. Table 2 - Lighting Levels for Nursing Homes.

Table 1
Pressure Relationships and Ventilation
of Certain Nursing Home Areas

Area Designation	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air per Hour
Patient room	0	1
Patient room corridor	0	2
Treatment room	0	1
Physical and hydro-therapy; if applicable	N	2
Dining and recreation areas	0	2
Soiled workroom	N	2
Clean workroom	P	2
Toilet room	N	--
Bedpan room; if applicable	N	--
Bathroom	N	--
Janitor's closet	N	--

Linen and trash chute rooms	N	--
Food preparation center	0	2
Dishwashing area	N	--
Dietary dry storage	0	--
Laundry, general	0	2
Soiled linen sorting and storage	N	--
Clean linen storage	P	2

P = Positive N = Negative 0 = Equal -- = Optional

Table 1. Continued

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors
Patient room	4	--
Patient area corridor	4	--
Treatment room	6	Yes
Physical therapy and hydrotherapy; if applicable	6	--
Dining and recreation areas	4	--
Soiled workroom	4	Yes
Clean workroom	4	--
Toilet room	10	Yes
Bedpan room; if applicable	10	Yes
Bathroom	10	Yes
Janitor's closet	10	Yes
Linen and trash chute room	10	Yes
Food preparation center	10	Yes
Dishwashing area	10	Yes
Dietary dry storage	2	--
Laundry, general	10	Yes
Soiled linen sorting and storage	10	Yes
Clean linen storage	2	--

Table 2
Lighting Levels for Nursing Homes Facilities

Area	Foot-candles*
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Barber and beautician areas; if applicable	50
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Patient care unit (or room), general	10
Patient care room, reading	30
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50

*Minimum on task at anytime.

EDWARD A. WILSON, Inspector General
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 5, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
904 KAR 2:110E

This emergency administrative regulation implements the federally mandated job search requirement for recipients of cash assistance. The Refugee Resettlement Program is 100 percent federally funded. Failure to implement job search may lead to the loss of federal funding. This would necessitate the program be closed or funded by the state. This emergency administrative regulation also specifies criteria which shall qualify a cash assistance case, discontinued due to excess earned income, for up to four (4) months of extended Medicaid benefits. This also is federally mandated. This emergency administrative regulation shall be effective October 1, 1990. This emergency administrative regulation shall be replaced by an ordinary administrative regulation.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development

904 KAR 2:110E. Refugee assistance.

RELATES TO: KRS 194.050, 8 CFR 207.1, 208.2, 209.1-.2, 212.5, 245.1-.6; 34 CFR 690.2(1)-(6), 668.2-.4; 45 CFR 400.40-.104, 400.140-.156 [P.L. 96-212]

STATUTORY AUTHORITY: KRS 194.050, 8 CFR 207.1, 208.2, 209.1-.2, 212.5, 245.1-.6; 34 CFR 690.2(1)-(6), 668.2-.4; 45 CFR 400.40-.104, 400.140-.156 [P.L. 96-212]

EFFECTIVE: October 4, 1990

NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS 194.050 to administer programs to qualify for the receipt of federal funds providing cash and medical assistance to eligible Kentucky residents. This regulation establishes eligibility criteria and types and amounts of assistance for refugees residing in Kentucky.

Section 1. Definitions. (1) "Refugee" is any person of any nationality who:

(a) Because of persecution or fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion;

(b) Fled from their country or the country where the person habitually resides; [and]

(c) Cannot return there because of fear of persecution due to race, religion, nationality, membership in particular social group, or political opinion; and

(d) [(b)] Has been granted status by the United States Department for Immigration and Naturalization Service (INS) as:

1. Refugee;
2. Asylee;
3. Parolee;
4. Voluntary departure;
5. Permanent resident alien;
6. Conditional entrant;
7. Amerasian immigrant; or
8. Cuban-Haitian entrant.

(2) "Refugee Resettlement Program (RRP)" is the program for refugees who shall [meet the following criteria]:

(a) Have been United States residents for not

more than twelve (12) months beginning with the month a refugee entered the United States; and

(b) Meet one (1) of the following status criteria of the [Immigration and Naturalization Service (]INS [)]:

1. A person from any country who has parolee status as a refugee or asylee [under Section 212(d)(5) of the Immigration and Nationality Act (INA)];

2. A person admitted from any country with [a] conditional entrant status [under Section 203(a)(7) of the INA];

3. A person from any country admitted as a refugee [under Section 207 of the INA (as added by the Refugee Act of 1980)];

4. A person from any country who has been granted asylum status [under Section 208 of the INA (as added by the Refugee Act of 1980)];

5. A person admitted as an Amerasian immigrant [under Public Law 100-202]; or

6. A person from any country who previously held one (1) of the above statuses whose status has been adjusted to permanent resident alien.

Section 2. Application. Each refugee household requesting assistance shall:

(1) Complete an application; and

(2) Provide information necessary to determine eligibility in accordance with the procedural requirements of the cabinet.

Section 3. Eligibility Criteria. The applicant shall meet the following conditions of eligibility for receipt of cash and medical assistance under the Refugee Resettlement Program:

(1) Alien or citizenship status. The applicant shall be:

(a) A refugee; or [, however,]

(b) A child of a recipient of refugee assistance who is:

1. A United States citizen by birth within the United States; and [is]

2. Eligible while the [eligible] refugee parent remains eligible for refugee assistance. [; and]

(2) Exclusion from other assistance programs. The applicant shall be ineligible for:

(a) Aid to Families with Dependent Children (AFDC); and

(b) Medical Assistance Program. [s; and]

(3) Residence. The applicant shall be a Kentucky resident as specified in 904 KAR 2:006, Technical requirements; AFDC. [; and]

(4) Income and resource limits. The applicant shall meet the financial eligibility standards [need and resource limitations criteria] of:

(a) Aid to Families with Dependent Children in 904 KAR 2:016, Standards for need and amount; AFDC; or [if the application is for medical assistance only, the applicant shall meet]

(b) The AFDC-related Medical Assistance Program [financial eligibility standard] in 904 KAR 1:004, Resource and income standard of medically needy if the application is for medical assistance only. [; and]

(5) Employability and social services. For receipt of cash assistance the applicant shall:

(a) Participate in any available and appropriate social service program providing job or language training in the area in which the refugee resides; and [. In addition, the applicant shall]

(b) Register for employment with the state employment office, unless exempt under one (1) of the following criteria:

1. [(a)] A child under age sixteen (16);

2. [(b)] A child age sixteen (16) through seventeen (17), if enrolled as a full-time student at the high school level or the equivalent level of vocational or technical school;

3. [(c)] An individual who has a medically determined temporary illness or injury with recovery anticipated within ninety (90) days;

4. [(d)] An individual who has a medically determined physical or mental incapacity which is expected to exist longer than ninety (90) days;

5. [(e)] An individual age sixty-five (65) or over;

6. [(f)] An individual whose presence is required in the home to care for another member of the household who has been medically determined unable to care for himself and for whom alternate care arrangements are not feasible;

7. [(g)] A mother or other caretaker relative of a child under age six (6);

8. [(h)] A mother, if the father is required to register; and

9. [(i)] A woman who is medically verified to be in the third trimester of pregnancy.

(6) Job search.

(a) For receipt of cash assistance, the applicant shall participate in job search unless exempt under the criteria specified in subsection (5)(b) of this section.

(b) Job search shall begin:

1. The sixth month after the refugee entered the United States; or

2. At the time the refugee is determined eligible for refugee cash assistance if the refugee has resided in the United States for at least six (6) months at the time of the determination.

(c) Job search shall continue for eight (8) consecutive weeks.

(d) A minimum of two (2) job contacts per week shall be completed and recorded for monitoring purposes.

(e) Job contacts may be made:

1. In person;

2. By mail; or

3. By telephone.

(f) If a nonexempt refugee fails to complete the job search requirements, sanctions specified in subsection (7)(b) of this section shall apply.

(7) Cooperation requirement.

(a) [(6)] For receipt of cash assistance, the refugee shall not without good cause:

1. Refuse an appropriate offer of employment;

2. Terminate employment; or

3. Refuse to participate in an available and appropriate social service program.

(b) Any refugee not meeting this requirement shall be ineligible for a period of:

1. Three (3) months for the first occurrence; and

2. [for a period of] Six (6) months for subsequent occurrence.

(c) Good cause criteria is specified in 904 KAR 2:016, Section 4(4)(a).

(8) Student status. [(7)] For receipt of cash assistance, the refugee shall not be:

(a) A full-time student;

(b) Carrying a full-time workload; and [that is equal to or greater than those specified at 34 CFR 690.2(1)-(6)]

(c) [In an institution of higher education

[(defined by 34 CFR 668.2(a)(4), 668.3(a)(5), and 668.4(a)(4))] other than a correspondence school.

(9) Time limitation. [(8)] The [applicant shall meet the] period of eligibility is limited to twelve (12) months after entry into the United States [and status criteria of the Refugee Resettlement Program].

(10) Newborns.

(a) [(9)] A child born to a woman receiving medical assistance under the Refugee Assistance Program is eligible for medical assistance if:

1. The child has not reached his first birthday;

2. He resides in the household of the woman; and

3. The woman remains eligible for medical assistance.

(b) In this situation, an application is deemed to have been made and the child found eligible for medical assistance as of the date of birth.

Section 4. Benefit Levels. (1) Cash assistance shall be the same as for AFDC in 904 KAR 2:016, standards for need and amount; AFDC, except that the thirty (30) dollars plus one-third (1/3) disregard of earned income does not apply.

(2) Extended medical benefits.

(a) A refugee cash assistance case discontinued due to new or increased earned income shall be eligible for medical assistance for up to four (4) months.

(b) The four (4) months shall begin with the first month of cash assistance ineligibility due to earned income.

(c) Months for which recoupment is appropriate, due to earned income, shall be considered as part of the four (4) month period.

(3) Medical benefits.

(a) [(2)] Medical assistance benefits shall include all benefits available to Medicaid recipients.

(b) In addition, children eligible for medical assistance under the refugee assistance program are eligible for coverage of:

1. Hepatitis B immune globulin (HBIG); and

2. Hepatitis B virus (HBV) vaccine inoculations.

(c) Costs incurred for these inoculations will be covered by the Refugee Assistance Program.

(4) Payments.

(a) [(3)] Payment of benefits depends upon the availability of federal funds.

(b) If federal funds are insufficient or are not provided to the state in a timely manner, payments may be:

1. Reduced;

2. Suspended; or

3. Terminated [if federal funds are insufficient or are not provided to the state in a timely manner].

Section 5. Recoupment. Action shall be taken to recoup cash assistance overpayments in accordance with 904 KAR 2:016, Section 10, Recoupment.

Section 6. Time and Manner of Payment. Time and manner of payment shall be in accordance with 904 KAR 2:050, Time and manner of payments.

Section 7. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055, Hearings and appeals.

Section 8. Material Incorporated by Reference. (1) Forms necessary to participate in mandatory job search are incorporated effective October 1, 1990.

(2) This material is available to be inspected and copied at the Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky 40621.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 18, 1990
FILED WITH LRC: October 4, 1990 at 9 a.m.

STATEMENT OF EMERGENCY
904 KAR 3:035E

Revised federal regulations at 7 CFR 273.11 require that states change policy related to individuals sanctioned for noncompliance with the Food Stamp Employment and Training Program. Effective October 15, 1990, states shall count the income and resources of the sanctioned person in the determination of benefits for the rest of the household. Failure to implement this policy timely may lead to reduced federal funding due to sanctions caused by an increased quality control error rate. However, if states implement the change timely, errors associated with the new policy shall be disregarded by quality control for the first sixty (60) days following implementation. In order to comply with the federal mandate effective October 15, 1990, this emergency regulation shall be filed. This emergency regulation shall be replaced by an ordinary administrative regulation.

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

CABINET FOR HUMAN RESOURCES
Department for Social Insurance
Division of Management & Development

904 KAR 3:035E. Certification process.

RELATES TO: KRS 194.050, 7 CFR 273.1; 273.2, .5, .10, .11, .12, .14, .21, 274.6
STATUTORY AUTHORITY: KRS 194.050, 7 CFR 271.4, 272.1
EFFECTIVE: October 9, 1990
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 certification process used by the cabinet in the administration of the Food Stamp Program.

Section 1. Definitions. (1) "Striker" means a person who:

(a) Is involved in a strike, concerted stoppage of work, concerted slow down of work, or other concerted interruption of operations by employees; and

(b) Is not exempt from food stamp work registration.

(2) "Sponsored alien" means those aliens lawfully admitted for permanent residence into the United States by the Immigration and Naturalization Service.

(3) "Sponsor" means a person who executed an agreement of support on behalf of an alien as a condition of the alien's entry or admission into the United States.

Section 2. [1.] Eligibility and Benefit Levels. (1) Eligibility and benefit levels shall be determined by the cabinet by considering the household's circumstances for the entire period [month(s)] for which each household is certified. [Procedures specified in 7 CFR Part 273 and any waivers thereto approved by the federal Food and Nutrition Service (FNS) shall be used to determine eligibility and calculate net income and benefit levels.]

(2) The criteria [set forth in this section] shall be applicable to all households.

(3) [In addition,] Certain households require special or [/] additional certification procedures as specified in Section 5 of this administrative regulation.

Section 3. [2.] Certification Periods. (1) The cabinet shall establish a definite period of time within which a household shall be eligible to receive benefits.

(2) Households shall be certified for at least three (3) months, except as follows:

(a) Households eligible for a certification period of three (3) months or less shall, at the time of certification, have their certification periods increased by one (1) month, if the certification process is completed after the 15th day of the month of application;

(b) Households shall be certified for one (1) or two (2) months, as appropriate when:

1. The household cannot reasonably predict what its circumstances will be in the near future; or

2. When there is substantial likelihood of frequent and significant changes in income or household status.

(3) Households composed entirely of recipients of public assistance (PA) or a combination of PA and Supplemental Security Income (SSI) shall be assigned a certification period to coincide with their PA reinvestigation date.

(4) The following households shall be certified for up to twelve (12) months:

(a) A household which is required to submit monthly reports.

(b) A household composed entirely of unemployable or elderly persons with very stable income, provided that other household circumstances are expected to remain stable; and

(c) A household whose primary source of income is from self-employment or from regular farm employment with the same employer, provided that the income can be readily predicted and household circumstances are not likely to change.

(5) The following households shall be assigned a certification period not to exceed six (6) months, including those household types specified in subsection (4) of this section.

(a) A household which is granted separate household status because the household consists of:

1. An individual and the individual's minor child;

2. The individual and child are living with the individual's parent or sibling; and

3. The individual purchases and prepares meals separately from the parent or sibling; or

(b) Recipients of PA or a combination of PA and SSI receiving up to fifty (50) dollars child support payments forwarded from the Division of Child Support Enforcement. These households shall be exempt from the monthly reporting requirements. [At the expiration of each certification period entitlement to food stamp benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and verification. Certification periods for nonpublic assistance households shall be in accordance with those specified in 7 CFR Parts 273.2(k)(1)(iii)(B), 273.10(f)(3)(4)(5)(6), and 273.21(a)(3). Households in which all members are included in a PA grant shall be certified for a period of time which ensures, to the extent possible, that the recertification date and the PA reinvestigation date coincide.]

Section 4. [3.] Certification Notices to Households. The cabinet shall provide applicants with one (1) of the following written notices as soon as a determination is made, but no later than thirty (30) days after the date of the initial application:

(1) Notice of eligibility;

(2) Notice of denial; or

(3) Notice of pending status.

Section 5. [4.] Application for Recertification. The cabinet shall process applications for recertification as specified in 904 KAR 3:030, Section 1, as follows: [in accordance with 7 CFR Part 273.10(g)(2), Part 273.14 and Part 273.21(q), unless specifically waived by FNS.]

(1) If the household files the application by the 15th day of the last month of the certification, the cabinet shall provide uninterrupted benefits if the household is otherwise eligible; or

(2) If the household files the application after the 15th day but prior to the last day of the last month of the certification, the cabinet shall provide benefits within thirty (30) days of date of the application if the household is otherwise eligible.

Section 6. [5.] Certification Process for Specific Households. Certain [The following] households have circumstances that are substantially different from other households and therefore require special or [/] additional certification procedures.

(1) A household with self-employed members shall have its [their] case processed as follows: [in accordance with 7 CFR Part 273.11(a).]

(a) Income is annualized over a twelve (12) month period if:

1. Self-employment income represents a household's annual income; or

2. Self-employment income is received on a monthly basis which represents a household's annual support;

(b) Self-employment income which is intended to meet the household's needs for only part of the year shall be averaged over the period of time the income is intended to cover;

(c) The income from a household's self-employment enterprise which has been in

existence for less than one (1) year shall be averaged over the period of time the business has been in operation and a monthly amount projected over the coming year; or

(d) The cabinet shall calculate the self-employment income on anticipated earnings if the averaged annualized amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business.

(2) A household with boarders shall have its [their] case processed as follows: [in accordance with 7 CFR Part 273.11(b).]

(a) Income from the boarder shall be:

1. Treated as self-employment income; and

2. Shall include all direct payments to the household for room, meals, and shelter expenses;

(b) Deductible expenses include:

1. Cost of doing business;

2. Twenty (20) percent of the earned income; and

3. Shelter costs.

(3) A household with ineligible members shall be processed as follows:

(a) Ineligible due to:

1. Intentional program violation;

2. Failure to comply with the work requirements; or

3. Failure to comply with workfare requirements;

a. Income and resources in their entirety shall be counted as income available to the remaining household members;

b. Remaining household members shall receive standard earned income, medical, dependent care, and excess shelter deductions; and

c. The ineligible member shall not be included when;

(i) Assigning benefit level;

(ii) Comparing monthly income with income eligibility standard; and

(iii) Comparing household resources with resource eligibility standard;

(b) Ineligible due to:

1. Failure to provide a Social Security number;

2. Ineligible alien status; or

3. Failure to attest to citizenship or alien status;

a. All resources of ineligible members shall be considered available to the remaining household members;

b. A pro rata share of the ineligible member's income shall be attributed to remaining household members;

c. Earned income deduction shall be applied to pro rata share of earnings; and

d. The ineligible member's share of dependent care and shelter expenses shall not be counted;

5. The ineligible member shall not be included when;

a. Assigning benefit level;

b. Comparing monthly income with income eligibility standard; and

c. Comparing household resources with resource eligibility standard.

[(3) Households with excluded household members which have been disqualified from program participation due to intentional program violation, failure to provide a Social Security number, because they are ineligible aliens, or because they have not verified their citizenship or alien status prior to certification, shall have their case processed in accordance with 7 CFR Part 273.11(c).]

(4) A household with nonhousehold members shall be processed as follows: [in accordance with 7 CFR Part 273.11(d).]

(a) The income and resources of nonhousehold member (other than those described in subsection (3) of this section) shall not be considered available to the household with whom they reside;

(b) If earned income of household members and nonmembers are combined into one (1) wage, the agency shall:

1. Count that portion due to the household as earned income, if identifiable; or

2. Count pro rata share of earned income if nonmember's share cannot be identified;

(c) The nonmember shall not be included when;

1. Assigning a benefit level to the household;

2. Comparing monthly income with income eligibility standards; and

3. Comparing household resources with resource eligibility standard.

(5) A resident of a drug or [/] alcoholic treatment and rehabilitation program in a private, nonprofit organization or a publicly operated community mental health center shall have his [their] case processed as follows: [in accordance with 7 CFR Part 273.11(e).]

(a) Eligibility shall be determined as a one (1) person household;

(b) Certification shall be accomplished through an authorized representative;

(c) Food stamp processing standards and notice provisions shall also apply to resident recipients;

(d) Treatment center shall notify the agency of any changes in a resident's circumstances;

(e) Upon departure of the center, the resident shall be eligible to receive any remaining benefits, if otherwise eligible; and

(f) The organization or institution shall be responsible for knowingly misrepresenting household circumstances.

(6) A resident of a group living arrangement who is [are] blind or disabled and [who] receives retirees, survivors, and disabled individuals or SSI benefits [under Title II or Title XVI of the Social Security Act] shall have his [their] case processed as follows: [in accordance with 7 CFR Part 273.11(f), which allows residents to apply in their own behalf or through the use of an authorized/certified facility's authorized representative.]

(a) A resident shall apply on his own behalf or through use of the facility's authorized representative;

(b) Certification provisions applicable to all other households shall be applied;

(c) Responsibility for reporting changes depends upon who files the application;

1. If resident applies on his own behalf, the household shall report changes to the agency; or

2. If the center acts as authorized representative, the group living arrangement shall report changes;

(d) Eligibility of the resident shall continue after departure from the group living arrangement, if otherwise eligible; and

(e) The group living arrangement shall be responsible for knowingly misrepresenting household circumstances unless the household applied on its own behalf.

(7) A resident of a shelter for battered women and children shall have her [their] case processed as follows: [in accordance with 7 CFR 273.11(g).]

(a) The shelter shall:

1. Have food and nutrition service authorization to redeem at wholesalers; or

2. Meet the federal definition of such a shelter;

(b) A shelter resident shall be certified for benefits, if otherwise eligible, if she is currently included in a former household which contains the person who abused her; and

(c) The cabinet shall promptly remove the resident from the former household's case, upon notification.

(8) An SSI recipient shall have his case processed as follows: [Households consisting only of supplemental security income (SSI) applicants or recipients shall have their case processed in accordance with 7 CFR 273.2(k).]

(a) Application may be filed at:

1. The Social Security Administration (SSA) Office; or

2. The local food stamp office;

(b) The cabinet shall not require an additional interview for applications filed at the SSA;

(c) The cabinet shall obtain all necessary verification prior to approving benefits;

(d) Certification periods shall conform to Section 3 of this administrative regulation; and

(e) Household changes in circumstances shall conform to Section 7 of this administrative regulation.

(9) A household with a member who is on strike shall have its eligibility determined by: [their case processed in accordance with 7 CFR 273.1(g).]

(a) Comparing the striking member's income the day prior to the strike to the striker's current income;

(b) Adding the higher of the prestrike income or current income to other current household income; and

(c) Allowing the appropriate earnings deduction.

(10) Replacement issuances. [Households requesting replacement allotments shall be processed in accordance with 7 CFR 273.11(i), 274.2(h) and 274.3(c).]

(a) The cabinet shall provide replacement issuances when:

1. The coupons or authorization document were:

a. Not received;

b. Stolen from the mail;

c. Destroyed in a household misfortune;

d. Improperly manufactured; or

e. Mutilated.

2. Food purchased with food coupons was destroyed in a household misfortune; or

3. The household received a partial allotment.

(b) Replacement issuances shall not be authorized if after receipt:

1. Coupons are:

a. Lost;

b. Stolen; or

c. Misplaced.

2. Authorization documents are:

a. Lost; or

b. Misplaced.

3. Authorization documents or coupons are destroyed after receipt in other than a household misfortune or disaster;

4. Coupons sent registered mail or certified mail are signed for by anyone residing with or visiting the household; or

5. The household or authorized representative has not signed the household statement of nonreceipt.

(c) Replacement issuances shall be provided when:

1. The loss is reported within ten (10) days of the date on which:

a. An authorization document is stolen; or

b. An authorization document, coupons or food purchased with food coupons are destroyed in a household misfortune; or

2. In mail issuance counties, the loss is reported within the month of intended use.

(d) The cabinet shall limit replacement issuances to two (2) countable replacements in six (6) months for authorization documents or coupons reported as destroyed in a household misfortune.

(11) Student households [or households containing a member(s) who is a student shall have their case processed in accordance with 7 CFR Part 273.5].

(a) Any person who meets all of the following criteria shall be ineligible to participate in the Food Stamp Program:

1. Is between ages eighteen (18) and sixty (60);

2. Physically and mentally fit; and

3. Enrolled at least half-time in an institution of higher education.

(b) The criteria in paragraph (a) of this subsection shall not deem a household member ineligible if the member:

1. Is employed or self-employed at least twenty (20) hours per week and is paid for such employment;

2. Participates in a federally financed work study program;

3. Is responsible for the care of a dependent household member under age six (6);

4. Is receiving benefits from the Aid to Families with Dependent Children Program (AFDC); or

5. Is assigned to or placed in an institution of higher learning through a program under the Job Training Partnership Act.

(12) Sponsored aliens. [Households containing a sponsored alien(s) shall have their case processed in accordance with 7 CFR Part 273.11(h).]

(a) Income of the sponsored alien shall:

1. Include that portion of the sponsor's and his spouse's income deemed to be that of the alien;

2. Be subject to appropriate income exclusions; and

3. Be reduced by:

a. Twenty (20) percent earned income disregard, if appropriate; and

b. An amount equal to the Food Stamp Program monthly gross income limit for a household size equal to the household size of the sponsor.

(b) Resources of the sponsored alien shall include the total resources of the sponsor and the sponsor's spouse, reduced by $1500.

(c) The appropriate portions of income and resources of the sponsor and of the sponsor's spouse shall be deemed unearned income for a period of three (3) years following the alien's admission for permanent residence into the United States.

(13) A household which is [are] required, as specified in 904 KAR 3:020, Section 6(6), to comply with mandatory monthly reporting criteria shall have its [their] case processed as follows: [and shall comply with reporting requirements in accordance with 7 CFR Part 273.21 and waivers thereto approved by FNS, with

selected options as follows:]

(a) The cabinet shall adopt a two (2) month system in which the issuance month is the second month following its corresponding budget month;

(b) There shall be up to three (3) beginning months of participation in this system, the first month and the two (2) months following;

(c) Eligibility and benefit calculation shall be determined prospectively for beginning months;

(d) Ongoing eligibility shall be determined by considering all factors of eligibility prospectively and determining benefits retrospectively;

(e) Eligibility factors causing a period of ineligibility which exceeds one (1) month shall be acted upon immediately;

(f) A monthly reporting household which is ineligible for a period not to exceed one (1) month shall be treated as follows:

1. The ineligible household's issuance shall be suspended for one (1) month.

2. If the suspended household remains ineligible after one (1) month, the cabinet shall terminate the household's participation; and

[(a) A two (2) month system shall be used whereby the issuance month is the second month following its corresponding budget month. This system includes two (2) or three (3) beginning months, the month of application and/or month of approval and the following month. Eligibility and benefit calculation shall be determined prospectively for the beginning months.]

[(b) For households reporting monthly, ongoing eligibility shall be determined by considering all factors of eligibility prospectively benefits shall be determined retrospectively. However, any factor which causes ineligibility prospectively, for a period longer than one (1) month, shall be acted upon immediately. For households reporting less frequently than monthly, ongoing eligibility and benefits shall be determined prospectively.]

[(c) The amount of the PA grant which was issued in the base month shall be considered in the corresponding budget month.]

[(d) Counties shall terminate or suspend cases in accordance with 7 CFR Part 273.21(m) and 273.21(n).]

(g) [(e)] The recertification form shall serve as the report required for that month in which a household must be recertified.

[(f) All households specified in 7 CFR Part 273.21(b)(2), as well as any others exempted by the appropriate federal agency, shall be excluded from mandatory monthly reporting.]

Section 7. [6.] Reporting Changes. (1) A certified household is [are] required to report [those] changes in household circumstances [specified in 7 CFR Part 273.12(a)] within ten (10) days of the date the change becomes known to the household.

(2) An applying household shall report all changes related to its food stamp eligibility and benefits at the certification interview, or for changes occurring after the interview but prior to receipt of the notice of eligibility, within ten (10) days of the date of the notice. [The cabinet shall act on reported changes in accordance with 7 CFR Part 273.12(c). The cabinet shall comply with other change reporting provisions outlined in 7 CFR Part 273.12.]

(3) A household which is [are] required to report monthly, shall not be required to submit any reports of changes other than the reports required under Section 6[5](13) of this regulation.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: October 3, 1990
FILED WITH LRC: October 9, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:019E

This emergency administrative regulation is being promulgated to show that drugs provided to Medicaid recipients in nursing facilities shall be covered through the pharmacy program. This action is necessary to ensure that federally mandated upper limits on drug pricing are adhered to and must be done on an emergency basis to reduce the risk of potential federal sanctions against the Medicaid program which would operate to the severe detriment of the taxpayers of the state. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about October 5, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:019E. Pharmacy services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 205.560(1)(a), (b), (c)
EFFECTIVE: October 9, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance [under Title XIX of the Social Security Act]. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to pharmacy services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and medically needy.

Section 1. "Drug manufacturer or distributor" means those companies which the KMAP requests to provide directly to the KMAP pricing or cost information which shall [will] be used in establishing the estimated acquisition cost upper limit as required by federal regulations.

Section 2. Prescribed Drugs. Drugs prescribed by a physician, osteopath, or dentist in accordance with 907 KAR 1:020 shall be provided with the following limitations:

(1) The drug must be included on the Kentucky Medical Assistance Program Outpatient Drug List (as published by the Cabinet for Human Resources);

(2) Prescribing quantities may be limited by the program;

(3) Patients placed in "lock-in" status due to overutilization shall [are to] receive services only from their lock-in provider except in the

case of emergency or referral;
(4) Practitioner authorization, i.e., actual signature of the prescriber, shall be required on all prescriptions not phoned in, on all Schedule II controlled substances prescriptions, and when the physician override (certification of brand name necessity) procedure is being used. For telephone prescriptions (but not including the preceding) the pharmacist shall enter on the prescription form the name of the prescriber and the initials of the pharmacist;
(5) No prescription shall be refilled more than five (5) times, or more than six (6) months after the original prescription is written;
(6) Drugs, provided to recipients in institutions in which drugs are considered a part of the reasonable allowable costs under the Kentucky Medical Assistance Program, shall not be billed as an outpatient pharmacy benefit;
(7) Effective October 1, 1990, drugs provided to recipients in nursing facilities (except for patients in head injury units and units providing care for ventilator dependent patients) shall be billed as an outpatient pharmacy benefit;
(8) [(7)] Effective May 1, 1975, legend drugs, of a type not included on the Kentucky Medical Assistance Program Outpatient Drug List, and which meet established criteria, shall be considered covered for individual recipients when preauthorized by qualified medical professionals within the Department for Medicaid Services;
(9) Effective October 1, 1990, drugs of a type not on the KMAP outpatient drug list may be placed on a preauthorization list and authorized as a group for recipients in personal care homes and nursing facilities; and
(10) Drugs for which the Food and Drug Administration has issued a "less than effective (LTE)" rating and drugs which are determined to be "identical, related, or similar to LTC drugs" shall not be covered.

Section 3. Drug Pricing Information. Drug manufacturers and distributors shall be required to provide the Medical Assistance Program with accurate and complete pricing and cost information with regard to the drug manufacturer or distributor's drugs which are considered for inclusion on the outpatient drug list, or which may be preauthorized, upon request of the program.
(1) When a drug manufacturer or distributor provides inaccurate information with regard to drug pricing and cost and the fact has been documented to the program, the program may remove the drug for which inaccurate information has been provided from the outpatient drug list for a period of six (6) months, and may refuse to preauthorize the drug for a period of six (6) months. A drug manufacturer or distributor may request reinstatement of the drug after the six (6) month suspension period, and the program shall restore to its former status the drug if complete and accurate pricing information has been provided to the program by the drug manufacturer or distributor.
(2) When a drug manufacturer or distributor fails to provide complete pricing and cost information concerning a drug within thirty (30) days of the request from the program, the program may remove the drug from the outpatient drug list and refuse to preauthorize the drug. The drug may be returned to the outpatient drug list and preauthorized upon receipt by the program of the required pricing and cost information.

Section 4. The amendments to this regulation shall be effective with regard to services provided on or after October 1, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: October 3, 1990
FILED WITH LRC: October 9, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:020E

This emergency administrative regulation is being promulgated to provide for revisions to the drug pricing mechanism resulting from the decision to pay for drugs provided recipients in nursing facilities through the pharmacy program. The revisions show use of an automated (Medi-Span, Inc.) drug pricing update service and continued use of special unit dose pricing as a dispensing fee add-on for drugs provided recipients in nursing facilities. This action is necessary to comply with federally mandated upper limits for drugs and must be done on an emergency basis to avoid potential federal sanctions against the Medicaid program which would operate to the severe detriment of the taxpayers of the state. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about October 5, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:020E. Payment for drugs.

RELATES TO: KRS 205.550, 205.560
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: October 9, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a program of Medical Assistance [under Title XIX of the Social Security Act]. KRS 205.550 and 205.560 require that the secretary prescribe the methods for determining costs for vendor payments for medical services. This regulation sets forth the method for determining amounts payable by the department for drugs.

Section 1. Maximum Allowable Cost Reimbursement Limits. (1) Reimbursement to pharmacies participating in the Medical Assistance Program for those drugs contained on the Kentucky Medical Assistance Program Outpatient Drug List (as published by the Cabinet for Human Resources), or preauthorized for individual recipients based on medical necessity, and provided to eligible recipients shall be determined in accordance with the following policies [is limited to the lowest of]:
(a) Drug costs shall be determined in the pharmacy program using the Medi-Span, Inc. tape pricing system with pricing determined by the actual package size utilized. The state maximum allowable cost (SMAC) amounts in effect in

October 1, 1990 shall be frozen in place.

(b) When an average wholesale price (AWP) and direct price are listed in Medi-Span, reimbursement shall be the lesser of the SMAC, federal maximum allowable cost (FMAC), or AWP minus five (5) percent, plus a dispensing fee (and unit dose add-on, as appropriate) or the billed charge unless the physician has written "do not substitute" or "brand necessary" on the prescription.

(c) If an AWP is not listed, reimbursement shall be the lesser of the SMAC, FMAC, or direct price plus a dispensing fee (and unit dose add-on, as appropriate), or the billed charge unless the physician has written "do not substitute" or "brand necessary" on the prescription.

(d) If the physician has written "do not substitute" or "brand necessary" on the prescription, reimbursement shall be based on the lower of the pharmacy's usual and customary charge or the estimated acquisition cost (EAC) for the respective drug plus a dispensing fee (and unit dose add-on, as appropriate).

[(a) The maximum allowable cost (MAC) of the drug, if any, whether federal or state or both, plus a dispensing fee; or]

[(b) The estimated acquisition cost (EAC) of the drug plus a dispensing fee; or]

[(c) The provider's usual and customary charge to the public for a like product and service.]

[(2) Reimbursement to skilled nursing and intermediate care facilities for drugs provided to eligible recipients is allowable in accordance with the following:]

[(a) The Kentucky Medical Assistance Program Outpatient Drug List (with additions and deletions thereto) shall be provided by the program to each participating facility, and for the drugs contained therein, the limits specified in subsection (1) of this section are applicable;]

[(b) For drugs not on the drug list, the maximum reimbursement shall be the same as set forth in subsection (1)(a) through (c) of this section. EAC's shall be determined in the same manner as for drugs included on the outpatient drug list. SNF/ICF facilities shall not impose an additional charge on medicaid eligible recipients for drugs because of the limitations set forth in Section 1(2) of this regulation;]

[(c) A packaging cost allowance of not more than six (6) cents per dose may be added to the drug cost (if not already included) for unit dose packaged drugs. The packaging cost (up to six (6) cents, plus the drug cost is added to the dispensing fee to determine the total reimbursement amount for a unit dose packaged prescription;]

(e) [(d)] There shall be no more than two (2) dispensing fees allowed per drug within a calendar month [thirty (30) day period], except for Schedules II, III, and IV controlled substances and for nonsolid dosage forms, including topical medication preparations, for which no more than four (4) dispensing fees per drug shall [will] be paid within a calendar month [thirty (30) day period]. Though dispensing fees are limited, this shall not be construed as placing a limit on the quantity of reimbursable drugs for which the program will pay for any patient, since the reasonable cost of the drug (as defined herein) is reimbursable as a covered service in whatever quantity is considered medically necessary for the patient. Nonsolid dosage forms include all covered drug items other than oral tablets or capsule forms. [Drug items or other related supplies purchased for routine use and which may be purchased without a prescription, including food supplements, are not reimbursable in SNFs or ICFs under the drug program, though the cost of such drug, supply item or food supplement, is an allowable cost for the facility with the cost computed in accordance with the state regulation covering medicaid reimbursement for the facility;]

(f) [(e)] Whenever possible, unused drugs paid for by the department shall be returned to the pharmacy with the credit for the cost of the drug and the unit dose packaging cost (if applicable) accruing to the cabinet. [as an offset against allowable ancillary cost; and]

[(f) Interim payments made to participating facilities for allowable drug costs shall be settled at actual allowable costs computed in accordance with the upper limits shown herein at the end of the facilities' fiscal year.]

(2) [(3)] Reimbursement to hospitals for drugs provided to eligible recipients is on the basis of reasonable cost pursuant to 907 KAR 1:013. While reimbursement for drugs provided to patients in brain injury units in nursing facilities and units providing ventilator dependent care in nursing facilities is within the all-inclusive rate for the brain injury unit or ventilator care unit, the upper limits in this regulation shall be applicable with regard to payments for drugs provided in those settings.

[Section 2. Physician Maximum Allowable Cost (MAC) Override. The MAC price limitation in Section 1 of this regulation shall not apply in any case where a physician certifies in his own handwriting that in his medical judgment, a specific covered brand is medically necessary for a particular patient. In such instances, reimbursement shall be based on the lower of the EAC plus a professional dispensing fee or the provider's usual and customary charge to the public for the drug.]

Section 2. [3.] Dispensing Fees. (1) [Effective July 1, 1984,] The dispensing fee shall be [no more than] three (3) dollars and twenty-five (25) cents per prescription for drugs reimbursed through the outpatient drug program to all eligible recipients except those in nursing facilities. [, as shown in Section 1(1) of this regulation, where the covered drugs are limited to those contained on the Kentucky Medical Assistance Program Outpatient Drug List. The allowable dispensing fee shall be no more than three (3) dollars and twenty-five (25) cents (except for the additional amount for unit dose packaging as shown in Section 1(2)(c) of this regulation) for drugs reimbursed as part of the covered services of skilled nursing and intermediate care facilities, as shown in Section 1(2) of this regulation.]

(2) For eligible recipients in nursing facilities, an addition to the usual dispensing fee of three (3) dollars and twenty-five (25) cents shall be made for drugs dispensed through the pharmacy outpatient drug program in the amount of four (4) cents per unit dose for unit dose drugs packaged in unit dose form by the manufacturer and six (6) cents per unit dose for unit dose drugs packaged in unit dose form by the pharmacist.

Section 3. [4.] Reimbursement to Dispensing Physicians. Participating dispensing physicians who practice in counties where no pharmacies are located are reimbursed for the cost of the drug only, with the cost computed as the maximum allowable cost or estimated acquisition cost as shown in Section 1(1) of this regulation, or the physician's usual and customary charge to the general public for the drug if less, or in accordance with 907 KAR 1:010 for drugs purchased on the open mrket for specified immunizations shown in 907 KAR 1:009.

Section 4. Effective Date. The amendments to this regulation shall be effective with regard to services provided on and after October 1, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: October 3, 1990
FILED WITH LRC: October 9, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:022E

This emergency administrative regulation is being proposed to comply with nursing home reform requirements contained in the Omnibus Budget Reconciliation Act of 1987. Failure to implement on the statutorily mandated date, October 1, 1990, could result in the imposition of severe fiscal sanctions against the state. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about October 1, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:022E. [Skilled] Nursing facility and intermediate care facility for the mentally retarded services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: October 5, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance [in accordance with Title XIX of the Social Security Act]. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to [skilled] nursing facility and intermediate care facility for the mentally retarded 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. The following definitions shall be applicable:

(1) "Patient status" means that the individual has care needs meeting the criteria set forth in this regulation for treatment in the institutional setting.

(2) "Intermittent high intensity services" means the individual requires high intensity nursing services at regular or irregular intervals, but not on a twenty-four (24) hour per day basis.

(3) "Stable medical condition" means one which is capable of being maintained in accordance with a planned treatment regimen requiring a minimum amount of medical supervision without significant change or fluctuation in the patient's condition or treatment regimen.

(4) "Nursing facility" (NF) means a facility which has a license as a nursing facility and which is certified to the Department for Medicaid Services by the state survey agency as meeting nursing facility standards. A facility which is certified to the department as meeting skilled nursing facility standards based on a survey agency survey made prior to October 1, 1990 shall be deemed to meet the requirements for participation as a nursing facility until the first survey agency survey of the facility which occurs on or after October 1, 1990. Hospital swing beds providing services in accordance with 42 USC 1395tt and 42 USC 13961 shall also be considered nursing facilities so long as the swing beds are certified to the department as meeting nursing facility standards (or in the interim before the first survey agency survey on or after October 1, 1990 skilled or intermediate care nursing facility standards). Nursing facilities shall meet Medicare participation requirements.

(5) "Nursing facility with waiver" (NF-W) means a facility which has a license as a nursing facility and which is certified to the Department for Medicaid Services by the state survey agency as meeting all nursing facility requirements except for the nurse staffing requirement for which a waiver has been granted by the survey agency; nursing facilities with waiver do not meet Medicare participation requirements. A facility which is certified to the department as meeting intermediate care facility standards based on a survey agency survey made prior to October 1, 1990 shall be deemed to meet the requirements for participation as a nursing facility with waiver until the first survey agency survey of the facility which occurs on or after October 1, 1990.

(6) "Intermediate care facility for the mentally retarded" (ICF-MR) means a licensed intermediate care facility for the mentally retarded certified to the Department for Medicaid Services as meeting all standards for intermediate care facilities for the mentally retarded.

(7) "High intensity nursing care services" means care provided to Medicaid eligible individuals who meet high intensity patient status criteria by nursing facilities (NFs) participating in the Medicaid program. High intensity nursing care patient status criteria shall be equivalent to skilled nursing care standards under Medicare.

(8) "Low intensity nursing care services" means care provided to Medicaid eligible individuals who meet low intensity patient status criteria by nursing facilities (NFs) or nursing facilities with waiver (NFs-W) participating in the Medicaid program. Low intensity nursing care patient status criteria shall be equivalent to the former intermediate care patient status standards.

(9) "Intermediate care for the mentally

retarded and persons with related conditions services" means care provided to Medicaid eligible individuals who meet ICF-MR patient status criteria by ICF-MRs participating in the Medicaid program.

Section 2. [1.] Participation Requirements. Each facility desiring to participate as a [skilled] nursing facility, nursing facility with waiver, or ICF-MR shall meet the following requirements:

(1) An application for participation shall be made to the cabinet using the procedures specified by the Commissioner, Department for Medicaid Services, Cabinet for Human Resources. A vendor number shall be assigned to the facility by the cabinet when participation status is achieved.

(2) Each [skilled] nursing facility shall be required to have participatory status in the program of health care known as [Title XVIII,] Medicare before the conditions of participation for Medicaid [Title XIX] shall be deemed met.

(3) Each [skilled] nursing facility and nursing facility with waiver shall be required to comply with the preadmission screening and annual resident review requirements specified in 42 USC 1396r [Section 1919 of the Social Security Act], effective with regard to admissions and resident stays occurring on or after January 1, 1989. Facilities failing to comply with this requirement shall be subject to disenrollment, with exclusion from participation to be accomplished in accordance with 907 KAR 1:220, Terms and conditions of provider participation; provider appeals, and federal regulations at 42 CFR 431.153 and 431.154.

(4) A facility shall be required to be certified by the state survey agency as meeting NF, NF-W, or ICF-MR status; a facility not appropriately certified shall not participate in the Medicaid program except for appropriately certified SNFs or ICFs during the grandfathered period which ends upon the facility's first survey by the state survey agency on or after October 1, 1990.

Section 3. [2.] Provision of Service. (1) Payment for high intensity, low intensity and ICF-MR services shall be limited to those services meeting the care definitions shown in Section 1 of this regulation. A nursing facility may provide and receive payments for high intensity and low intensity services; a nursing facility with waiver may provide and receive payments for low intensity services only; and an ICF-MR may provide and receive payments for ICF-MR services only. [provided to eligible individuals meeting the criteria of patient status in that they require skilled nursing care on a continuous basis following an acute illness or as a result of a chronic disease and/or disability and are receiving skilled nursing care in a participating facility.]

(2) A participating [skilled] nursing facility may be certified, in accordance with standards and conditions specified in 907 KAR 1:374, Incorporation by reference of the skilled nursing facility services manual, to operate a unit providing preauthorized specialized rehabilitation services for persons with brain injuries.

Section 4. [3.] Determining Patient Status. Professional staff of the cabinet, or a peer review organization operating under its lawful authority pursuant to the terms of its agreement with the cabinet, shall review and evaluate the health status and care needs of the recipient in need of institutional care giving consideration to the medical diagnosis, care needs, services and health personnel required to meet these needs and the feasibility of meeting the needs through alternative institutional or noninstitutional services.

(1) A patient shall not qualify for Medicaid patient status unless the person is qualified for admission, and continued stay as appropriate, under the preadmission screening and annual resident review criteria specified in 42 USC 1396r [Section 1919 of the Social Security Act] with regard to admissions and resident stays occurring on or after January 1, 1989.

(2) Patients qualify for high intensity [skilled] nursing care when their needs mandate high intensity [skilled] nursing or high intensity [skilled] rehabilitation services on a daily basis and when, as a practical matter, the care can only be provided on an inpatient basis. Where the inherent complexity of a service prescribed for a patient exists to the extent that it can be safely or effectively performed only by or under the supervision of technical or professional personnel, the patient would qualify for high intensity [skilled] nursing care. A patient with an unstable medical condition manifesting a combination of care needs in the following areas shall [may] qualify for high intensity [skilled] nursing care:

(a) [(1)] Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

(b) [(2)] Nasogastric or gastrostomy tube feedings;

(c) [(3)] Nasopharyngeal and tracheotomy aspiration;

(d) [(4)] Recent or complicated ostomy requiring extensive care and self-help training;

(e) [(5)] In-dwelling catheter for therapeutic management of a urinary tract condition;

(f) [(6)] Bladder irrigations in relation to previously indicated stipulation;

(g) [(7)] Special vital signs evaluation necessary in the management of related conditions;

(h) [(8)] Sterile dressings;

(i) [(9)] Changes in bed position to maintain proper body alignment;

(j) [(10)] Treatment of extensive decubitus ulcers or other widespread skin disorders;

(k) [(11)] Receiving medication recently initiated, which requires high intensity [skilled] observation to determine desired or adverse effects or frequent adjustment of dosage;

(l) [(12)] Initial phases of a regimen involving administration of medical gases;

(m) [(13)] Receiving services which would qualify as high intensity [skilled] rehabilitation services when provided by or under the supervision of a qualified therapist(s), for example: ongoing assessment of rehabilitation needs and potential; therapeutic exercises which must be performed by or under the supervision of a qualified physical therapist; gait evaluation and training; range of motion exercises which are part of the active treatment of a specific disease state which has resulted in a loss of, or restriction of, mobility; maintenance therapy when the

specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs, and consistent with the patient's capacity and tolerance; ultrasound, short wave, and microwave therapy treatments; hot pack, hydrocollator infrared treatments, paraffin baths, and whirlpool (in cases where the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures or other complications, and the skills, knowledge, and judgment of a qualified physical therapist are required); and services by or under the supervision of a speech pathologist or audiologist when necessary for the restoration of function in speech or hearing.

(3) An individual shall be determined to meet low intensity patient status when the individual requires intermittent high intensity nursing care, continuous personal care or supervision in an institutional setting. In making the decision a to patient status, the following criteria shall be applicable:

(a) An individual with a stable medical condition requiring intermittent high intensity services not provided in a personal care home shall be considered to meet patient status.

(b) An individual with a stable medical condition, who has a complicating problem which prevents the individual from caring for himself in an ordinary manner outside the institution shall be considered to meet patient status. For example, ambulatory cardiac and hypertensive patients may be reasonably stable on appropriate medication, but have intellectual deficiencies preventing safe use of self-medication, or other problems requiring frequent nursing appraisal, and thus be considered to meet patient status.

(c) An individual with a stable medical condition manifesting a significant combination of the following care needs shall be determined to meet low intensity patient status when the professional staff determines that such combination of needs can be met satisfactorily only by provision of intermittent high intensity nursing care, continuous personal care or supervision in an institutional setting:

1. Assistance with wheelchair;
2. Physical or environmental management for confusion and mild agitation;
3. Must be fed;
4. Assistance with going to bathroom or using bedpan for elimination;
5. Old colostomy care;
6. In-dwelling catheter for dry care;
7. Changes in bed position;
8. Administration of stabilized dosages of medication;
9. Restorative and supportive nursing care to maintain the patient and prevent deterioration of his condition;
10. Administration of injections during time licensed personnel is available.
11. Services that could ordinarily be provided or administered by the individual but due to physical or mental condition is not capable of such self-care.
12. Routine administration of medical gases after a regimen of therapy has been established.

(d) An individual shall not generally be considered to meet patient status criteria when care needs are limited to the following:

1. Minimal assistance with activities of daily living;
2. Independent use of mechanical devices, for example, assistance in mobility by means of a wheelchair, walker, crutch(es) or cane;
3. Limited diets such as low salt, low residue, reducing and other minor restrictive diets;
4. Medications that can be self-administered or the individual requires minimal supervision.

(4) Evaluation of patient status for persons with mental disorders or mental retardation. A person with a mental disorder or mental retardation meeting the health status and care needs specified in subsections (2) and (3) of this section shall generally be considered to meet patient status. However, these individuals shall be specifically excluded from coverage in the following situations:

(a) When the cabinet determines that in the individual case the combination of care needs are beyond the capability of the facility, and that placement in the facility is inappropriate due to potential danger to the health and welfare of the patient, other patients in the facility, or staff of the facility; and

(b) When the nursing care needs result directly and specifically from a mental disorder; i.e., are essentially symptoms of the mental disorder; and

(c) When the patient does not meet the preadmission screening and annual resident review criteria specified in 42 USC 1396r for entering or remaining in a facility.

(5) An individual shall be determined to meet patient status for an intermediate care facility for the mentally retarded and persons with related conditions when the individual requires physical or environmental management or rehabilitation for moderate to severe retardation. In making the decision as to patient status the following criteria shall be applicable:

(a) An individual with significant developmental disabilities and significantly subaverage intellectual functioning who requires a planned program of active treatment to attain or maintain the individual's optimal level of functioning, but does not necessarily require nursing facility or nursing facility with waiver services, shall be considered to meet patient status.

(b) An individual requiring a protected environment while overcoming the effects of developmental disabilities and subaverage intellectual functioning shall be considered to meet patient status while:

1. Learning fundamental living skills;
2. Learning to live happily and safely within his own limitations;
3. Obtaining educational experiences that will be useful in self-supporting activities;
4. Increasing his awareness of his environment.

(c) An individual with a psychiatric primary diagnosis or needs shall be considered to meet patient status criteria only when the individual also has care needs as shown in paragraph (a) or (b) of this subsection, the mental care needs are adequately handled in a supportive environment (i.e., the intermediate care facility for the mentally retarded), the individual does not require psychiatric inpatient treatment.

(d) An individual that does not require a planned program of active treatment to attain or maintain the individual's optimal level of

functioning shall not be considered to meet patient status.

(e) It shall be the policy of the cabinet that no individual shall be denied patient status soley due to advanced age, or length of stay in an institution, or history of previous institutionalization, so long as the individual qualifies for patient status on the basis of all other factors.

(f) With regard to an individual with a "related condition" (not mental retardation) the illness or ailment shall have manifested itself prior to the individual's 22nd birthday.

Section 5. [4.] Reevaluation of Need for Service. [Skilled] Nursing facility, nursing facility with waiver, and ICF-MR services shall be provided for as long as the health status and care needs are within the scope of program benefits as described in Sections [2 and] 3 and 4 of this regulation. Patient status shall be reevaluated at least once every six (6) months. If a reevaluation of care needs reveals that the patient no longer requires high intensity, low intensity, or intermediate care for the mentally retarded services and payment is no longer appropriate in the facility [skilled care], payment shall continue for ten (10) days to permit orderly discharge or transfer to an appropriate [lesser] level of care. [Patients who met patient status criteria as of August 31, 1985 on the basis that they would have been reclassified to intermediate care patient status except for the unavailability of an intermediate care bed, and had continued to receive care in the facility while on the waiting list of suitable facilities, will be considered to meet patient status criteria through January 31, 1986 so long as the preexisting conditions for the patient status criteria continue to be met.]

[Section 5. Evaluation of Patient Status for Persons with Mental Disorders or Mental Retardation. A person with a mental disorder or mental retardation meeting the health status and care needs specified in Sections 2 and 3 of this regulation shall generally be considered to meet patient status. However, these individuals are specifically excluded from coverage in the following situations:]

[(1) When the cabinet determines that in the individual case the combination of care needs is beyond the capability of the facility, and that placement in the skilled nursing facility is inappropriate due to potential danger to the health and welfare of the patient, other patients in the facility or staff of the facility; and]

[(2) When the skilled nursing care needs result directly and specifically from a mental disorder; i.e., are essentially symptoms of the mental disorder; and]

[(3) When the patient does not meet the preadmission screening and annual resident review criteria specified in Section 1919 of the Social Security Act for entering or remaining in a skilled nursing facility.]

Section 6. Preauthorization of Provision of Specialized Rehabilitation Services for Persons with Brain Injuries. Patients who are brain injured and meet usual high intensity [skilled] nursing facility patient status criteria may be provided care in a certified unit providing specialized rehabilitation services for persons with brain injuries (i.e., brain injury unit) when the care is preauthorized by staff of the Department for Medicaid Services using criteria specified in this section. For coverage to occur, authorization of coverage shall [must] be granted prior to admission of the individual with the head injury into the certified head injury unit, or if previously admitted to the unit with other third party coverage, authorization shall [must] be granted prior to exhaustion of those benefits.

(1) Injuries within the scope of benefits shall be [are]:

(a) Central nervous system injury from physical trauma;

(b) Central nervous system damage from anoxia or hypoxic episodes; and

(c) Central nervous system damage from allergic conditions, toxic substances and other acute medical/clinical incidents.

(2) Indications for admission and continued stay shall be [are] as follows:

(a) The individual sustained a traumatic brain injury with structural, nondegenerative brain damage and is medically stable;

(b) The individual shall [is] not be in a persistent vegetative state;

(c) The individual demonstrates physical, behavioral, and cognitive rehabilitation potential;

(d) The individual requires coma management; and

(e) The individual has sustained diffuse brain damage caused by anoxia, toxic poisoning, encepalitis, or cardiovascular accident with rehabilitation potential.

(3) The determination as to whether preauthorization is appropriate shall [will] be made taking into consideration the following:

(a) The presenting problem;

(b) The goals and expected benefits of the admission;

(c) The initial estimated time frames for goal accomplishment; and

(d) The services needed.

(4) The following are indicators that show it shall be [is] inappropriate to preauthorize coverage for services provided in a certified brain injury unit:

(a) Strokes, (note: [skilled] nursing facilities provide rehabilitation services that are expected to meet the needs of most stroke patients);

(b) Spinal cord injuries in which there are no known or obvious injuries to the intercranial central nervous system;

(c) Progressive dementias and other mentally impairing conditions;

(d) Depression and psychiatric disorders in which there is no known or obvious central nervous system damage;

(e) Mental retardation, developmental disabilities, and birth defect related disorders of long standing; and

(f) Neurological degenerative, metabolic and other medical conditions of a chronic, degenerative nature.

Section 7. Reserved Bed Days. The cabinet shall [will] cover reserved bed days [(effective December 1, 1984)] in accordance with the following specified upper limits and criteria.

(1) Reserved bed days for nursing facilities and nursing facilities with wavier shall [will] be covered for a maximum of fourteen (14) days

per absence for a hospital stay with an overall maximum of forty-five (45) days per provider during the calendar year.

[(2)] Reserved bed days shall [will] be covered for a maximum of fifteen (15) days per provider during the calendar year for leaves of absence other than for hospitalization.

(2) For intermediate facilities for the mentally retarded and persons with related conditions, reserved bed days shall be covered for a maximum of forty-five (45) days per provider within a calendar quarter. Reserved bed days for hospital stays shall not exceed fifteen (15) days per stay. No more than thirty (30) consecutive reserved bed days (for hospital stay(s) plus leave(s) of absence, or leave of absence only) shall be approved for coverage.

(3) Coverage during a recipient's absence for hospitalization or leave of absence shall be [is] contingent on the following conditions being met:

(a) The person shall be [is] in Medicaid [Title XIX] payment status in the level of care he/she is authorized to receive and shall have [has] been a resident of the facility at least overnight. Persons for whom Medicaid [Title XIX] is making Medicare [Title XVIII] coinsurance payments shall [are] not be considered to be in Medicaid [Title XIX] payment status for purposes of this policy;

(b) The person can be reasonably expected to return to the same level of care;

(c) Due to demand at the facility for beds at that level, there is a likelihood that the bed would be occupied by some other patient were it not reserved;

(d) The hospitalization shall be [is] for treatment of an acute condition, and not for testing, brace-fitting, etc.; and

(e) In the case of leaves of absence other than for hospitalization, the patient's physician orders and plan of care provide for such leaves. Leaves of absence include visits with relatives and friends, and leaves to participate in state-approved therapeutic or rehabilitative programs.

Section 8. The amendments to this regulation shall be effective with regard to covered services provided on or after October 1, 1990 [July 1, 1989].

Section 9. 907 KAR 1:024, Intermediate care facility services, is hereby repealed.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 5, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:025E

This emergency administrative regulation is being prepared to implement the requirements contained in the Omnibus Budget Reconciliation Act of 1987 for payment of costs nursing facilities must incur to comply with nursing home reform provisions. This regulation must be implemented on an emergency basis to meet the statutorily mandated effective date of October 1, 1990; failure to implement in a timely manner could result in the imposition of severe fiscal sanctions against the state. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about October 1, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:025E. Payments for nursing facility and intermediate care facility for the mentally retarded services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 CFR 430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456; 42 USC 1396, a, b, c, d, g, i, l, n, o, p, r, r-2, r-3, r-5, s
EFFECTIVE: October 5, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for nursing care facility services and intermediate care facility for the mentally retarded services.

Section 1. Definitions. For purpose of Sections 2 through 6 of this regulation, the following definitions shall prevail unless the specific context dictates otherwise:

(1) "Allowable cost" means that portion of the facility's cost which may be allowed by the cabinet in establishing the reimbursement rate. Generally, cost is considered allowable if the item of supply or service is necessary for the provision of the appropriate level of patient care and the cost incurred by the facility is within cost limits established by the cabinet, i.e., the allowable cost is "reasonable."

(2) "Ancillary services" means those direct services for which a separate charge is customarily made, and which except for ventilator therapy services and brain injury unit services are retrospectively settled on the basis of reasonable allowable cost at the end of the facilities' fiscal year. Ancillary services are limited to the following:

(a) Physical, occupational and speech therapy.
(b) Laboratory procedures.
(c) X-ray.
(d) Oxygen and other related oxygen supplies.
(e) Respiratory therapy (excluding the routine administration of oxygen).
(f) Psychological and psychiatric therapy (for intermediate care facilities for the mentally retarded only).
(g) Ventilator therapy services, subject to the coverage limitations shown in the reimbursement manual.

(3) "Nursing facility (NFs) means facilities certified to the Medicaid program by the state survey agency as meeting all nursing facility requirements and all conditions of participation in the Medicare program.

(4) "Nursing facilities with waiver (NFs/W)" means facilities certified to the Medicaid program by the state survey agency as meeting

all NF requirements except the nurse staffing requirement for which an NF waiver has been granted by the survey agency.

(5) "Hospital based nursing facilities" means those nursing facilities in the same building with or attached to an acute care hospital and which share common administration, nursing staff, and ancillary services with the hospital; however, those facilities classified as hospital based skilled nursing facilities on June 30, 1989 shall remain classified as hospital based nursing facilities.

(6) "Nursing services costs" are the direct costs associated with nursing services.

(7) "All other costs" are other care-related costs, other operating costs, capital costs, and indirect ancillary costs.

(8) The "basic per diem cost" for each major cost category (nursing services costs and all other costs) is the computed rate arrived at when otherwise allowable costs are trended and adjusted in accordance with the inflation factor, the occupancy factor, and the median cost center per diem upper limits.

(9) "Inflation factor" means the comparison of allowable routine service costs, not including fixed or capital costs, with an inflation rate to arrive at projected current year cost increases, which when added to allowable costs, including fixed or capital costs, yields projected current year allowable costs. The inflation factor shall be included for rates computed on August 3, 1985, and thereafter.

(10) "Incentive factor" means the comparison of the basic per diem cost (for facilities qualifying for a cost savings incentive) with the upper limit for the appropriate cost arrays using the cost savings incentive (CSI) percentage (and taking into consideration the maximum allowable CSI amount for each cost array) to arrive at the actual dollar amount of cost savings incentive return to be added to the basic per diem cost.

(11) "Maximum allowable cost" means the maximum amount which may be allowed to a facility as reasonable cost for provision of an item of supply or service while complying with limitations expressed in related federal or state regulations.

(12) "Upper limit" means the maximum level at which the cabinet shall reimburse, on a facility by facility basis, for routine services.

(13) "Occupancy factor" means the imposition of an assumed level of occupancy used in computing unadjusted basic per diem rates.

(14) "Prospective rate" means a payment rate of return for routine services based on allowable costs and other factors, and includes the understanding that except as specified such prospective rate shall not be retroactively adjusted, either in favor of the facility or the cabinet.

(15) "Routine services" means the regular room, dietary, medical social services, nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Routine services include but are not limited to the following:

(a) All general nursing services, including administration of oxygen and related medications, handfeeding, incontinency care and tray services.

(b) Items which are furnished routinely and relatively uniformly to all patients, such as patient gowns, water pitchers, basins and bed pans. Personal items such as paper tissues, deodorants, and mouthwashes are allowable as routine services if generally furnished to all patients.

(c) Items stocked at nursing stations or on the floor in gross supply and distributed or utilized individually in small quantities, such as alcohol, applicators, cotton balls, band-aids and tongue depressors.

(d) Items which are utilized by individual patients but which are reusable and expected to be available in an institution providing a nursing facility level of care, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable medical equipment.

(e) Laundry services including personal clothing to the extent it is the normal attire for everyday facility use, but excluding dry cleaning costs.

(f) Other items or services generally available or needed within a facility unless specifically identified as ancillary services. (Items excluded from reimbursement include private duty nursing services and ambulance services costs.)

(16) "Nursing facility with a mental retardation specialty (NF/MRS)" means a skilled nursing facility in which at least fifty-five (55) percent of the patients have demonstrated special needs relating to the diagnosis of mental retardation.

Section 2. Reimbursement for Nursing Facilities (NFs) and Intermediate Care Facilities for the Mentally Retarded (ICF-MRs). All nursing facilities (NFs) or intermediate care facilities for the mentally retarded (ICF-MRs) participating in the Medicaid program shall be reimbursed in accordance with this regulation. Payments made shall be in accordance with the requirements set forth in 42 CFR 447.250 through 42 CFR 447.280 and the coverage requirements specified in 907 KAR 1:022, Nursing facility and intermediate care facility for the mentally retarded services. A nursing facility desiring to participate in Medicaid shall be required to participate in the Medicare program unless the nursing facility has been granted a waiver of the nursing facility nurse staffing requirement and, as a result, is prohibited from participation in Medicare. The Medicaid program does not recognize multilevel nursing facilities, and therefore all participating beds in nursing facilities (not including ICF-MRs) must participate in Medicaid as the same type of bed (i.e., NF or NF with waiver).

Section 3. Basic Principles of Reimbursement. (1) Payment shall be on the basis of rates which are reasonable and adequate to meet the costs which are required to be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the cabinet (Kentucky Medical Assistance Program Nursing Facility Reimbursement Manual, dated October 1, 1990 which is hereby incorporated by reference) and supplemented by the use of the Medicare reimbursement principles. The Kentucky Medical Assistance Program Nursing Facility

Reimbursement Manual may be reviewed during regular working hours (8 a.m. to 4:30 p.m.) in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office.

Section 4. Implementation of the Payment System. The cabinet's reimbursement system is supported by the Medicare Principles of Reimbursement, with the system utilizing such principles as guidelines in unaddressed policy areas. The cabinet's reimbursement system includes the following specific policies, components or principles:

(1) Prospective payment rates for routine services shall be set by the cabinet on a facility by facility basis, and shall not be subject to retroactive adjustment except as specified in this section, including the provisions contained in subsections (13) and (14) of this section. Prospective rates shall be cost based annually, and may be revised on an interim basis in accordance with procedures set by the cabinet. An adjustment to the prospective rate (subject to the maximum payment for that type of facility) shall be considered only if a facility's increased costs are attributable to one (1) of the following reasons: governmentally imposed minimum wage increases; the direct effect of new licensure requirements or new interpretations of existing requirements by the appropriate governmental agency as issued in regulation or written policy which affects all facilities within the class; or other governmental actions that result in an unforeseen cost increase. The amount of any prospective rate adjustment shall not exceed that amount by which the cost increase resulting directly from the governmental action exceeds on an annualized basis the inflation allowance amount included in the prospective rate for the general cost area in which the increase occurs. For purposes of this determination, costs shall be classified into two (2) general areas, salaries and other. The effective date of interim rate adjustment shall be the first day of the month in which the adjustment is requested or in which the cost increase occurred, whichever is later.

(2) The prospective rate shall not exceed, on a facility by facility basis, an administratively established maximum payment for that type of facility as applicable (except that ICF-MRs shall have no administratively set upper limit). The state shall set a uniform rate year for NFs and ICF-MRs (July 1 - June 30) by taking the latest cost data available as of May 16 of each year and trending the facility costs to July 1 of the rate year. Appropriate cost report adjustments will be made for the period between July 1, 1990 and October 1, 1990 to account for the fact a nursing facility rate adjustment related to nursing home reform shall be made effective October 1, 1990. (Unaudited, partial year, or budgeted cost data may be used if a full year's audited data is unavailable. Unaudited reports are subject to adjustment to the audited amount. Facilities paid on the basis of partial year or budgeted cost reports shall have their reimbursement settled back to allowable cost, with usual upper limits applied. Facilities whose rates are subject to settlement back to cost will not be included in the arrays until such time as the facilities are no longer subject to cost settlement.) The following specific policies shall be used with regard to determination, application, and exclusion from upper limits.

(a) Nursing facility arrays. For purposes of setting upper limits the freestanding NFs (exclusive of the NF/MRs, NF/IMDs, and NF/pediatric facilities) shall be divided into urban and rural arrays. The urban array shall include all facilities within a standard metropolitan statistical area (SMSA). The rural array shall include all facilities in non-SMSA counties. For purposes of arraying, current multilevel facilities (i.e., SNF and ICF) shall be considered as one (1) facility, and the composite or overall rate for the facility shall be paid for services rendered in either level during the period of time preceding the first survey agency occurring on or after October 1, 1990 (with separate levels ceasing to exist for Medicaid purposes at the time of the first survey). The urban and rural arrays shall be further broken down into a nursing cost center array and an "other cost center" array for each.

(b) Nursing facility upper limits. The following NF upper limits shall be applied:

1. The upper limit for nursing costs for freestanding NFs shall be set at 115 percent of the median of the array of each facility's cost per case mix unit (urban or rural as applicable). The upper limit for "other costs" for freestanding NFs shall be set at 115 percent of the median of the allowable per diem cost array for the facilities (urban or rural as applicable).

2. The upper limit for hospital based nursing facilities shall be set at 125 percent of the appropriate upper limit for freestanding facilities.

3. The upper limit for NF/MRS shall be set at 120 percent of the appropriate upper limit for freestanding facilities.

(c) Exclusions from nursing facility upper limits. The following exclusions from usual NF payment methodology and upper limits shall be applied.

1. Nursing facilities designated as institutions for mental diseases or as pediatric facilities shall be reimbursed at full reasonable and allowable prospective cost.

2. Hospital swing beds shall be paid at the average of NF payments for the preceding calendar year; the swing bed rates shall change effective January 1, 1991 and each January 1 thereafter.

3. Hospital dual licensed beds shall be paid at the hospital based facility upper limits.

4. Facilities recognized as providing ventilator dependent care shall be paid at an all-inclusive fixed rate which shall be equal to projected costs.

5. Facilities which are Medicaid certified head injury units providing preauthorized specialized rehabilitation services for persons with brain injuries shall be paid at an all-inclusive fixed rate which shall be set at $360 per diem.

(d) Other factors relating to costs and upper limit determination.

1. When the cabinet has made a separate rate adjustment as compensation to the facilities for minimum wage updates, the cabinet shall then adjust downward trending and indexing factors to the extent necessary to remove from the factors costs relating to the minimum wage updates

already provided for by the separate rate adjustment. The purpose of the adjustment to the factors is to avoid paying the facilities twice for the same costs. When the trending and indexing factors include costs related to a minimum wage increase, the cabinet shall not make a separate rate adjustment, and the minimum wage costs shall not be deleted from the trending and indexing factors.

2. The allowable per diem cost for NFs (excluding swing beds, dual licensed hospital beds, and facilities with all inclusive rates) shall include (through June 30, 1991) thirty-eight (38) cents for nurse aide training; and one (1) dollar and thirty-eight (38) cents for implementation of universal precautions for disease control; and four (4) cents for medical director costs; these allowable cost amounts shall not be subject to adjustment or cost settlement.

3. A special access and treatment fee shall be added to the facility per diem (without regard to upper limits) for each individual identified as having care needs associated with high infectious or communicable diseases with limited treatment potential, such as hepatitis B, methicillin-resistant staphlococcus aureaus (MRSA), acquired immune deficiency syndrome (AIDS), or who test positive for human immuno-deficiency virus (HIV).

4. The maximum payment amounts for the prospective uniform rate year shall be adjusted each July 1 so that the maximum payment amount in effect for the rate year shall be related to the cost reports used in setting the facility rates for the rate year.

5. For purposes of administrative ease in computations, normal rounding may be used in establishing the maximum payment amount, with the maximum payment amount rounded to the nearest five (5) cents. Upon being set, the arrays and upper limits shall not be altered due to revisions or corrections of data except as specified in this subsection.

(3) The reasonable direct cost of ancillary services provided by the facility as a part of total care shall be compensated on a reimbursement cost basis as an addition to the prospective rate except for ventilator therapy and brain injury unit services which shall be paid on the basis of all-inclusive rates. Ancillary services reimbursement shall be subject to a year-end audit, retroactive adjustment and final settlement. Ancillary costs may be subject to maximum allowable cost limits under federal regulations. Any percentage reduction made in payment of current billed charges shall not exceed twenty-five (25) percent, except in the instance of individual facilities where the actual retroactive adjustment for a facility for the previous year reveals an overpayment by the cabinet exceeding twenty-five (25) percent of billed charges, or where an evaluation by the cabinet of an individual facility's current billed charges shows the charges to be in excess of average billed charges for other comparable facilities serving the same area by more than twenty-five (25) percent.

(4) Interest expense used in setting the prospective rate shall be an allowable cost if permitted under Medicare principles and if it meets these additional criteria:

(a) It represents interest on long-term debt existing at the time the vendor enters the program or represents interest on any new long-term debt, the proceeds of which are used to purchase fixed assets relating to the provision of the appropriate level of care. If the debt is subject to variable interest rates found in balloon-type financing, renegotiated interest rates shall be allowable. The form of indebtedness may include mortgages, bonds, notes and debentures when the principal is to be repaid over a period in excess of one (1) year; or

(b) It is other interest for working capital and operating needs that directly relate to providing patient care. The form of such indebtedness may include, but shall not be limited to, notes, advances and various types of receivable financing;

(c) For both paragraphs (a) and (b) of this subsection, interest on a principal amount used to purchase goodwill or other intangible assets shall not be considered an allowable cost.

(5) Compensation to owner/administrators shall be considered an allowable cost provided that it is reasonable, and that the services actually performed are a necessary function. Compensation shall include the total benefit received by the owner for the services he renders to the institution, excluding fringe benefits routinely provided to all employees and the owner/administrator. Payment for services requiring a licensed or certified professional performed on an intermittent basis shall not be considered a part of compensation. "Necessary function" means that had the owner not rendered services pertinent to the operation of the institution, the institution would have had to employ another person to perform the service. Reasonableness of compensation shall be based on total licensed beds (all levels). Compensation for owners and nonowner administrators (except for nonowner administrators of intermediate care facilities for the mentally retarded and dual licensed pediatric facilities) shall not exceed the amounts specified in the Nursing Facility Reimbursement Manual.

(6) The allowable cost for services or goods purchased by the facility from related organizations shall be the cost to the related organization, except when it can be demonstrated that the related organization is in fact equivalent to any other second party supplier, i.e., a relationship for purposes of this payment system is not considered to exist. A relationship shall be considered to exist when an individual (or individuals) possesses five (5) percent or more of ownership or equity in the facility and the supplying business; however, an exception to the relationship shall be determined to exist when fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(7) The amount allowable for leasing costs shall not exceed the amount which would be allowable based on the computation of historical costs, except that for nursing facilities entering into lease/rent arrangements as intermediate care facilities prior to April 22, 1976, intermediate care facilities for the mentally retarded entering into lease/rent arrangements prior to February 23, 1977, and nursing facilities entering into lease/rent arrangements as skilled nursing facilities prior

to December 1, 1979, the cabinet shall determine the allowable costs of such arrangements based on the general reasonableness of such costs.

(8) Certain costs not directly associated with patient care shall not be considered allowable costs. Costs which shall not be allowable include political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), specified vehicle costs as shown in the Kentucky Medical Assistance Program Nursing Facility Reimbursement Manual, and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs unless such costs are incurred by administrators or owners.

(9) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the following methods shall be used for changes of ownership occurring before July 18, 1984:

(a) Determine the actual gain on the sale of the facility.

(b) Add to the seller's depreciated basis two-thirds (2/3) of one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to arrive at the purchaser's cost basis.

(c) Gain shall be defined as any amount in excess of the seller's depreciated basis as computed under program policies at the time of the sale, excluding the value of goodwill included in the purchase price.

(d) A sale shall be any bona fide transfer of legal ownership from an owner(s) to a new owner(s) for reasonable compensation, which shall usually be fair market value. Lease-purchase agreements or other similar arrangements which do not result in transfer of legal ownership from the original owner to the new owner shall not be considered sales until legal ownership of the property is transferred.

(e) If an enforceable agreement for a change of ownership was entered into prior to July 18, 1984, the purchaser's cost basis shall be determined in the manner set forth in paragraphs (a) through (d) of this subsection.

(10) Notwithstanding the provisions contained in subsection (9) of this section, or in any other section or subsection of this regulation or the "Kentucky Medical Assistance Program Nursing Facility Reimbursement Manual," the cost basis for any facility changing ownership on or after July 18, 1984 (but not including changes of ownership pursuant to an enforceable agreement entered into prior to July 18, 1984 as specified in subsection (9)(e) of this section) shall be determined in accordance with the methodology set forth herein for the reevaluation of assets of skilled nursing and intermediate care facilities.

(a) No increase shall be allowed in capital costs.

(b) The allowable historical base for depreciation for the purchaser shall be the lesser of the allowable historical cost of the seller less any depreciation allowed to the seller in prior periods, or the actual purchase price.

(c) The amount of interest expense allowable to the purchaser shall be limited to the amount that was allowable to the seller at the time of the sale.

(11) Each facility shall maintain and make available any records (in a form acceptable to the cabinet) which the cabinet may require to justify and document all costs to and services performed by the facility. The cabinet shall have access to all fiscal and service records and data maintained by the provider, including unlimited on-site access for accounting, auditing, medical review, utilization control and program planning purposes.

(12) The following shall apply with regard to the annual cost report required of the facility:

(a) The year-end cost report shall contain information relating to prior year cost, and shall be used in establishing prospective rates and setting ancillary reimbursement amounts.

(b) New items or expansions representing a departure from current service levels for which the facility requests prior approval by the program shall be so indicated with a description and rationale as a supplement to the cost report.

(c) Cabinet approval or rejection of projections or expansions shall be made on a prospective basis in the context that if expansions and related costs are approved they shall be considered when actually incurred as an allowable cost. Rejection of items or costs shall represent notice that such costs shall not be considered as part of the cost basis for reimbursement. Unless otherwise specified, approval shall relate to the substance and intent rather than the cost projection.

(d) When a request for prior approval of projections or expansions is made, absence of a response by the cabinet shall not be construed as approval of the item or expansion.

(13) The cabinet shall perform a desk review of each year-end cost report and ancillary service cost to determine the necessity for and scope of a field audit in relation to routine and ancillary service cost. If a field audit is not necessary, the report shall be settled without a field audit. Field audits shall be conducted when determined necessary. A desk review or field audit shall be used for purposes of verifying cost to be used in setting the prospective rate or for purposes of adjusting prospective rates which have been set based on unaudited data; audits may be conducted annually or at less frequent intervals. An audit of ancillary cost shall be conducted as needed.

(14) Year-end adjustments of the prospective rate and a retroactive cost settlement shall be made when:

(a) Incorrect payments have been made due to computational errors (other than the omission of cost data) discovered in the cost basis or establishment of the prospective rate.

(b) Incorrect payments have been made due to misrepresentation on the part of the facility (whether intentional or unintentional).

(c) A facility is sold and the funded depreciation account is not transferred to the purchaser.

(d) The prospective rate has been set based on unaudited cost reports and the prospective rate is to be adjusted based on audited reports with the appropriate cost settlement made to adjust the unaudited prospective payment amounts to the correct audited prospective payment amounts.

(15) The cabinet may develop and utilize methodology to assure an adequate level of care. Facilities determined by the cabinet to be providing less than adequate care may have

penalties imposed against them in the form of reduced payment rates.

(16) Each facility shall submit the required data for determination of the prospective rate no later than sixty (60) days following the close of the facility's fiscal year. This time limit may be extended at the specific request of the facility (with the cabinet's concurrence).

(17) Allowable prior year cost, trended to the beginning of the rate year and indexed for inflation, shall be subject to adjustment based on a comparison of costs with the facility's occupancy rate (i.e., the occupancy factor) as determined in accordance with procedures set by the cabinet. The occupancy rate shall not be less than actual bed occupancy, except that it shall not exceed ninety-eight (98) percent of certified bed days (or ninety-eight (98) percent of actual bed usage days, if more, based on prior year utilization rates). The minimum occupancy rate shall be ninety (90) percent of certified bed days for facilities with less than ninety (90) percent certified bed occupancy. The cabinet may impose a lower occupancy rate for newly constructed or newly participating facilities, or for existing facilities suffering a patient census decline as a result of a competing facility newly constructed or opened serving the same area. The cabinet may impose a lower occupancy rate during the first two (2) full facility fiscal years an existing skilled nursing facility participates in the program under this payment system.

(18) Qualifying nursing facilities (but not including swing beds, dual licensed hospital beds, IMDs, pediatric facilities, and facilities with all-inclusive rates) shall earn a cost savings incentive (CSI). Facilities qualifying for the CSI (except for NF/MRSs) shall be those facilities whose rate within the applicable cost array is not in excess of 110 percent of the median of the array. The CSI shall be computed at ten (10) percent of the difference between the facility's cost and the upper limit for the array with the CSI amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array. NF/MRSs shall qualify for the CSI when the NF/MRS has costs less than the NF/MRS upper limit, and the CSI shall be ten (10) percent of the difference between the facility rate and the upper limit for the class of facility with the CSI amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array.

(19) Intermediate care facilities for the mentally retarded may qualify for a cost incentive and investment factor (CIIF) allowance based on a comparison of the facility rate with the CIIF schedule shown in this subsection. No return for investment risk shall be made to nonprofit facilities, and publicly owned and operated facilities shall not receive the incentive or investment return. Cost incentive and investment schedule for intermediate care facilities for the mentally retarded:

(Effective 10-1-90)

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$96.99 & below	$1.38	$.87
97.00 -102.99	1.29	$.75
103.00 -108.99	1.18	$.62
109.00 -114.99	1.06	$.47
115.00 -120.99	.92	$.31
121.00 -126.99	.76	$.13
127.00 -133.49*	.53	-

*There is no maximum payment limit for intermediate care facilities for the mentally retarded.

(20) Hold harmless. The NFs (but not including swing beds or dual licensed hospital beds) shall be entitled to a "hold harmless" amount for the period from October 1, 1990 through June 30, 1992. This hold harmless amount shall be the amount, if any, by which the July 1, 1990 allowable facility rate plus an adjustment for ancillary costs shifted to routine costs (less a nurse aide training per diem allowance of one (1) dollar and twenty (20) cents) exceeds the allowable facility rate as computed on October 1, 1990 and July 1, 1991 (excluding the revised nurse aide training per diem allowance and other per diem add-ons in recognition of OBRA 87 requirements) under the revised reimbursement system. For hold harmless purposes, the July 1, 1990 rate shall be increased by an inflation allowance using the appropriate data resources, incorporated index for inflation.

(21) An adjustment shall be made to the usual rate for ICF-MRs, IMDs, and pediatric facilities to account for those medical supplies, catheters, syringes, and diapers not payable under the pharmacy program (and no longer payable as ancillaries under the nursing facility payment system) which are thus included under the routine cost category.

(22) Case-mix. The nursing costs for each facility shall be divided by the average case weight (as measured by each patient's needs with regard to activities of daily living and special needs using a standardized measurement as shown in the Nursing Facility Reimbursement Manual with a range from one (1.0) (lowest level of intensity) to 4.12 (highest level of intensity) to derive the facility average case unit cost. The average case weight for the period October 1, 1990 through June 30, 1991 shall be based on Medicaid patient level of care determinations made during the period July 1, 1990 through September 30, 1990 for each facility. (The peer review organization (PRO) shall first determine whether a patient is high-intensity, low-intensity, or neither. For patients meeting patient status (high or low-intensity), the PRO will then determine the case weight). The average case weight thereafter shall be based on all level of care determinations made during the period covered by the cost report (or as appropriate the most recent period available or a projection if a fully or partial cost report is not available). The facility nursing rate shall be adjusted for each quarter throughout the year and shall be the product of the average case unit cost (subject to upper limits and with the CSI adjustment as appropriate) times the average case weight for the prior quarter (as

determined using standard methodology and point-in-time analysis). The actual facility payment amount for nursing care shall thus be subject to adjustment each calendar quarter based on changes in facility average case weight, though the average case unit cost (based on prior year costs) remains the same.

(23) Nursing home reform costs. Effective October 1, 1990 and thereafter, facilities shall be required to request preauthorization for costs that must be incurred to meet nursing home reform costs in order to be reimbursed for the costs. The preauthorization request shall show the specific reform action that is involved and appropriate documentation of necessity and reasonableness of cost. Upon authorization by the Medicaid agency, the cost shall be allowable. A request for a payment rate adjustment may then be submitted to the Medicaid agency with documentation of actual cost incurred. The allowable additional amount shall then be added on the facility's rate (effective with the date the additional cost was incurred) without regard to upper limits or the CSI factor (i.e., the authorized nursing home reform cost shall be passed through at 100 percent of reasonable and allowable cost). Preauthorization shall not be required for nursing home reform costs incurred during the period July 1, 1990 through September 30, 1990; however, the actual costs incurred shall be subject to tests of reasonableness and necessity and shall be fully documented at time of the request for rate adjustment. Facilities may request multiple preauthorizations and rate adjustments (add-ons) as necessary for implementation of nursing home reform. Facility costs incurred prior to July 1, 1990 shall not (except for the costs previously recognized in a special manner, i.e., the universal precautions add-on and the nurse aide training add-on) be recognized as being nursing home reform costs. The special nursing home reform rate adjustment shall be requested using forms and methods specified by the agency. A nursing home rate adjustment shall be included within the cost base for the facility in the rate year following the rate year for which the adjustment was allowed. No interim rate adjustments for nursing home reform shall be allowed for periods after June 30, 1992.

Section 5. Prospective Rate Computation. The prospective rate for each facility (taking into account the factors described in this regulation and the case mix methodology shown in the Nursing Facility Reimbursement Manual) shall reflect the following:

(1) The adjusted allowable cost for the facility;

(2) Adjustments to allowable cost related to occupancy;

(3) Adjustments to allowable cost related to application of upper limits;

(4) Adjustments to allowable cost related to application of the cost savings incentive factor, or for ICF-MRs, the cost incentive and investment schedule;

(5) Rates shall be recomputed quarterly based on revisions in the case mix assessment classification which affects the nursing services component as described in the Nursing Facility Reimbursement Manual; however, the cost basis and the upper limits shall be revised annually using the latest available cost reports and assessments from each provider;

(6) Adjustments as appropriate for costs shifted from ancillary to routine;

(7) Nursing home reform adjustments; and

(8) Hold harmless adjustments.

Section 6. Reimbursement Review and Appeal. Participating facilities may appeal cabinet decisions as to application of the general policies and procedures in accordance with the following:

(1) First recourse shall be for the facility to request in writing to the Director, Division of Reimbursement Operations, a reevaluation of the point at issue. This request shall be received within forty-five (45) days following notification of the prospective rate or forwarding of the desk review or audited cost report by the program. The director shall review the matter and notify the facility of any action to be taken by the cabinet (including the retention of the original application of policy) within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, if one is held, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) Second recourse shall be for the facility to request in writing to the Commissioner, Department for Medicaid Services, a review by a standing reimbursement review panel to be established by the commissioner. This request must be postmarked within twenty (20) days following notification of the decision of the Director, Division of Reimbursement Operations. Such panel shall consist of three (3) members: one (1) member from the Division of Reimbursement Operations, one (1) member from the Kentucky Association of Health Care Facilities, and one (1) member from the Department for Medicaid Services (but not within the Division of Reimbursement Operations) as designated by the Commissioner, Department for Medicaid Services, with such designated member to act as chairperson of the review panel. A date for the reimbursement review panel to convene shall be established within twenty (20) days after receipt of the written request. The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue. In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances in order to provide for equitable treatment and reimbursement of the provider. The attendance of the representative of the Kentucky Association of Health Care Facilities at review panel meetings shall be at the cabinet's expense.

Section 7. Implementation Date. The provisions of this regulation shall be effective with regard to payments for services provided on or after October 1, 1990.

Section 8. 907 KAR 1:036, Amounts payable for skilled nursing and intermediate care facility services, is hereby repealed.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 5, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:061E

This emergency administrative regulation is being amended to require for services provided on or after October 1, 1990 all medical transportation providers (except private automobile providers) sign a participating provider agreement with the Department for Medicaid Services prior to rendering the medical transportation. For services provided on or after January 1, 1991, all private automobile providers shall have a signed participating provider agreement prior to rendering the medical transportation services. These actions are necessary to avoid federal sanctions regarding federal participation. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about October 1, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:061E. Payments for medical transportation.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: October 5, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance [in accordance with Title XIX of the Social Security Act]. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for medical transportation services.

Section 1. Definitions. For purposes of this regulation, the following definitions apply:
(1) "Commercial transportation vendors" means those commercial carriers licensed in accordance with the laws of Kentucky, other states, or of the United States to transport members of the general public.
(2) "Private automobile vendor" means a person owning or having access to a private vehicle not used for commercial transportation purposes and who uses that vehicle for the occasional medical transportation of eligible recipients. Included within this definition are ambulance type vendors who are noncertified or who have not chosen or been approved to participate in the Title XIX program, if willing to accept private automobile vendor rates.
(3) "Waiting time" means that period of time following provision of transportation to a medical vendor during which the private automobile vendor is waiting for the recipient to receive medical treatment, in order to provide the return trip required by the recipient. In the instance of an eligible recipient being admitted to a medical institution for inpatient care, waiting time is considered to have occurred when the private automobile vendor waits a sufficient period of time to ensure the recipient's admittance to the facility.
(4) "Noncommercial group carriers" means those vendors who provide bus or bus-type medical transportation to an identifiable segment of the eligible recipient group, but not including vendors whose transportation costs are allowable costs under their reimbursement system (e.g., mental health centers). Such segment may be identifiable by geographical boundary, type of medical service required, common medical destination (i.e., clinic, primary care center, etc.), or other similar grouping method. Included within this definition are:
(a) Community action agencies (or successor agencies) providing bus or bus-type service for a poverty or near-poverty area target population; and
(b) Other similar providers as identified by the cabinet.
(5) "Specialty individual carrier" means a vendor who provides, through specially equipped vehicles, medical transportation for nonambulatory recipients (those who are required to travel by wheelchair) or for ambulatory but disoriented recipients (those who are sufficiently disoriented as to time, place, person or objects so as to be unable to travel to or from medical services unaccompanied or unsupervised), and who provides services not normally available from other transportation vendors. The equipment ordinarily required shall be a van or similar type vehicle with a lift for wheelchairs; and the service shall be the accompaniment of the recipient from point of origin to point of destination where the recipient is placed in the charge of the receiving individual, including physical assistance or guidance to the recipient if necessary. To be considered a specialty individual carrier for purposes of reimbursement from the cabinet, the carrier must be recognized by the cabinet as a specialty individual carrier with approval given by the cabinet for reimbursement at specialty individual carrier rates. The cabinet may require the submission of documentation designed to show that the vendor is capable of providing specialty individual carrier service in an adequate and safe manner.

Section 2. Ambulance Services. (1) The cabinet shall reimburse licensed participating ambulance services at the lesser of their usual and customary charges or the maximum rate established by the cabinet.
(2) The maximum rate shall be the amount arrived at by combining the following component costs, as applicable:
(a) The base rate, which shall be set at fifty (50) dollars per one (1) way trip and includes all mileage costs for the first ten (10) miles;
(b) A mileage allowance of one (1) dollar per mile for mileage above the first ten (10) miles;
(c) An oxygen rate, which is set at eight (8) dollars per one (1) way trip; and
(d) The cost (as determined by the cabinet) of other itemized supplies.

Section 3. Commercial Transportation Vendors. Effective with regard to services provided on and after <u>October</u> [July] 1, 1990, the cabinet shall reimburse <u>participating</u> commercial transportation vendors at the normal passenger rate charged to the general public, except that the following maximum rates shall be applicable for franchised (licensed) taxi services in those

areas of the state where taxi rates are not regulated by the appropriate local rate setting authority, and for franchised (licensed) taxi services in regulated areas when they go outside the medical service area.

(1) The upper limit shall be the usual and customary charge up to a maximum of six (6) dollars for trips of five (5) miles or less, one (1) way, loaded miles.

(2) The upper limit shall be the usual and customary charge up to a maximum of twelve (12) dollars for trips of six (6) to ten (10) miles, one (1) way, loaded miles.

(3) The upper limit shall be the usual and customary charge up to a maximum of twenty (20) dollars for trips of eleven (11) to twenty-five (25) miles, one (1) way, loaded miles.

(4) The upper limit shall be the usual and customary charge up to a maximum of thirty (30) dollars for trips of twenty-six (26) miles to fifty (50) miles, one (1) way, loaded miles.

(5) The upper limit for trips of fifty-one (51) miles or above shall be the lesser of the usual and customary charge or an amount derived by multiplying one (1) dollar by the actual number of miles, not to exceed a maximum of seventy-five (75) dollars per trip, one (1) way, loaded miles.

Section 4. Private Automobile Vendors. (1) The cabinet shall reimburse private automobile vendors at the basic rate of twelve (12) cents per mile plus a flat fee of two (2) dollars per eligible passenger if waiting time is required. For round trips of less than five (5) miles the rate shall be computed on the basis of a maximum allowable fee of three (3) dollars for the first passenger plus two (2) dollars each for waiting time for additional eligible passengers. For services provided on or after January 1, 1990 private automobile vendors shall have a signed participation agreement with the Department for Medicaid Services prior to furnishing reimbursable medical transportation services.

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

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

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

Section 5. Noncommercial Group Carriers. The cabinet shall reimburse participating noncommercial group carriers based on actual reasonable, allowable cost to the provider based on cost data submitted to the cabinet by the provider; however, the minimum rate shall be twenty (20) cents per recipient per mile transported and the rate upper limit shall be fifty (50) cents per recipient per mile transported.

Section 6. Specialty Individual Carriers. (1) Participating specialty individual carriers shall be reimbursed at the lesser of the following rates:

(a) The actual charge for the service; or

(b) The usual and customary charge for that service by the carrier, as shown in the schedule of usual and customary charges submitted by the carrier to the cabinet; or

(c) The program maximum established for the service.

(2) For services provided on or after July 1, 1990, program maximums are:

(a) Nonambulatory, wheelchair patients; for transportation within a distance of ten (10) miles or less, the upper limit shall be twenty-five (25) dollars for the first patient plus ten (10) dollars for each additional nonambulatory patient transported on the same trip, for each time a patient is transported to or transported from the medical service site. To this base rate may be added two (2) dollars per mile per patient for miles the patient(s) is transported above ten (10) (one (1) way), and toll charges actually incurred.

(b) Ambulatory, disoriented patients; for transportation within a distance of ten (10) miles or less, the upper limit shall be twelve (12) dollars and fifty (50) cents per patient for each time a patient(s) is transported to or transported from the medical service site. To this base rate may be added two (2) dollars per mile per patient for miles the patient is transported above ten (10) (one (1) way), and toll charges actually incurred.

(c) For both paragraphs (a) and (b) of this subsection, mileage shall be computed by the most direct accessible route from point of pickup to point of delivery, and reimbursement for mileage shall be allowed only for those miles the recipient is actually transported in excess of ten (10). Empty vehicle miles shall not be included when computing allowable reimbursement for mileage.

(3) Reimbursement shall be made at specialty individual carrier rates for the following types of recipients only:

(a) Nonambulatory recipients who need to be transported by wheelchair, but not including recipients who need to be transported as a stretcher patient; and

(b) Ambulatory but disoriented recipients, defined as persons confused, especially with respect to time, place and identity of persons or objects. The extent of disorientation shall be such as to preclude the recipient from safely utilizing, unaccompanied, alternate methods of transportation.

(4) The specialty carrier shall obtain a statement from the recipient's physician (or, if

the recipient is in a skilled nursing or intermediate care facility, from the director of nursing, charge nurse, or medical director in lieu of physician) to verify that transportation by the specialty carrier is medically necessary due to the recipient's nonambulatory or disoriented condition. Claims for payment which are submitted without the required statement of verification shall not be paid.

Section 7. Specially authorized transportation services provided by participating ambulance services may be paid for at a rate of forty (40) dollars per one (1) way trip, which includes all mileage costs for the first ten (10) miles, and a mileage allowance of seventy-five (75) cents per mile above the first ten (10) miles, unless otherwise authorized; specially authorized transportation services provided by participating specialty carriers, or as otherwise authorized in unforeseen circumstances, may be paid for at a rate adequate to secure the necessary service; in no event, however, shall the amount allowed exceed the usual and customary charge of the provider.

Section 8. Use of Flat Rates. When a recipient chooses to use a medical provider outside the medical service area (i.e., the medical service is available within the medical service area and the recipient has not been appropriately referred to a medical provider outside the medical service area), transportation payment shall not exceed the lesser of six (6) dollars per trip, one (1) way (or twelve (12) dollars for a round trip), or the usual fee for the participating transportation provider computed in the usual manner.

Section 9. Limitations. Any reimbursement for medical transportation shall be contingent upon the recipient receiving the appropriate pre- or postauthorization for medical transportation as required by the cabinet.

Section 10. The amendments to this regulation shall be effective for services provided on or after October 1, 1990 except as specified in Section 4 of this regulation.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 5, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:102E

This emergency administrative regulation is being proposed to comply with Section 1905(a) of the Social Security Act which mandates coverage of services provided by certified family nurse practitioners and certified pediatric nurse practitioners to Medicaid recipients. Failure to implement these services in an expeditious manner would be detrimental to Medicaid recipients who could receive and benefit from the services. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about October 1, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:102E. Advanced registered nurse practitioner services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a, b, c, d
October 9, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of medical assistance. The cabinet, by regulation, shall comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to advanced registered nurse practitioner services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Advanced Registered Nurse Practitioner (ARNP) Services. (1) Covered services shall include those furnished by a licensed participating advanced registered nurse practitioner (ARNP) to eligible medical assistance recipients through direct patient contact. Services shall be those which are within the scope of their practice as a licensed ARNP so long as the services are covered in the Medicaid program.

(2) Advanced registered nurse practitioners participating as nurse-midwifes or nurse anesthetists shall also comply with 907 KAR 1:095, Payment for nurse-midwife services; 907 KAR 1:100, Nurse-midwife services; 907 KAR 1:200, Nurse anesthetists' services; and 907 KAR 1:210, Payments for nurse anesthetists, as appropriate.

Section 2. Participation Requirements. An ARNP desiring to participate in the Medical Assistance Program shall:

(1) Meet all applicable requirements of state laws and conditions for practice as a licensed ARNP. A current copy of the ARNP's license shall accompany each participation application;

(2) Enter into a provider agreement with the Cabinet for Human Resources, Department for Medicaid Services to provide ARNP services; and

(3) Provide and bill for the services in accordance with the terms and conditions of the provider participation agreement.

Section 3. Service Limitations. (1) Limitations applicable with regard to services provided by physicians (as described in 907 KAR 1:009) shall also be applicable with regard to ARNPs.

(2) Immunizations provided by ARNPs are not covered.

(3) When an ARNP and a physician perform the same service on the same day within a common practice, only one (1) of the services shall be covered.

(4) When an ARNP provides and bills an office visit, an office visit or consultation by a physician in a common practice with the ARNP for a visit by the same patient on the same day is not covered. When a physician(s) provides and bills an office visit, an office visit or consultation by an ARNP in a common practice

with the physician for a visit by the same patient on the same day is not covered.

(5) When an ARNP refers a patient to a physician based on medical necessity, the necessity for the referral shall be documented in the patient's record or chart.

Section 4. Implementation Date. Coverage for services under this regulation shall be implemented for services performed by a participating advanced registered nurse practitioner on or after October 1, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 9, 1990 at 2 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:104E

This emergency administrative regulation is being proposed to comply with Section 1905(a) of the Social Security Act which mandates payment of services provided by certified family nurse practitioners and certified pediatric nurse practitioners to Medicaid recipients. Failure to implement these services in an expeditious manner would be detrimental to Medicaid recipients who could receive and benefit from the services. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about October 1, 1990.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:104E. Payments for advanced registered nurse practitioner services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a, b, c, d, 42 USC 447.200
EFFECTIVE: October 9, 1990
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of medical assistance. The cabinet, by regulation, shall comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for advanced registered nurse practitioners.

Section 1. General Requirements Relating to Payments. Participating licensed advanced registered nurse practitioners shall be paid only for covered services rendered to eligible medical assistance recipients which are within the scope of their practice as a licensed advanced registered nurse practitioner.

Section 2. Payments. (1) For services provided on or after October 1, 1990, licensed participating advanced registered nurse practitioners shall be reimbursed at usual and customary actual billed charges up to the fixed upper limit per procedure established by the cabinet at seventy-five (75) percent of the physicians' fixed upper limit per procedure.

(2) An ARNP employed by a primary care center, federally qualified health center, or comprehensive care center shall not bill directly.

Section 3. This regulation shall be effective with regard to services provided on and after October 1, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 9, 1990 at 2 p.m.

REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

GENERAL GOVERNMENT CABINET
Department of Agriculture
(As Amended)

302 KAR 15:010. Administration; state aid to local fairs.

RELATES TO: KRS 247.220
STATUTORY AUTHORITY: KRS 247.220
NECESSITY AND FUNCTION: Provides rules and regulations by which the state aid to local fairs program must be administered. It explains to the Department of Agriculture, Division of Shows and Fairs, and to the local fairs their responsibilities in the program.

Section 1. General Administration. (1) The Director of the Division of Shows and Fairs in the Department of Agriculture shall only make premium allocations to the authorized agent of an incorporated local fair board that conducts a qualified local agricultural fair in compliance with KRS 247.220.

(2) Local fair boards applying for state funds shall see that a reasonable effort is made by local fair officials to develop a program that will supplement agricultural educational and promotional activities that coincide with the objectives of agencies officially charged with these responsibilities.

(3) Local fair boards seeking state assistance shall plan and conduct a qualified local agricultural fair with educational exhibits running for at least three (3) consecutive days (thirty-six (36) hours of exhibition). All fair events must be held on consecutive days with the following exceptions:

(a) Fairs may be closed on Sundays, if the local board desires; and

(b) Fairs may conduct certain events, such as harness horse racing, on separate dates providing the local board files a request to do so with the Division of Shows and Fairs [by April 1] and that request is approved by the Kentucky Fair Council at the next regular meeting and thereafter transmitted to the Commissioner of Agriculture with a recommendation by the Kentucky Fair Council that the Commissioner of Agriculture approve[d] or reject[ed] the local board's request.

(4) Local boards shall establish premiums related to the economic importance of the commodity in the area, the relative value of the exhibit and the difficulty in preparing for and showing the entry. Local boards shall [should] establish classes based upon the Department of Agriculture's "Uniform Classes" booklet since no divisions other than these set up by this booklet will qualify for aid, but within each division, deviation will be accepted provided the additional classes are based on the participation in that area.

(5) State funds shall be limited to crops, foods, domestic livestock, poultry, 4-H, FFA and FHA projects, harness horse racing and other horse events, provided they have a good potential for profitable expansion or the improvement of the agriculture economy of the area.

(6) Ribbon colors used at each local fair shall coincide with those adopted by the International Association of Fairs.

(7) Fair boards seeking state funds shall provide adequate health facilities for exhibitors tending exhibits and for fair attendants.

(8) Fair events held at a location other than the fairgrounds may qualify for aid if such an event is held during corresponding consecutive dates with the fair and publicized in the fair's catalog as being a fair event.

Section 2. Records. (1) Requests for state assistance shall be made annually on appropriate forms and mailed to the Division of Shows and Fairs by March 1. The Commissioner of Agriculture shall have the authority to allow a fair to enter the program after the application deadline has passed.

(2) An appropriate information form concerning the fair's beef, [and] dairy, and sheep shows shall be mailed to the Division of Shows and Fairs by May 1.

(3) Fairs shall submit a rough copy of their catalog to the Division of Shows and Fairs at least [from] forty-five (45) [to sixty (60)] days before their fair. This shall include the same information required in the printed catalog, excluding advertisements. A printed copy of the fair's catalog shall [must] be submitted no later than thirty (30) days before the start of the fair. No [first] payment [on agriculture premiums and harness racing] can be made before the printed catalog is received by the Division of Shows and Fairs.

(4) A complete financial statement for events previously requesting state funds shall be submitted to the Department of Agriculture prior to the second [final] fair payment, this payment including the second agricultural premium payment, the second harness racing payment and the payment for horse events. This annual financial statement shall cover all crops, foods, domestic livestock, poultry, harness horse racing, other horse events and other agricultural classes that may qualify for aid. It shall be complete and prepared in detail showing receipts and disbursements as well as number [a list] of exhibitors and [cash] premiums awarded by fair departments. This certified, notarized statement shall be presented to the Director of the Division of Shows and Fairs within forty-five (45) days following the event and no statement will be accepted for payment after December 1.

Section 3. Entries. (1) Fairs qualifying for state funds shall provide for adult and youth divisions. Youth exhibits shall include 4-H, [and] FFA, FHA and may include other official [youth] groups recognized by the [fair council []extension service or the Office of Secondary Vocational Education [vocational agriculture]]. All projects approved by these official groups may be approved for state funds. Fair boards may restrict youth participation to a particular district, county or trade area.

(2) All exhibitors, adult and youth, shall have equal opportunity to enter open classes.

(3) Local fair boards receiving state money shall see that exhibits eligible in more than one (1) class and/or section are exhibited only in the class and/or section for which it best qualifies. Under no circumstances may an

exhibitor show the same kind of animal or the same entry in both FFA and 4-H classes or in classes for other organized junior organizations.

(4) No more than two (2) exhibits shall be made from a household in any one (1) class with the exception of official 4-H or FFA projects and where purebred animals are registered to other members of the household.

(5) All crop, domestic livestock and horse entries receiving state premium money shall conform to official show classifications adopted by the state's Fair Council, and comply with the State Board of Agriculture and the Department of Agriculture regulations. The age classification of all domestic livestock shall be listed in the official fair catalog and all classes shall conform to the standards recommended by the various breed associations. Dairy cattle classes shall conform to the standards recommended by the Kentucky Purebred Dairy Cattle Association. English horse classes **shall** [must] comply with regulations recommended by the American Horse Show Association. A western bred show **shall** [must] comply with the regulations set by that specific breed and open western horse classes shall [should] comply with the regulations set by the American Quarter Horse Show Association. Classes with less than three (3) entries each may be combined for show purposes.

(6) All domestic livestock, poultry, and horse entries shall meet the specifications of the health regulations of the State Board of Agriculture relating to the exhibition of livestock in Kentucky.

Section 4. Catalog. (1) All qualified fairs shall have an official fair catalog. A rough copy of the catalog including premium lists and classes, excluding advertisements, shall be submitted to be approved by the Division of Shows and Fairs at least forty-five (45) [to sixty (60)] days prior to the opening of the fair. The finished catalog shall be submitted to the Director of the Department of Agriculture's Division of Shows and Fairs no later than thirty (30) days before the fair is held.

(2) Classes advertised in the catalog shall be reviewed annually by the local fair board to make certain that competitive events are being held and that premiums offered are not out of balance with entries.

(3) The official fair catalog shall contain the following information:

(a) The fair is "planned and conducted according to the Department of Agriculture regulations for the use of state funds."

(b) A list of fair officials and their assigned responsibilities with the following organizations being represented on the agriculture advisory board:

1. Vocational Agriculture.
2. Extension Service.
3. Farm Bureau.
4. Local Livestock Association (if one exists).
5. Local Horsemen's Association (if one exists).

(c) A schedule of events planned as a part of the fair.

(d) Local fair rules and regulations including a statement to the effect that "open classes are open to all exhibitors unless otherwise specified."

(e) General information and regulations by fair departments showing classes and premium lists.

(f) Health regulations by types of livestock to be exhibited.

(g) A rule to the effect that "entries made in 4-H, FFA and FHA classes must have been produced in conjunction with an approved project sponsored by these organizations."

(4) Catalogs shall be mailed and distributed by the local fair board no later than thirty (30) days prior to the opening of the fair.

Section 5. Judges. (1) To assist with the educational objectives of each event, judges shall be encouraged to present reasons for their evaluations and decisions.

(2) No person shall be an exhibitor or act as an agent in any division or department for which he serves as a judge.

Section 6. State Allocation. (1) The Department of Agriculture's agricultural premium money shall be allocated to all approved local fairs on the basis of total money offered for approved classes in the catalog and total money spent in approved classes taken from the fair's financial statement available as indicated by fair records including catalogs. In no instance shall the total agricultural premium payment for one (1) or more fairs held annually in a single county exceed $4,000 [3,000]. In addition, state money for each class shall not exceed fifty (50) percent of the total premiums awarded. [Premiums established for a carcass class, a class for performance tested beef animals or a dairy production class based on dairy herd improvement records may [shall] be excluded from the match-fund limitations and may be paid entirely with state funds; provided this payment does not cause the fair to receive more than the $4,000 [3,000] limit. Local fair officials shall start only one (1) of these classes at a time and the second and third choice shall not be made until each of these classes is effectively developed.] [When total premium money available for state approved fair departments and classes at all approved fairs exceeds the state appropriation for premiums, the state's fair council shall meet and recommend to the Commissioner of Agriculture which payments shall be reduced.] The first agricultural premium payment to each fair will be made after the printed catalog is received and will be up to one-fourth (1/4) of the amount of money offered in approved classes by the local fair up to a maximum of $2,000 [1,500]. The second agricultural premium [fair] payment will be made after the fair's financial statement is received provided all remaining requirements have been met and the necessary records submitted, and will be based on the amount of money paid for premiums and awards [out] in approved agricultural classes up to a maximum of $4,000 [3,000] less the amount of the first agricultural premium payment. The combination of county fairs or community fairs of a number of counties shall not be approved to justify a larger state premium payment.

(2) An additional $1,500 [1,000] grant may be made to a qualified local agricultural fair to be used for horse events' premiums and awards. This grant is on an equal matching fund basis and is based completely on the amount of money paid in premiums and awards for horse events' classes. The payment of this grant will come after the financial statement of the fair is

received by the Department of Agriculture and will be included in [with] the fair's second fair [agricultural] payment. The qualified fair must submit with its financial statement, records of premiums paid, number of exhibitors, and number of entries for these horse events.

(3) The Department of Agriculture shall make available to a qualified agriculture fair, an additional $5,000 on an equal matching basis for harness horse racing, with a maximum of $750 per race being matched by the department. To qualify, a fair must meet the regulations and specifications set up by the United States Trotters Association, Kentucky Harness Racing Association and the Department of Agriculture. Harness racing payments will also be disbursed in two (2) payments, the first being one-fourth (1/4) the amount of purses offered in the printed catalog, up to a maximum of $2,500. This payment shall be combined with the fair's first agricultural payment. The second harness racing payment [remainder] will be based on the amount of money spent in harness racing purses, up to a maximum of $5,000 less the first harness racing payment, and will be included in [made at the time of] the second fair [agricultural premium] payment, providing the fair has included sufficient information on their financial statement in regard to the harness racing results.

(4) When the Department of Agriculture provides the total cost of premiums for a carcass class, a class for performance tested beef animals, or a dairy production class, all classes, rules, and facilities for the respective contest must be approved by the department. Carcass evaluations for meat animals shall be conducted in accordance with standards recommended by the Reciprocal Meats Conference and approved by the Meats Section of the University of Kentucky. Carcass contests financed by state funds shall be conducted in adequate facilities and they should permit spectators to view the carcasses and receive the full educational opportunity. Contest rules for local fairs shall specify that purebred animals and grades will show together. Carcass contests or production or performance classes that will make the greatest contribution to the agriculture of an area and that have the necessary facilities available for their effective operation shall be chosen by fair officials.

(5) The director of the department's show and fair program shall provide from the appropriation for county fairs an attractive trophy that will be rotated and engraved and presented annually to the local fair that had made the most progress in twelve (12) months. In addition, appropriate engraved plaques shall be presented to the first, second, and third placed fairs making the most progress in the twelve (12) months period and also for the most outstanding new fair in the program for that year. The presentation shall be made by the Department of Agriculture's Fair Council based on records submitted to the department and substantiated by other evidence.

Section 7. Building Program. (1) [In accordance with KRS 247.220,] A qualified local agricultural fair can make application [qualify] for an additional $3,000 [2,000] grant of state funds to be used for the establishment of new buildings and facilities or for improvement to existing facilities. Applications for the building program are due in the Division of Shows and Fairs' office no later than June 1 of the year that the work is to be completed, and it must be preceded by a request for state aid application. Such grants shall be on an equal matching basis with the local fair board matching the amount of the state grant. The application form Request for State Aid for the Building Program is incorporated by reference. The form is effective October 12, 1990, and may be obtained at the Division of Shows and Fairs, A-3 Suburban Park, Frankfort, Kentucky 40601, during regular working hours (from 8 a.m. to 4:30 p.m.). In no event shall the payment for facilities result in a decrease in the approved agricultural classes or premiums being offered in the fair catalog.

(2) The buildings and facilities must be used primarily in conjunction with the qualified local agricultural fair and must either be constructed on land owned by the local fair board or on land that the fair group holds a renewable lease.

(a) Some suggested items that may qualify are:

1. The purchase of land for a fairground or the purchase of land adjoining the original grounds.
2. The construction of new buildings.
3. Repair of any existing facilities on the fairgrounds.
4. Grandstands or bleachers used to seat people during the fair.
5. Grading and improvement work done to an existing track or show ring.
6. Loading chutes, wash racks or tie-outs for livestock.

(b) Other items not listed above may qualify for state assistance provided the local fair provides evidence to the Department of Agriculture that the item meets the minimum requirements and is justifiable.

(3) Applying for state assistance. Application for state assistance must be made in writing by the qualified local agricultural fair to the Division of Shows and Fairs, Department of Agriculture, by June 1 of the year that the work is to be completed. The application should include a description of the proposed buildings or improvements to be made, use to be made of these improvements, itemized list of approximate cost, and the date to be completed. Application forms will be available from the Department of Agriculture, Division of Shows and Fairs, and will be distributed after fair program applications are received or upon request.

(4) Financial report of building program. Upon acceptance of qualified local fair's request for assistance by the Department of Agriculture, the local fair will be supplied a financial report form. The financial report should contain a description of the buildings or improvements and an itemized cost of the same. This notarized report shall be presented to the Division of Shows and Fairs within forty-five (45) days following the completion of the building or repair work. No report will be accepted for payment after December 1.

(5) When building program payments will be made. Building program payments will be disbursed in two (2) payments, with the first payment representing one-fourth (1/4) [fifty (50) percent] of the total amount submitted [for which the fair is eligible, based] on the fair's building report up to a maximum of $1,500. The

second [Final] building program payments will be made after all financial statements and building reports have been received in the office of the Division of Shows and Fairs and the total amount required for all grants is known. At this point, the second building payment amount shall [will] be adjusted on an equal basis to bring the total grants in line with the funds available in the Aid to Fairs Program budget.

Section 8. Effect of Overspending of Fair Program Budget. In the event that the local agricultural fair program payments exceed the amount of money budgeted for the total fair program, reductions will be made in payments as recommended by the fair council and as determined by the Commissioner of Agriculture.

WARD "BUTCH" BURNETTE, Commissioner
APPROVED BY AGENCY: July 18, 1990
FILED WITH LRC: July 19, 1990 at 9 a.m.

GENERAL GOVERNMENT CABINET
Department of Agriculture
(As Amended)

302 KAR 38:010. Agricultural product logo program

RELATES TO: KRS 260.010
STATUTORY AUTHORITY: KRS 260.015 [036]
NECESSITY AND FUNCTION: To define terms used in the administration of the Kentucky agricultural product logo program and establish procedures for the use of the logo.

Section 1. Definitions. Whenever used in this regulation the following terms shall have the meaning as set forth herein:
(1) The term "department" means the Kentucky Department of Agriculture.
(2) The term "logo" means the registered trademark of the Kentucky agricultural product logo program authorized by KRS 260.015 [036].
(3) The term "license" means written authorization to use the logo.

Section 2. An agricultural logo license shall be valid for one (1) year following the date of issue. The license may be renewed annually.

Section 3. Standards for License Applications. (1) Applicants shall submit on forms prescribed by the department the following, which shall include:
(a) Applicant's name, address and telephone number;
(b) A list of products relating to the use of the logo;
(c) Brand names of products relating to the use of the logo;
(d) Locations of where said products are grown, processed, manufactured and packaged;
(e) States and/or countries where said products are marketed.
(2) Applicants shall submit a statement of agreement with the department to comply with all requirements of the program, and to use the logo only for agricultural products which meet or exceed applicable federal and industry standards relating to the production, processing, manufacturing, handling and sales of agricultural products.
(3) Upon receipt of a license application, the department shall within sixty (60) days determine whether a license is approved and shall notify the applicant in writing, setting forth the reasons for approval or denial. The application form Application for Use of "Pride in Kentucky" Label is incorporated by reference. The form is effective October 12, 1990, and may be obtained at the Division of Markets, 63 Wilkinson Boulevard, Frankfort, Kentucky 40601, during regular working hours (from 8 a.m. to 4:30 p.m.).

Section 4. Methods of Enforcement and Penalties for Violations of These Regulations. (1) The department shall revoke a license to any party failing or refusing to comply with the program requirements.
(2) The department may inspect at reasonable times any area where products licensed for use of the logo are grown, processed, manufactured, stored, packaged or sold.
(3) Any party with cause to believe that any provision of these regulations have been violated may file a written complaint with the department, setting forth the allegations of a violation. The department shall investigate each complaint and provide the complainant with the results of the investigation and any remedial action taken
(4) Any party aggrieved by the notice of revocation of license may appeal the department's decision in writing within ten (10) days of the notice of revocation.
(5) The department shall maintain a hearing committee available to hear complaints by aggrieved parties and rule on appeals. The committee shall consist of the following members:
(a) The Commissioner of Agriculture or his designee;
(b) The director of the department's Division of Markets;
(c) The department's legal counsel;
(d) Chairman of the Kentucky Agriculture Council or his designee;
(3) One (1) member of the Kentucky Board of Agriculture.

Section 5. Recordkeeping and Fees. (1) The department shall maintain for four (4) years records of all license applications, licenses issued, complaints, investigations and remedial actions. These records shall be part of the reviewing period of any proceeding involving the program.
(2) Parties receiving a license shall pay to the department a five (5) dollar annual license fee, renewable during the same month of each following year.

WARD "BUTCH" BURNETTE, Commissioner
APPROVED BY AGENCY: July 30, 1990
FILED WITH LRC: August 2, 1990 at 10 a.m.

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water
(As Amended)

401 KAR 8:100. Design, construction and approval of new or modified facilities.

RELATES TO: KRS Chapter 224; 40 CFR Part 141
STATUTORY AUTHORITY: KRS 224.032, 224.033,

Public Law 93-523, The Safe Drinking Water Act, as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300f, 300g, 300j

NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation sets out design plan requirements for the construction of new and expanded facilities that deliver pure water for public or semipublic use. This regulation will repeal Section 3 of 401 KAR 6:015 and contains minor revisions.

Section 1. Plans and Specifications. (1) Plans to be submitted. Before a supplier or potential supplier of water may enter into a financial commitment for or initiate construction of a new public water system, or increase the capacity of an existing public water system, he shall submit the preliminary plans to the cabinet. An applicant shall demonstrate to the cabinet evidence of efforts to avoid locating part or all of the new or expanded facility at a site which is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof. Except for the intake structure, the facility shall be out of the 100-year flood plain.

(2) Preliminary information. The following information shall be submitted to the cabinet by a professional engineer on behalf of the applicant along with the fee required by 401 KAR 8:050 Section 1(1):

(a) The names of the applicant and the owner of the plant;

(b) A United States Geological Survey quadrangle map which shows the location of the proposed facility;

(c) The proposed source of water and quantity available, with the location of the intake or wellhead identified by latitude and longitude in degrees, minutes and seconds;

(d) An analysis of the water from the proposed source, which covers all regulated parameters, performed by a laboratory certified by the cabinet or its authorized agent;

(e) A description of the proposed facility, including size, flow rate through filters, settling basin size, and other general criteria; and

(f) An operation plan, including anticipated load, hours of operation, area served and the name of the plant operator.

(3) Preliminary plans approval. Upon receipt and review of the preliminary plans, as set forth in subsection (1) of this section, the cabinet **shall** [will] either approve the preliminary plans or return them to the supplier of water for revision. Approval of the preliminary plans signifies approval only of the concept described in the preliminary plans and does not alter in any way the responsibility of the supplier of water to submit complete plans and specifications to the cabinet for final approval. The facility shall comply with the approved preliminary plans. Any change in the final design from the concept set forth in the preliminary plans shall be approved prior to its incorporation in the final plans and specifications.

(4) Preliminary plans for semipublic treatment facilities or distribution systems. Preliminary plans are not required by the cabinet for semipublic treatment facilities or for distribution system construction, extensions or improvements.

(5) Final plans and specifications for water treatment plants and distribution facilities.

(a) Plans for the construction or modification of public water systems shall be submitted by the water system or shall be accompanied by a letter from the water system confirming that it has reviewed the plans, accepts the design and can and will provide water service to the project. Public water systems which purchase water from another public water system, shall also submit a letter from the seller of water for all construction or modification projects if: such project will result in exceeding eighty-five (85) percent of the purchasers current purchase contract; or such project could result in a pressure reduction below thirty-five (35) pounds per square inch in either the purchaser's or the seller's system; or, such project will result in a demand for water by the purchaser in excess of a 10,000 gallon per day increase.

(b) Plans and specifications for all public water systems shall be prepared and submitted to the cabinet by a professional engineer registered in Kentucky, and shall bear his seal. The seal of a professional engineer is not required on plans and specifications for semipublic water supplies, **or for public water supply projects in which the expenditure for the completed project shall not exceed $2,000.** [for public water system projects for repair or maintenance of an existing system that cost less than $2,000, or for public water systems projects for the construction, repair or maintenance of a new facility that cost less than $25,000.] The construction or installation of any new facilities or works or the alteration or reconstruction of any existing facilities or works, in any public or semipublic water system, shall not begin until four (4) copies of the plans and specifications, or any changes thereto, together with design data as may be required for proper review of the plans, have been submitted to the cabinet and have been approved by the cabinet in writing. A complete package, including plans, specifications, necessary fees, letters and other information, shall be submitted in such form and content as may be specified by the cabinet, and shall be submitted at least thirty (30) days prior to the date on which action is requested of the cabinet. The front page of the plans shall contain the name of the water supply, its ownership, location by city and county, and the name of the person preparing the plans.

(c) The cabinet's review of plans **shall be** [is] limited to sanitary features of design and other features of public health significance and **shall** [does] not include an examination of structural, mechanical or electrical design or economic factors.

(d) The plans shall be drawn to scale and

accompanied by proper specifications, so as to permit a comprehensive engineering review, and shall include, but not be limited to, the following:

1. If treatment facilities are involved, chemical analyses of the proposed raw water source or sources shall be performed and evaluated before final approval is granted;

2. A plan and sectional view with all necessary dimensions of the water treatment facilities;

3. A piping diagram showing all appurtenances, including treatment facilities, in sufficient detail, as well as pertinent elevation data, to permit a hydraulic analysis of the system; and

4. Specifications containing details on all treatment equipment, including catalog identification of pumps, chlorinators, chemical feeders and related equipment.

(6) Approval of final plans. If approved, one (1) set of plans and specifications stamped "approved" will be returned to the engineer or person who prepared them and one set will be returned to the water supply.

(7) Construction.

(a) During construction, a set of approved plans and specifications shall be available at the job site at all times. All work shall be performed in accordance with the approved plans and specifications.

(b) If the cabinet's representative observes work being performed in a manner which does not conform to the approved plans and specifications, the cabinet **shall** [will] notify the owner in writing [of any noncompliance].

(8) Final approval of facility. Upon completion of construction, the person who presented the plans shall certify in writing that the project has been completed in accordance with the "approved" plans and specifications. The public water supply shall operate the facility consistent with the approved plans and specifications.

(9) Expiration of approval. Unless construction is begun within one (1) year from date of approval, the approval shall expire. Extension of approval may be granted upon written request to the cabinet.

(10) All plans and specifications submitted pursuant to this regulation shall be consistent with "Recommended Standards for Water Works", "General Design Criteria for Surface and Groundwater Supplies", and "Water Policy Memorandum Number 84-02, General Guidelines for Conducting Stream Studies for Wastewater Discharges Proposed Within Five Miles Upstream from Public Water Supply Sources, or for the Location of Public Water Supply Intakes Within Five Miles Downstream from Wastewater Discharges", which are incorporated by reference in Section 2 of this regulation.

Section 2. The following documents are hereby incorporated by reference and are available for public inspection and copying between 8:00 a.m. and 4:30 p.m., Monday through Friday, at the Division of Water, 18 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601:

(1) Great Lakes Upper Mississippi River Board of State Public Health & Environmental Managers "Recommended Standards for Water Works," 1987, published by and available from Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224.

(2) "General Design Criteria for Surface and Ground Water Supplies", **July 1990,** which is published by and may be obtained from the Division of Water; and

(3) "Water Policy Memorandum number 84-02, General Guidelines for Conducting Stream Studies for Wastewater Discharges Proposed within Five Miles Upstream from Public Water Supply Sources, or for the Location of Public Water Supply Intakes within Five Miles Downstream from Wastewater Discharges", **1984,** which is published by and may be obtained from the Division of Water.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

[Section 4. Repeal. 401 KAR 6:015, Public and semipublic water supplies, is hereby repealed.]

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: September 5, 1990
FILED WITH LRC: September 5, 1990 at 11 a.m.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water
(As Amended)

401 KAR 8:150. Disinfection and filtration.

RELATES TO: KRS Chapter 224, 40 C.F.R. Parts 141, 142

STATUTORY AUTHORITY: KRS 224.032, 224.033, Public Law 93-523, The Safe Drinking Water Act as amended in 1986 and by the Lead Contamination and Control Act of 1988, Public Law 100-572, 42 U.S.C.A. 300, 300f, 300g, 300j

NECESSITY AND FUNCTION: KRS 224.032 directs the cabinet to enforce rules and regulations adopted by the secretary for the regulation and control of the purification of water for public and semipublic use. The Safe Drinking Water Act, as amended by the Safe Drinking Water Act Amendments of 1986, provides for primary enforcement responsibility by states that have adopted regulations "no less stringent than the national primary drinking water regulations", as well as meeting other criteria stipulated by the Act. The Commonwealth of Kentucky has accepted and is currently exercising such primary enforcement responsibility. This regulation sets out requirements for the disinfection and filtration of drinking water. It is anticipated that this regulation will be amended or replaced in the near future as a result of the Surface Water Treatment rule or the Total Coliform rule published in the Federal Register June 29, 1989. This regulation repeals Section 2 (9) and (10) of 401 KAR 6:015 and contains minor revisions.

Section 1. Disinfection. (1) Obligation to disinfect. All public and semipublic water supplies shall provide disinfection. Supplies which use chlorine shall use a continuous automatic disinfection by chlorination and shall provide a minimum free chlorine residual of two-tenths (0.2) milligrams per liter (or ppm) at all points throughout the distribution

system. A contact period of at least thirty (30) minutes shall be provided between the chlorine and the water to allow adequate time for disinfection. For those supplies using chlorine, free chlorine residuals shall be checked daily at representative points throughout the system and shall be reported **monthly** pursuant to 401 KAR 8:020, Section 2(7)[(8)](a). Disinfecting agents other than chlorine, such as chloramines and chlorine dioxide, may be acceptable to the cabinet but must be specifically approved by the cabinet on a case-by-case basis. If chloramination is used, a minimum combined residual of one-half (0.5) milligrams per liter (or ppm) shall be provided throughout the distribution system. If chlorine dioxide is used, the concentration of combined oxidants (chlorine dioxide, chlorate and chlorite) shall not exceed one (1.0) milligram per liter (or ppm) in the water delivered to the distribution system.

(2) Disinfection of water lines. All water distribution systems, including storage distribution tanks, repaired portions of existing systems or all extensions to existing systems, shall be thoroughly disinfected before being placed in service. Water distribution shall disinfect with chlorine or chlorine compounds, in such amounts as to produce a concentration of at least fifty (50) ppm and a residual of at least twenty-five (25) ppm at the end of twenty-four (24) hours, followed by a thorough flushing. New water distribution lines shall not be placed into service until bacteriological samples taken at the points specified in paragraph (a) of this subsection are examined and are shown to be negative following disinfection. Other methods of disinfection may be used with the written permission of the cabinet.

(a) Water distribution systems shall submit to the cabinet results of bacteriological samples [shall be submitted] for each new construction project, routine repair (which includes restoration of pressure to lines where pressure is lost), replacement, or extension to existing systems, after the disinfection and flushing. A core zone, which includes up to the first one-half mile, shall be established. Two (2) samples shall be taken from the core zone. Additionally, one (1) sample taken from each mile of new distribution line shall be submitted to the cabinet. New or routine replacement lines shall not be placed in service until negative laboratory results are obtained on the bacteriological analyses. Sample bottles shall be clearly identified as "special" construction tests. Notification of analytical results shall be given to the cabinet by the most expedient method. Other disinfection methods and testing procedures may be used if the cabinet grants prior written approval.

(b) When emergency repairs, due to breaks or ruptures in distribution system lines are required, public water systems may suspend bacteriological sampling, if appropriate and thorough flushing safeguards, with a chlorine residual present, are taken. When this suspension is exercised, records of flushing and chlorine residuals shall be maintained for one (1) year, and bacteriological tests shall be conducted after returning the line to service with records of results maintained for one (1) year. In all cases of loss of pressure below twenty (20) pounds per square inch or breaks or ruptures requiring more than four (4) hours to repair, the public water systems shall notify the cabinet immediately pursuant to 401 KAR 8:020, Section 2(7)(c). These emergency reports are not required for a loss of pressure, break or rupture occurring in service lines serving only one (1), single family residence. [In all cases of breaks, ruptures or other loss of pressure, the public water system shall notify the cabinet immediately pursuant to 401 KAR 8:020, Section 2(8)(c).]

Section 2. Filtration. All public water systems using a surface water source and all ground water systems under the direct influence of surface water shall establish filtration systems. The design for such systems shall be submitted to the cabinet in accordance with 401 KAR 8:100.

Section 3. Severability. If any provision of this regulation is set aside by a court of competent jurisdiction, the remainder of this regulation remains in effect.

[Section 4. Repeal. Section 2, subsections (9) and (10) of 401 KAR 6:015, Public and semipublic water supplies, are hereby repealed.]

FRANK DICKERSON, Commissioner
CARL H. BRADLEY, Secretary
APPROVED BY AGENCY: September 5, 1990
FILED WITH LRC: September 5, 1990, at 11 a.m.

CABINET FOR WORKFORCE DEVELOPMENT
Department of Vocational Rehabilitation
(As Amended)

781 KAR 1:030. Order of selection and economic need test for vocational rehabilitation services.

RELATES TO: HB 814, §§35 to 41 (1990 RS)
STATUTORY AUTHORITY: HB 814, §§35 to 41 (1990 RS)
NECESSITY AND FUNCTION: HB 814, §38 [§35 to 41] (1990 RS) directs the Commissioner, Department of Vocational Rehabilitation to prescribe rules and regulations governing the services and administration of the Department of Vocational Rehabilitation. This regulation sets forth when an order of selection and an economic need test will be applied to the provision of vocational rehabilitation services in order to distribute limited funds more equitably over the entire population of otherwise eligible clients.

Section 1. Definitions. (1) "Client" means an individual who has been determined by an appropriate state unit staff member to meet the basic conditions of eligibility for vocational rehabilitation services as defined in 34 CFR 361.31(b), which is adopted without change.

(2) "Agency" or "department" means the Department of Vocational Rehabilitation, and its appropriate staff members who are authorized under state law to perform the functions of the state regarding the state plan and its supplement.

(3) "Permanent functional limitation" means an impairment in activity or function imposed by a disability that is not readily amenable to - or likely to be corrected through - surgical

intervention and/or medical treatment. Use of the term permanent functional limitation in the agency's order of selection seeks to differentiate between those mental or physical conditions that are usually remedied through the provision of a physical or mental restoration service(s) and those other conditions or disabilities that impose or are likely to impose a permanent loss or substantial reduction in functioning regardless of surgical and/or medical intervention.

(4) "Commissioner" means Commissioner of the Department of Vocational Rehabilitation.

(5) "Competitive employment" means that an individual performs significant physical or mental activities in work for remuneration or profit in the public, private, or self-employment sector. Such employment will be the primary means of enabling an individual to remain or become financially self-sufficient.

Section 2. Economic Need. Vocational rehabilitation services may be provided subject to economic need, as follows and with consideration of applicable comparable benefits as provided in 781 KAR 1:020, Section 2:

(1) An economic needs test shall be applied as a condition for furnishing the following vocational rehabilitation services:

(a) Physical and mental restoration services;

(b) Books, supplies, tools and equipment for vocational and other training;

(c) Maintenance other than diagnostic;

(d) Transportation other than diagnostic;

(e) Services, other than diagnostic, to members of an individual's family necessary to the adjustment or rehabilitation of the individual who is handicapped;

(f) Telecommunications, sensory, and other technological aids and devices;

(g) Occupational licenses, tools, equipment, and initial stock (including livestock) and supplies;

(h) Postemployment services;

(i) Tuition and initial registration fees for training beyond the baccalaureate level;

(j) Interpreter services for the deaf except as provided in subsection (2)(f) of this section;

(k) Reader services for the blind;

(l) Rehabilitation engineering except as provided in subsection (2)(e) and (f) of this section; and

(m) Other goods and services which can reasonably be expected to benefit an individual who is handicapped in terms of employability.

(2) The following services shall be excluded from an economic needs test:

(a) Diagnosis and evaluation of rehabilitation potential;

(b) Counseling and guidance;

(c) Services provided by staff at state-owned and operated rehabilitation facilities;

(d) Placement;

(e) Professional rehabilitation engineering services;

(f) Rehabilitation engineering devices necessary for evaluation of rehabilitation potential;

(g) Communication assistance in the individual's native language, including interpreters for individuals who are deaf for purposes of providing services set forth in paragraph (a), (b), (c), (d) or (e) of this subsection.

(h) Tuition and initial registration fees for vocational and college training up to and including the baccalaureate level;

(i) Adjustment training, driver training, on-the-job training; and

(j) Supported employment services, **except as provided in subsection (1) of this section**.

(3) Except as provided in 781 KAR 1:060, those clients who do not meet total financial need criteria shall apply 100 percent of the monthly excess income to their rehabilitation program.

(4) Ninety (90) percent of the 1990 Kentucky median gross income as adjusted to family size shall be used as the criterion for the agency economic needs test.

Section 3. Order of Selection. When the commissioner determines that the agency shall be unable to provide services to all eligible applicants who are handicapped, the agency shall implement the order of selection.

(1) Any agency previously declared eligible for vocational rehabilitation services shall in no way be affected when the agency implements an order of selection.

(2) The order of selection shall not be applicable for clients whose needs are for nonpurchased services only (counseling, guidance, placement, referral services, coordination of comparable benefits, and/or third party payments).

(3) The order of selection shall not be applicable for clients whose needs are for services at agency owned and operated rehabilitation facilities or for services at CARS contracted private not-for-profit rehabilitation facilities.

(4) On implementation of the order of selection, the agency shall continue to accept referrals of and applications from persons with disabilities.

(5) The order of selection shall in no way regulate the provision or authorization of diagnostic and evaluation services.

(6) All applicants shall be declared eligible or ineligible as appropriate on a timely basis.

(7) Any client entering accepted status after implementation of the order of selection shall be assigned to a priority category. If the priority category is open, the individual may be served. If, however, the priority category is closed, the individual's case shall be held in accepted status until such time as the priority category assigned is opened or the order of selection is lifted.

(8) The order of selection policy shall permit immediate reclassification into a higher priority category whenever circumstances justify the reclassification.

(9) The order of selection described in this section shall be followed with the categories to be served designated at the time of implementation.

(10) The order of selection system shall have six (6) priority categories as follows:

(a) Priority Category I - eligible clients with a severe handicapping condition.

(b) Priority Category II - eligible public safety officers with a nonsevere handicap whose handicapping condition arose from disability sustained in the line of duty.

(c) Priority Category III - eligible clients with a nonsevere handicap whose disability results in permanent functional limitations and who will have a vocational objective of competitive employment.

(d) Priority Category IV - all other eligible clients with a nonsevere handicap whose disability results in permanent functional limitations. [limits or if not treated will limit one (1) or more major functional capacities, and who will have a vocational objective of competitive employment.]

(e) Priority Category V - eligible clients with a nonsevere handicap whose disability limits or if not treated will limit one (1) or more major functional capacities [results in permanent functional limitations].

(f) Priority Category VI - any other eligible clients whose handicap is nonsevere.

CARROLL BURCHETT, Acting Commissioner
APPROVED BY AGENCY: August 30, 1990
FILED WITH LRC: August 30, 1990 at 11 a.m.

PUBLIC PROTECTION & REGULATION CABINET
Public Service Commission
(As Amended)

807 KAR 5:058. Integrated resource planning by electric utilities.

RELATES TO: KRS Chapter 278
STATUTORY AUTHORITY: KRS 278.040(3), 278.230(3)
NECESSITY AND FUNCTION: KRS 278.040(3) provides that the commission may adopt reasonable regulations to implement the provisions of KRS Chapter 278. This regulation prescribes rules for regular reporting and commission review of load forecasts and resource plans of the state's electric utilities to meet future demands for electricity, assure an adequate and reliable supply of electricity at the lowest possible cost for all electric utility customers within their service areas, and satisfy all related state and federal environmental and other laws and regulations.

Section 1. General Provisions. (1) This regulation shall apply to electric utilities under commission jurisdiction except a distribution company with less than $10,000,000 annual revenue or a distribution cooperative organized under KRS Chapter 279.

(2) Each utility shall file biennially with the commission an integrated resource plan. The plan shall include both historical and projected demand, resource and financial data, and other operating performance and system information, as well as a discussion of facts, assumptions, conclusions, and actions in the plan. Specific filing requirements are stated below.

Section 2. General Procedures for Filing and Distributing the Plan. (1) Each utility shall file ten (10) copies of its initial integrated resource plan with the commission [during the year 1990] according to the following filing [a] schedule:

(a) 270 days from the effective date of this regulation, two (2) utilities shall file their integrated resource plans;

(b) 300 days from the effective date of this regulation, two (2) additional utilities shall file their integrated resource plans;

(c) 330 days from the effective date of this regulation, the remaining utilities shall file their integrated resource plans;

(d) If any of these filing dates occur on a weekend day or holiday, the plan shall be submitted on the first workday following the scheduled filing date;

(e) Following discussions with each utility and not later than fifteen (15) days from the effective date of this regulation, the commission will establish the order in which each utility will file its integrated resource plan in accordance with the schedule outlined in this subsection. [established by the commission.]

(2) Subsequent to its [the] initial filing, each [the] utility shall file [its integrated resource plan every two (2) years thereafter.] ten (10) copies of its integrated resource [the] plan on the second anniversary of its last filing. [shall be filed with the commission.]

(3) [(2)] Immediately upon filing of the initial integrated resource plan, each utility shall provide notice to intervenors in its most recently completed general rate case proceeding, that its plan has been filed and is available from the utility upon request.

(4) [(3)] Immediately upon filing of any subsequent integrated resource plan, each utility shall provide notice to intervenors in the last integrated resource plan review proceeding, that its plan has been filed and is available from the utility upon request.

(5) [(4)] Upon receipt of a utility's integrated resource plan, the commission shall establish a review schedule which may include interrogatories, comments, informal conferences and staff reports.

Section 3. Exemptions or Waivers. A utility may file a motion requesting an exemption from or waiver of requirements of specific provisions of this regulation. Such request shall be made no later than ninety (90) days prior to filing the integrated resource plan. The commission shall rule on the request within thirty (30) days. The motion shall clearly identify the provision from which the utility is seeking exemption or waiver and provide justification for the requested relief. The justification shall include an estimate of costs and benefits of compliance with the specific provision. Notice of motion requesting an exemption shall be given in the manner provided in Section 2(2) and (3) of this regulation.

Section 4. Format. (1) The integrated resource plan shall be clearly and concisely organized so that it is evident to the commission that the utility has complied with reporting requirements described in subsequent sections.

(2) Each plan filed shall identify individuals responsible for preparation of the plan. These individuals shall be available to respond to inquiries during the commission's review of the plan.

(3) Utilities may make joint filings for all or part of the requirements of this regulation. However, the information shall be stated separately for each utility as well as aggregated for joint filing, since the commission will review forecasts and plans for each electric utility individually.

[(4) The commission may develop forms and formats for submission of information required under this regulation. Such forms and formats shall be forwarded to utilities in sufficient time prior to filing. The commission will

periodically review the adequacy and appropriateness of forms and modify them as deemed appropriate. When forms or formats are specified, the utility shall use them in preparing its plan.]

Section 5. Plan Summary. The plan shall contain a summary which discusses the utility's outlook for load growth and the resources planned to meet that growth. The summary shall include at a minimum:

(1) Description of the utility, its customers, service territory, current facilities, and planning objectives;

(2) Description of models, methods, data and key assumptions used in developing the results contained in the plan;

(3) Summary of forecasts of energy and peak demand, and key economic and demographic assumptions or projections underlying these forecasts;

(4) Summary of the utility's planned resource acquisitions including, but not limited to: improvements in operating efficiency of existing facilities, demand-side programs, nonutility sources of generation, new power plants, transmission improvements, bulk power purchases and sales, and interchanges with other utilities;

(5) Steps being taken during the next two (2) years to implement the plan;

(6) Discussion of key issues or uncertainties that could affect successful implementation of the plan.

Section 6. Significant Changes. Any integrated resource plan, subsequent to the initial plan, shall have a summary of significant changes from the last plan. This summary shall describe, in narrative and tabular form, changes in load forecasts, resource plan, assumptions or methodologies from the previous plan. Where appropriate, the utility may also use graphical displays to illustrate changes.

Section 7. Load Forecasts. The plan shall include historical and forecasted information regarding loads.

(1) The information shall be provided for the system total and, where available, disaggregated by the following customer classes:

(a) Residential heating;

(b) Residential nonheating;

(c) Total residential (total of paragraphs (a) and (b) of this subsection);

(d) Commercial;

(e) Industrial;

(f) Sales for resale;

(g) Utility use and other.

The utility shall also provide data at any greater level of disaggregation available.

(2) The utility shall provide historical information for the base year, which is the most recent calendar year for which actual energy sales and system peak demand data are available, and the four (4) years preceding the base year.

(3) The following historical information shall be provided:

(a) Average annual number of customers by class as defined in subsection (1) of this section;

(b) Recorded and weather-normalized annual energy sales and generation for the system, and sales disaggregated by class as defined in subsection (1) of this section;

(c) Recorded and weather-normalized coincident peak demand in summer and winter for the system;

(d) Total energy sales and coincident peak demand to retail and wholesale customers for which the utility has firm, contractual commitments;

(e) Total energy sales and coincident peak demand to retail and wholesale customers for which service is provided under an interruptible or curtailable contract or tariff or under some other nonfirm basis;

(f) Annual energy losses and estimated losses at time of summer and winter system peak demands for the system;

(g) Identification and description of existing demand-side programs and an estimate of the impact of existing demand-side programs on utility sales and coincident peak demands including, but not limited to, utility [and/]or government sponsored conservation and load management programs;

(h) Any other data or exhibits, such as load duration curves or average energy usage per customer, which illustrate historical changes in load or load characteristics.

(4) The utility shall provide load forecast information for each of the fifteen (15) years succeeding the base year. For purposes of this section, a base load forecast shall be required. The base forecast is the forecast considered most likely to occur. To the extent available, the utility also shall file information for alternate forecasts representing lower and upper boundaries for the range of expected future growth of the load on the utility's system. Forecasts shall not include load impacts of additional, future demand-side programs and customer generation included as part of planned resource acquisitions reported in Section 8 of this regulation. Contributions of these programs and facilities to satisfy future customer demands for electricity shall be estimated separately and reported in Section 8(4) of this regulation. Forecasts shall include the utility's estimates of existing and continuing demand-side programs as described in subsection (5) of this section.

(5) The following information shall be filed for each forecast:

(a) Annual energy sales and generation for the system and sales disaggregated by class as defined in subsection (1) of this section;

(b) Summer and winter coincident peak demand for the system;

(c) If available for the first two (2) years of the forecast, monthly forecasts of energy sales and generation for the system and disaggregated by class as defined in subsection (1) of this section and system peak demand;

(d) The impact of existing and continuing demand-side programs on both energy sales and system peak demands, including but not limited to, utility and government sponsored conservation and load management programs;

(e) Any other data or exhibits which illustrate projected changes in load or load characteristics.

(6) For a utility which is part of a multistate integrated utility system, the additional following historical data shall be provided:

(a) Recorded and weather normalized annual energy sales and generation for the integrated system; and

(b) Recorded and weather normalized coincident peak demand in summer and winter for the

integrated system.

(7) For a utility which is part of a multistate integrated utility system, the additional following forecast information shall be provided:

(a) Annual energy sales and generation for the integrated system; and

(b) Summer and winter coincident peak demand for the integrated system.

(8) For a utility which purchases fifty (50) percent or more of its energy needs from another company, the additional following historical data shall be provided:

(a) Recorded and weather normalized annual energy sales and generation of the company supplying energy needs; and

(b) Recorded and weather normalized coincident peak demand in summer and winter of the company supplying energy needs.

(9) For a utility which purchases fifty (50) percent or more of its energy needs from another company, the additional following forecast information shall be provided:

(a) Annual energy sales and generation of the utility supplying energy needs; and

(b) Summer and winter coincident peak demand of the utility supplying energy needs.

(10) A utility shall file all updates of load forecasts with the commission when they are adopted by the utility.

(11) The plan shall include description and discussion of methods, models, data, assumptions and judgments used in preparing load forecasts. Documentation **shall** [should] be explicit, detailed, and complete. Detailed technical discussions, descriptions, and supporting documentation shall be contained in a technical appendix. The description and discussion shall include, but not be limited to:

(a) All data sets used in producing the forecasts;

(b) Key assumptions and judgments used in producing forecasts and determining reasonableness of forecasts;

(c) General methodological approach taken to load forecasting (**for example** [e.g.], econometric or structural), and the model design, model specification, and estimation of key model parameters (e.g., price elasticities of demand or average energy usage per type of appliance);

(d) Utility's treatment and assessment of load forecast uncertainty;

(e) Extent to which the utility's load forecasting methods and models explicitly address and incorporate the following factors:

1. Changes in prices of electricity and prices of competing fuels;

2. Changes in population and economic conditions in the utility's service territory and general region;

3. Development and potential market penetration of new appliances and other equipment and technologies that use electricity or competing fuels; and

4. Continuation of existing company and government sponsored conservation and load management or other demand-side programs.

(f) Research and development efforts underway or planned to improve performance, efficiency or capabilities of the utility's load forecasting methods; and

(g) Description of and schedule for efforts underway or planned to develop end-use load and market data for analyzing demand-side resource options including, but not limited to, load research and market research studies, customer appliance saturation studies, and conservation and load management program pilot or demonstration projects.

Section 8. Resource Assessment and Acquisition Plan. (1) The plan shall include the utility's resource assessment and acquisition plan. This plan shall provide for an adequate and reliable supply of electricity to meet forecasted electricity requirements at the lowest possible cost. The plan shall consider the potential impacts of selected, key uncertainties and shall include assessment of potentially cost-effective resource options available to the utility.

(2) The utility shall describe and discuss all options considered for inclusion in the resource assessment and acquisition plan including, but not limited to:

(a) Improvements to and more efficient utilization of existing utility generation, transmission and distribution facilities;

(b) Conservation and load management or other demand-side programs beyond those already in place;

(c) Expansion of generating facilities, including assessment of economic opportunities for coordination with other utilities in constructing and operating new units; and

(d) Assessment of nonutility generation, including generating capacity provided by cogeneration, technologies relying on renewable resources, and other nonutility sources.

(3) The following information regarding the utility's existing and planned resources shall be provided. A utility which operates as part of a multistate integrated system shall submit the following information for its operations within Kentucky and for the multistate utility system of which it is a part. A utility which purchases fifty (50) percent or more of its energy needs from another company shall submit the following information for its operations within Kentucky and for the company from which it purchases its energy needs.

(a) Map of existing and planned generating facilities and transmission facilities with a voltage rating of sixty-nine (69) kilovolts or greater, indicating their type and capacity. This map shall also indicate locations and capacities of all interconnections with other utilities. In addition, the utility shall provide discussion of any known, significant limiting conditions which restrict transfer capabilities with other utilities.

(b) List of all existing and planned electric generating facilities which the utility plans to have in service in the base year or during any of the fifteen (15) years of the forecast period. The utility shall provide a schedule including the following information for each existing and planned facility:

1. Plant name;

2. Unit number(s);

3. Existing or proposed location;

4. Status (existing, planned, under construction, etc.);

5. Actual or projected commercial operation date;

6. Type of facility;

7. Net dependable capability, summer and winter;

8. Entitlement if jointly owned or unit purchase;

9. Primary and secondary fuel types, by unit and as applicable;
10. Fuel storage capacity; and
11. Scheduled upgrades, deratings and retirement dates.

(c) For each generating unit planned to be available during the base year or during any of the fifteen (15) years of the forecast period, the utility shall provide the following actual and projected cost and operating information for the base year (for existing units) or first full year of operations (for new units) and the basis for projecting the information to each of the fifteen (15) forecast years (**for example** [e.g.], cost escalation rates). All cost data shall be expressed in nominal and real base year dollars.

1. Capacity and availability factors;
2. Anticipated annual average heat rate;
3. Costs of fuel(s) per millions of British thermal units (MMBtu);
4. Estimate of capital costs for planned units (total and per kilowatt of rated capacity);
5. Variable and fixed operating and maintenance costs;
6. Capital and operating and maintenance cost escalation factors;
7. Projected average variable and total electricity production costs (in cents per kilowatt-hour).

(d) Description of transactions for purchases, sales or exchanges of electricity which currently exist or which the utility expects to enter into with other utilities during the base year or during any of the fifteen (15) forecast years of the plan.

(e) Description of existing and projected amounts of electric energy and generating capacity from cogeneration, self-generation, technologies relying on renewable resources, and other nonutility sources available for purchase by the utility during the base year or during any of the fifteen (15) forecast years of the plan.

(f) Information on existing and new conservation and load management or other demand-side programs included in the plan. For each program the utility shall identify:

1. Targeted classes [and/]or end-uses;
2. Expected life of the program;
3. Projected energy changes by season, and summer and winter peak demand changes;
4. Projected cost of each program, including any incentive payments and program administrative costs; and
5. Projected cost savings of each program including savings in utility's generation, transmission and distribution costs.

(4) The utility shall describe and discuss its resource assessment and acquisition plan. The plan shall consist of resource options which produce adequate and reliable means to meet annual and seasonal peak demands and total energy requirements required by the base load forecast at the lowest possible cost.

(a) The utility shall provide the following information on total resource capacity available at the winter and summer peak, for the base year and for each year covered by the base forecast:

1. Forecast peak load;
2. Capacity from existing resources before consideration of retirements;
3. Capacity from planned utility-owned generating plant capacity additions;
4. Capacity available from firm purchases from other utilities;
5. Capacity available from firm purchases from nonutility sources of generation;
6. Reductions or increases in peak demand from new conservation and load management or other demand-side programs proposed in the plan;
7. Committed capacity sales to wholesale customers coincident with peak;
8. Planned retirements;
9. Reserve requirements;
10. Capacity excess or deficit;
11. Capacity or reserve margin.

(b) The utility shall provide the following information on planned annual generation for the base year and for each year covered by the forecast:

1. Total forecast firm energy requirements;
2. Energy from existing and planned utility generating resources disaggregated by primary fuel type;
3. Energy from firm purchases from other utilities;
4. Energy from firm purchases from nonutility sources of generation; and
5. Reductions or increases in energy from new conservation and load management or other demand-side programs proposed in the plan;

(c) For each of the fifteen (15) years covered by the plan, the utility shall provide estimates of total energy input in primary fuels by fuel type and total generation by primary fuel type required to meet load. Primary fuels shall be organized by standard categories (coal, gas, etc.) and quantified on the basis of physical units (**for example** [e.g.], barrels or tons) as well as in MMBtu.

(5) The resource assessment and acquisition plan shall include a description and discussion of methods, models, data, assumptions and judgments used in preparing the resource assessment and acquisition plan. Detailed technical discussion, descriptions and supporting documentation shall be contained in a technical appendix. Description and discussion shall include, but not be limited to:

(a) General methodological approach, models, data sets and information used by the company;

(b) Key assumption and judgments used in the assessment and how uncertainty in those assumptions and judgments were incorporated into analyses;

(c) Criteria (**for example** [e.g.], present value of revenue requirements, capital requirements, environmental impacts, flexibility, diversity) used to screen each resource alternative, and criteria used to select the final mix of resources presented in the acquisition plan;

(d) Criteria used in determining the appropriate level of reliability and the required reserve or capacity margin, and discussion of how these determinations have influenced selection of options; and

(e) Existing and projected research efforts and programs which are directed at developing data for future assessments and refinements of analyses.

Section 9. Financial Information. The integrated resource plan shall, at a minimum, include and discuss the following financial information:

(1) Present (base year) value of revenue requirements stated in dollar terms;

(2) Discount rate used in present value

calculations;
(3) Nominal and real value requirements by year; and
(4) Average system rates (revenues per kilowatt hour) by year.

Section 10. Report from the Statewide Perspective. (1) Upon receipt of all integrated resource plans for each filing year, the commission shall order preparation, either by commission staff or by a consultant, of a report which views the filings from the statewide perspective.
(2) The report shall compile and aggregate key information from the utility specific filings.
(3) The report shall be completed and distributed to all parties of record in each integrated resource planning proceeding within ninety (90) days of the date when all of the integrated resource plans have been filed.

Section 11. Notice. Each utility which files an integrated resource plan shall publish, in a form prescribed by the commission, notice of its filing in the newspaper of largest circulation in each county in which the utility currently provides service or anticipates to provide service during the period covered by the report. The notice shall be published not more than thirty (30) days after the filing date of the report.

Section 12. Procedures for Review of the Integrated Resource Plan. (1) Upon receipt of a utility's integrated resource plan, the commission shall develop a procedural schedule which allows for submission of written interrogatories to the utility by staff and interested parties, written comments by staff and interested parties and responses to interrogatories and comments by the utility.
(2) The commission may convene a conference following interrogatories and comments to discuss the filed plan and all other matters relative to review of the plan.
(3) Based upon its review of a utility's plan and all related information, the commission staff shall issue a report summarizing its review and offering suggestions and recommendations to the utility for subsequent filings.
(4) A utility shall respond to the staff's comments and recommendations in its next integrated resource plan filing.

GEORGE EDWARD OVERBEY, JR., Chairman
ROBERT M. DAVIS, Vice Chairman
APPROVED BY AGENCY: August 15, 1990
FILED WITH LRC: August 15, 1990 at 10 a.m.

CABINET FOR HUMAN RESOURCES
Commission for Health Economics Control in Kentucky
(As Amended)

902 KAR 20:006. Certificate of need process.

RELATES TO: KRS 216B.010 to 216B.130 [216B.131], 216B.990(1), (2)
STATUTORY AUTHORITY: KRS 13A.350, 216B.040, [216B.070,] 216B.075
NECESSITY AND FUNCTION: KRS 216B.040, [216B.070,] and KRS 216B.075 authorize the Commission for Health Economics Control in Kentucky to promulgate administrative regulations respecting application and review procedures. This regulation sets forth the application and review procedures and requirements for [exemptions of health maintenance organizations,] batching, issuing advisory opinions, [review of substantial changes in projects and] cost escalations and progress reports. This regulation incorporates sections of 902 KAR 20:127, Certificate of need hearings, making the regulation no longer necessary; therefore, 902 KAR 20:127, Certificate of need hearings, is hereby repealed.

Section 1. Definitions. Except as otherwise provided, for purposes of this regulation, the following definitions shall apply:
(1) "Capital expenditure authorized" means the amount of the capital expenditure approved by the commission to implement the proposal.
(2) "Chairman" means the chairman of the Commission for Health Economics Control in Kentucky.
(3) "Cost escalation" means an increase in the capital expenditure authorized on a certificate of need which has not been obligated as prescribed in KRS 216B.015(28).
(4) "Cost overrun" means an increase in the capital expenditure authorized on a certificate of need which has been obligated without commission approval.
(5) [(3)] "Public Information channels" means the Office of Communications [and Council Affairs] in the Cabinet for Human Resources.
(6) [(4)] "Review commences" means the date of public notice of the appropriate batching cycle for the particular application after it is deemed complete.

Section 2. Criteria. In determining whether to issue or deny a certificate of need, the commission [and the cabinet] shall utilize the following criteria:
(1) Consistency with plans. [The proposal should be consistent with the state health plan. Consideration should be given to the other applicable appropriately adopted plans developed by local health planning agencies. In case of inconsistency between the state health plan and other plans considered, the state health plan shall prevail. The fact that the state health plan does not address the specific type of proposal being reviewed does not constitute grounds for disapproval of the proposal.] To determine conformance with this criterion the applicant shall address and the commission shall consider the relationship of the proposal to the state health plan. [:]
[(a) The state health plan;]
[(b) The applicable appropriately adopted plans developed by local health planning agencies.]
(2) Need and accessibility. [The proposal should meet an identified need in a defined geographic area and be accessible to all residents of the area.] To determine conformance with this criterion the applicant shall address and the commission [and the cabinet] shall consider:
(a) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, handicapped persons and other underserved

groups are likely to have access to those services.

[(b) In the case of a reduction or elimination of a service, including the relocation of a facility or a service, the need that the population presently served has for the service; the extent to which that need will be met adequately by the proposed relocation or by alternative arrangements; and the effect of the reduction, elimination, or relocation of the service on the ability of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups to obtain needed health care.]

(b) [(c)] The contribution of the proposed service in meeting the health related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women and handicapped persons), particularly those needs identified in [the applicable appropriately adopted plans developed by local health planning agencies and] the state health plan [as deserving of priority]. In this regard, the commission [and the cabinet] shall consider:

1. The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved; and

[2. The past performance of the applicant in meeting its obligation, if any, under any applicable federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving federal financial assistance (including the existence of any civil rights access complaints against the applicant);]

[3. The extent to which physicians with admitting privileges at the applicant's facility admit Medicare and Medicaid patients; and]

2. [4.] The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(c) [(d)] The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(d) [(e)] If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(e) [(f)] Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical or other health professions schools, multidisciplinary clinics and specialty centers.

[(g) The special needs and circumstances of biomedical-behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.]

(3) Interrelationships and linkages. [The proposal should serve to accomplish appropriate and effective linkages with other services, facilities, and elements of the health care system in the region and state accompanied by assurance of effort to achieve comprehensive care, proper utilization of services and efficient functioning of the health care system.] To determine conformance with this criterion the applicant shall address and the commission [and the cabinet] shall consider:

(a) The relationship of the services to be provided to the existing health care system of the area in which the services are proposed to be provided.

(b) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

(c) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(4) Costs, economic feasibility, and resource availability. [The proposal when measured against the cost of alternatives for meeting needs, is judged to be an effective and economical use of resources, not only in terms of capital investment, but also in terms of ongoing requirements for health manpower and operational financing.] To determine conformance with this criterion the applicant shall address and the commission [and the cabinet] shall consider:

(a) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded or [, reduced,] relocated[, or eliminated].

(b) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal on the cost of and charges for providing health services by the person proposing the service.

(c) The availability of resources (including health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(d) In the case of construction or renovation projects:

1. The costs and methods of the proposed construction or renovation, including the costs and methods of energy provision; and

2. The probable impact of the construction or renovation project reviewed on the costs of providing health services by the persons proposing the construction or renovation project and on the costs and charges to the public of providing health services by other persons.

[(e) The special circumstances of health care facilities with respect to the need for conserving energy.]

(e) [(f)] The factors which affect the effect of competition on the supply of the health services being reviewed.

(f) [(g)] Improvements or innovations in the financing and delivery of health services which foster competition, and serve to promote quality assurance and cost effectiveness.

(5) Quality of services. [The applicant should be prepared to and capable of undertaking and carrying out the responsibilities involved in the proposal in a manner consistent with appropriate standards and requirements assuring

the provision of quality health care services.] To determine conformance with this criterion the applicant shall address and the commission [and the cabinet] shall consider the quality of care provided by the applicant in the past or the qualifications of the principals who will provide the health service which would assure that quality care will be provided and any perceivable detrimental effects of the proposal on the quality of similar services in the area.

[(6) Special needs and circumstances of health maintenance organizations. In the case of a health maintenance organization (HMO) or an ambulatory care facility or health care facility controlled directly or indirectly by an HMO, the proposal should be consistent with the special need and circumstances of HMOs. The applicant shall address and the commission and the cabinet shall consider:]

[(a) The needs of enrolled members and reasonably anticipated new members of the health maintenance organizations for the health services proposed to be provided by the organization; and]

[(b) The availability of the proposed health services from nonhealth maintenance organization providers or other health maintenance organizations in a reasonable and cost effective manner which is consistent with the basic method of operation of the health maintenance organization.]

[Section 3. Health Maintenance Organizations. (1) Before any person establishes a health maintenance organization or before an existing health maintenance organization establishes a health facility or acquires major medical equipment or obligates a capital expenditure for the provision of health service, an original application for exemption, as prescribed by KRS 216B.070, and four (4) copies shall be submitted to the chairman. The application for exemption shall be filed on a prescribed form.]

[(a) Within fifteen (15) days of receipt of the application for exemption the chairman shall acknowledge receipt in writing to the applicant and the respective local health planning agency, if any, and shall notify the applicant whether or not the application is complete.]

[(b) If the application for exemption is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the chairman, upon receipt of the request for additional information, that he elects for the application for exemption to be processed as originally submitted.]

[(c) Upon receipt of the requested additional information by the chairman, or upon receipt of a letter from the applicant stating that he elects for the application for exemption to be processed as originally submitted, the chairman shall declare the application for exemption to be filed.]

[(d) A public hearing pursuant to the application for exemption shall be conducted within thirty (30) days of its having been declared filed. The hearing shall utilize the format described in 902 KAR 20:127.]

[(e) Within thirty (30) days of the conclusion of the hearing, findings of fact and conclusions shall be issued.]

[(f) A decision as to the granting or denial of the exemption shall be made at the next regularly scheduled meeting following the issuance of findings of fact and conclusions.]

[(2) An application for exemption shall be approved if the health maintenance organization meets the definition contained in KRS 216B.015(12).]

[(3) An application for exemption shall be approved if the health facility or the major medical equipment or the health service is to be used exclusively by the members of the health maintenance organization as defined in KRS 216B.015(12).]

[(4) If the exemption is not granted, a certificate of need application shall be required.]

[(5) If an exemption is granted, pursuant to KRS 216B.070, the health care facility, or portion thereof, or the major medical equipment may not be sold or leased, a controlling interest in the facility or equipment or in a lease of the facility or equipment may not be acquired, and the health care facility shall not be used by any person other than the one which was granted the exemption unless the notice of intent to acquire prescribed by KRS 216B.065 is duly filed.]

Section 3. [4.] Proposed New Use. A certificate of need shall not be required for any project which meets the applicable requirements of KRS 216B.065 and 216B.066. If a person acquires major medical equipment not located in a health facility without a certificate of need and proposes at any time to use that equipment to serve inpatients of a health care facility, the proposed new use must be reviewed unless the equipment will be used to provide services to inpatients of a health care facility only on a temporary basis in the case of an emergency, a natural disaster, a major accident, or an equipment failure. For the purposes of this section "temporary basis" means on an occasional and irregular basis or until the applicant's proposal for permanent acquisition or regular use by a health care facility is reviewed under the formal or nonsubstantive review process.

Section 4. [5.] Formal Review. (1) At least thirty (30) days prior to submitting a certificate of need application [for a construction project], a letter of intent shall be filed with the chairman. No letter of intent is required when an applicant proposes to alter an outstanding certificate of need [for a construction project]. The letter of intent shall be filed on a form provided by the commission.

(2) A letter of intent is valid for a period of one (1) year. If an application is denied, a new letter of intent shall [must] be submitted in order to resubmit the application. However, if an application is withdrawn prior to a commission decision, the same letter may be used to resubmit the same application as long as the letter of intent is not over one (1) year old.

(3) The chairman of the commission shall acknowledge receipt of the letter of intent[, send a copy to the respective local health planning agency, if any,] and send appropriate forms and instruction sheets to the applicant.

(4) The original certificate of need application and four (4) copies shall be submitted to the chairman [and two (2) copies shall be submitted to the respective local

health planning agency, if any].

(5) [Within] Fifteen (15) days after [of] receipt of the application the chairman shall acknowledge receipt in writing to the applicant [and the respective local health planning systems agency, if any,] and shall notify the applicant whether or not the application is complete.

(6) If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the chairman, upon receiving the request for additional information, that he elects for the application to be processed as originally submitted.

(7) Upon receipt of the requested additional information by the chairman, or upon receipt of a letter from the applicant stating that he elects for the application to be processed as originally submitted, the chairman shall declare the application to be complete [filed] and to be placed on the next appropriate public notice in accordance with the batching review cycles. In order to submit additional information to be made a part of the record after the application has been declared complete, it must be introduced at a public hearing.

(8) Applications not declared complete [filed] within a year from the date the application was received shall not be retained by the commission.

(9) The chairman shall notify the applicant of the date the application was declared complete [filed] and the date public notice has been given of the commencement of the review process. Applications must be declared complete [filed] at least six (6) working days prior to the date of public notice in order to be included in such notice.

(10) The chairman shall give written notice to affected persons of the beginning of a review. The notice shall include the schedule for the review and the period within which a public hearing may be requested by affected persons. The review notice to members of the public and third party payors shall be provided through public information channels. Notice to all other affected persons shall be by mail.

(11) [The review period shall commence on the date of public notice.] No review shall take longer than ninety (90) days from the commencement of the review unless the applicant requests [agrees to] a deferral of action in writing and the commission agrees to a deferral. [Applications proposing the same or similar types of services, equipment, or facilities affecting the same health service area shall be batched in the review cycles so they can be given comparative review, if applicable.]

(12) Batching review cycles [commencing with the March, 1987 meeting] shall be as follows:

TYPE OF PROPOSAL	MONTH OF PUBLIC NOTICE, NINETY (90) DAYS PRIOR TO DECISION [MEETING] DATE	MONTH OF COMMISSION DECISION [CERTIFICATE OF NEED BOARD MEETING], 3RD WEDNESDAY OF:
(a) Acute, Psychiatric, Rehab, Chemical Dependency facilities and other related components in the SHP (except Specialized Equipment and Services) such as IC/CC, Neonatal, and Surgical Services (including Freestanding Ambulatory Surgical Center) and [ESRD. Also] Birthing Centers.	November, February, May, August	February, May, August November
(b) [Long Term Care (]Skilled Nursing, Nursing Home, Intermediate Care or Nursing Facility[, IC MR/DD, Personal Care, Swing Beds), and Home Health or Home Health/Hospice].	December[, March, June, September]	March[, June, September, December]
(c) Personal Care or IC MR/DD	December, [January] March, June, September	March [April], June, September, December
(d) [(c)] Transplantation, Magnetic Resonance Imaging, Lithotripter, Radiation Therapy, C.T. Scanner, Cardiac Catheterization, Open Heart Surgery, and new Technological Developments.	January, July	April, October
(e) [(d)] Day Health Care Center, Ambulatory Care Clinic, [Primary Care Center, Rural Health Clinic, Group Home,] Rehab Agency, Hospice, Home Health or Home Health/Hospice [only].	November, [December,] February, June, August	February [March], May, September, November
(f) [(e)] Ambulance, NE Health Transportation, and Air Ambulance Services.	[November,] December, [January,] February, [March,] May, [June,] July, [August,] September	[February,] March, [April,] May, [June,] August, [September,] October, [November,] December
(g) [(f)] All Mobile Services except those covered under Specialized Equipment and Services.	November, January, March, May, July, September	February, April, June, August, October, December

[(g) Relocation of existing facility that does not involve a change of capacity or health service.	November, December, January, February, March, May, June, July, August, September	February, March, April, May, June, August, September, October, November, December]
[(h) Capital expenditure only that exceeds the threshold that does not qualify for nonsubstantive review.	November, December, January, February, March, May, June, July, August, September	February, March, April, May, June, August, September, October, November, December]

(h) [(i)] Any proposals not listed above will be placed in the most appropriate cycle as determined by the commission.

(i) [(j)] Any proposal granted nonsubstantive review status as specified in KRS 216B.095(3)(a) through (g), plus technical modifications (CON) [, plus a change of location (CON), technical modifications (CON), cost escalations that cannot be adjusted administratively, cost overrun, change of ownership when applicable, and industrial ambulance service,] will be processed in accordance with KRS 216B.095(1).

[(12) Any person directly affected by the proposal may request a public hearing within thirty (30) days of the date of public notice.]

[(13) The local health planning agency shall notify the chairman of its recommendation for approval or disapproval within sixty (60) days from the date of public notice. The recommendation shall set forth the basis for the recommendation and findings with respect to the criteria. In the event that no recommendation is received from the local health planning agency, the commission shall proceed without a recommendation.]

(13) [(14)] The chairman of the commission shall notify the applicant **by certified mail** [, the local health planning agency] and any party to the proceeding of the commission's final action on a certificate of need application by regular [certified] mail.

(14) The written notification shall include:

[(a) If the application is approved, the written notification shall include:]

(a) [1.] Verification that the criteria [for determining need] have been met or, if the application is inconsistent with any criteria, the reasons for approval notwithstanding the inconsistency. [and that the current accessibility of the facility as a whole has been taken into account, if applicable, as specified in the federal certificate of need regulation, except in the following cases:]

[a. Where the application is approved pursuant to the requirements of Section 2(6) of this regulation. In such case, the written findings shall verify that the conditions for required approvals under Section 3 of this regulation have been met; or]

(b) If the commission's action on a certificate of need application is inconsistent with the recommendation made in the hearing report, the chairman shall include a statement of the reasons for the inconsistency.

[b. Where the project is a proposed capital expenditure not directly related to the provision of health services or to beds or major medical equipment.]

(c) [2.] Amount of capital expenditure authorized, where applicable.

(d) [(b)] If the application is disapproved, the reasons for the disapproval; and [written notification shall include:]

[1. The decision of the commission.]

(e) [2.] Notice of appeal rights.

[(c) If the commission's action on a certificate of need application is inconsistent with a recommendation made by the local health planning agency, the chairman shall submit to the local health planning agency and to the applicant a written detailed statement of the reasons for the inconsistency.]

Section 5. Certificate of Need Hearings. (1) Notice of the date, time and location of the hearing shall be mailed to all affected persons except third party payors and members of the public at least ten (10) days before the date of the hearing. Notice to third party payors and members of the public shall be provided through public information channels.

(2) Hearing requests may be withdrawn by officially notifying the chairman in writing at least three (3) [five (5)] working days in advance of the scheduled hearing date. In order for a public hearing to be cancelled, all persons who requested the hearing must withdraw the hearing requests in writing.

(3) The commission shall consider requests for reconsideration no later than thirty (30) days following receipt of such requests and shall make its decision on reconsideration no later than thirty (30) days following the public hearing.

(4) [(3)] The commission or its designated hearing officer may conduct a prehearing conference to resolve issues not in dispute or not requiring an evidentiary record and may issue prehearing orders which shall determine the form and the manner in which the evidentiary hearing is conducted.

(5) [(4)] The commission or hearing officer may place reasonable time limits upon the presentation of testimony, evidence and argument, and may terminate or exclude irrelevant or redundant evidence, testimony or argument.

(6) [(5)] After the conclusion of the hearing, the hearing officer or the commission shall prepare written findings of fact, conclusions of law and recommendations.

(7) [(6)] The chairman shall transmit a copy of the findings, conclusions and recommendations to each member of the commission, the person requesting the hearing and all persons deemed parties to the proceedings.

(8) [(7)] Each party to the proceedings may file exceptions with the chairman within ten (10) [seven (7)] days of [receipt of] the date of the commission's recommended hearing report.

(9) [(8)] In addition to the requirements of KRS 216B.015(18), the record shall also include any exceptions timely filed.

(10) [(9)] Failure to file exceptions shall not constitute a failure to exhaust administrative remedies.

Section 6. Nonsubstantive Review. (1) In addition to the projects specified in KRS

216B.095(3)(a) through (g), nonsubstantive review status will be granted to applications for technical modifications to an approved certificate of need and in emergency circumstances which, if not promptly acted upon, would pose a threat to the life, health and safety of the patients. Emergency circumstances shall include acts of God, fire, vandalism, structural or mechanical failure and other situations which pose a threat to the life, health and safety of the patients. Any applicant acting under this subsection may proceed to relieve circumstances threatening the life, health and safety of the patients, provided the commission is consulted prior to such action and the application is submitted within thirty (30) days of the occurrence of the emergency. [(1) An applicant may waive the procedures for formal review of an application for a certificate of need and request a nonsubstantive review. In addition to the projects specified in KRS 216B.095(3)(a through f), nonsubstantive review status will be granted to applications for a change of location of a proposed health facility, technical modifications to an approved certificate of need, cost overruns, changes of ownership when applicable, and industrial ambulance services.]

[(2) Procedures.] (2) Procedures for nonsubstantive review shall be as follows:

(a) [(1)] [(a)] The original certificate of need application and four (4) copies, with a request for nonsubstantive review shall be submitted to the chairman [and two (2) copies of the application shall be submitted to the respective local health planning agency, if any].

(b) [(2)] [(b)] Within fifteen (15) days of the receipt of the application, the chairman shall acknowledge receipt of the application in writing to the applicant, [and the local health planning agency, if any,] and shall notify the applicant whether or not the application is complete.

(c) [(3)] [(c)] If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the chairman, upon receipt of the request for additional information, that he elects for the application to be processed as originally submitted.

(d) [(4)] [(d)] Upon receipt of the requested additional information by the chairman, or upon receipt of a letter from the applicant that he elects for the application to be processed as originally submitted, the chairman shall declare the application to be deemed complete [filed].

(e) [(5)] [(e)] The chairman's notice to grant or deny nonsubstantive review status shall be provided to the applicant and notice of the decision to conduct a nonsubstantive review shall be provided to affected persons by mail no later than the tenth day after the application has been deemed complete. [Within fifteen (15) days after the application is declared filed, the chairman functioning as the representative of the cabinet shall determine whether the application meets the criteria for nonsubstantive review and shall notify affected persons of the decision to grant or deny nonsubstantive review status.] The notice of the review to members of the public and third party payors shall be provided through public information channels. [Notice to all other affected persons shall be by mail.]

[(f) Within fifteen (15) days of the cabinet's notice to conduct a nonsubstantive review any affected person other than the applicant may request a public hearing before the cabinet on an application granted nonsubstantive review status.]

[(g) The local health planning agency, if any, shall recommend approval or disapproval of applications granted nonsubstantive review status within thirty (30) days of the date of public notice. In the event that no recommendation is received from the local health planning agency, the cabinet shall proceed without a recommendation.]

[(h) The cabinet shall approve or disapprove applications for certificates of need within forty-five (45) days from the date of public notice to conduct a nonsubstantive review.]

[(i) If the applicant's proposed project is denied nonsubstantive review status the application will automatically be placed in the next appropriate batching cycle of the formal review process.]

(f) [(6)] [(j)] If a certificate of need is denied following a nonsubstantive review and [, the applicant may request that the application be placed in the next appropriate batching cycle of the formal review process or may pursue a judicial appeal. If] a formal review is requested, no letter of intent shall be required, but the filing of the request for nonsubstantive review shall be considered compliance with any requirement for a letter of intent.

Section 7. Conditions Relative to a Certificate of Need. (1) No person shall transfer from one legal applicant to another an approved certificate of need for the establishment of a new health facility or the replacement of an existing facility without first obtaining a certificate of need. All other certificates of need may be transferred to the new owner of the facility or service if a change of ownership occurs prior to implementation of the project for which the certificate of need was issued.

(2) A certificate of need approved [issued] for establishment of a new health facility or the replacement of an existing facility and is issued only for the location stated on the certificate.

(3) A certificate of need holder shall notify the commission of any reduction or termination of a health service or a reduction in bed capacity for an approved project no later than the first progress report after the change has been determined.

(4) [(3)] Cost escalations or cost overruns.

(a) A certificate of need shall not be required for an escalation or cost overrun of the capital expenditure authorized provided that the scope of the project as approved is not altered[, the excess capital expenditure has not been obligated] and the amount of the escalation or overrun does not exceed:

1. Twenty (20) percent of the capital expenditure authorized or $100,000, whichever is greater, in the case of projects with a capital expenditure of less than $500,000;

2. Twenty (20) percent of the capital expenditure authorized, in the case of projects with a capital expenditure of $500,000 or greater, but less than $5,000,000;

3. Ten (10) percent of the amount in excess of

$5,000,000, plus $1,000,000, in the case of projects with a capital expenditure of $5,000,000 or greater, but less than $25,000,000;

4. Five (5) percent of the amount in excess of $25,000,000, plus $3,000,000, in the case of projects with a capital expenditure of $25,000,000 or greater, but less than $50,000,000; or

5. Two (2) percent of the amount in excess of $50,000,000, plus $4,250,000 in the case of projects with a capital expenditure of $50,000,000 or greater.

(b) The certificate of need holder shall submit, to the chairman, a standardized [escalation] form approved by the commission which includes the amount of the escalation or overrun, the factors pertaining to the escalation or overrun, and information to assure that the scope of the project as approved originally by the commission has not changed. The chairman shall review the form submitted and within thirty (30) days of receipt shall notify the certificate of need holder whether the proposed escalation or overrun meets the requirements of subsection (a) of this section. [Capital expenditures for escalations within the limits prescribed in this section shall not be obligated until the certificate of need holder has received this notice.] [A certificate of need shall be required for escalations in the capital expenditure authorized which exceeds the limits prescribed in this section or entails a change in the scope of the proposal which was originally approved.]

(c) The certificate of need holder shall[, prior to obligating any escalation of the capital expenditure authorized,] submit to the chairman any additional certificate of need application fee required by the increased capital expenditure pursuant to the requirements of 902 KAR 20:135 with the prescribed form.

(d) A certificate of need holder who obligates an amount exceeding the capital expenditure authorized without receiving an approved escalation per paragraph (b) of this subsection is subject to the appropriate penalty per KRS 216B.990.

Section 8. Progress Reports. (1) As one of the conditions of a certificate of need, the certificate of need holder shall submit a report of progress every six (6) months or more frequently if required by the commission [until the project is complete].

(2) All certificate of need holders shall be notified in writing that certificates of need, or portions thereof, will be revoked by the commission if satisfactory evidence towards the implementation of a proposal is not made within the time tables and standards set [limits] set by this regulation. The applicant shall provide the necessary evidence on forms provided by the chairman. The commission may revoke the certificate of need, or portions thereof, for failure to submit progress reports as required.

(3) Procedures for submission of progress reports.

(a) The chairman shall send notice to the certificate of need holder specifying the date each progress report is due. The first six (6) month report shall be due six (6) months from the date the certificate was issued.

(b) The holder shall send one (1) copy of the six (6) month progress report form to the commission [and two (2) copies to the local health planning agency, if any].

(4) Criteria for review of progress.

(a) The first six (6) month progress report shall include the following:

1. On all projects for purchase of equipment only, a copy of the purchase order.

2. For all construction projects, a copy of the deed or the option to acquire the site.

(b) Within one (1) year after a certificate of need is issued, the second six (6) month report shall include documentation that:

1. All projects for conversion of beds are complete;

2. All projects for addition of new services, not involving construction, are complete;

3. Schematic plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources for construction projects. The second six (6) month report for all construction projects shall also include:

a. Schedule for project completion with projected dates;

b. Evidence of preliminary negotiation with financial agent;

c. Evidence of preliminary negotiation with contractors.

(c) Within eighteen (18) months after a certificate of need has been issued, the third six (6) month report shall include the following information regarding all construction projects:

1. Copy of deed or lease of land;

2. Evidence that holder has sufficient capital obligated to complete the project. If the source of capital is to be a financing agreement, the holder must have evidence that a final enforceable agreement or note has been executed;

3. Documentation that final plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources;

4. Enforceable contract with construction contractor;

(d) On all projects for purchase of equipment only, evidence that equipment has been installed.

(e) Within two (2) years after a certificate of need has been issued, the fourth six (6) month report shall verify that all construction projects have the walls and roof up and plumbing roughed in.

(f) Within six (6) months following completion of a project for which a certificate of need has been issued, for a specific service area, all certificate holders [the project] shall [must] submit documentation that [be operational including providing] services are being provided to all of the licensed service area[, if applicable].

Section 9. Commission Notification for Exemption. Before any existing health facility proceeds to provide health services on site pursuant to KRS 216B.020, the facility shall notify the commission, in writing, of the intent to offer the services prior to implementation.

Section 10. Advisory Opinions. The process for seeking an advisory opinion from the commission shall be as follows:

(1) Requests shall be filed, in writing, on a form prescribed by the commission.

(2) The commission may require verification of information and may request additional documentation, if necessary.

(3) Within thirty (30) days of receipt of the

completed request for determination, the commission shall notify all affected persons, in writing, of the commission's final determination.

(4) A public hearing on a determination decision may be requested by writing within thirty (30) days of notice of the commission's decision.

Section 11. 902 KAR 20:127, Certificate of need hearings, is hereby repealed.

W. R. HOURIGAN, Ph.D., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: August 29, 1990
FILED WITH LRC: September 4, 1990 at 4 p.m.

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

904 KAR 2:015. Supplemental programs for the aged, blind and disabled.

RELATES TO: KRS 205.245
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources is responsible under Title XVI of the Social Security Act as amended by Public Law 92-603 to administer a state funded program of supplementation to all December, 1973, recipients of aid to the aged, blind and disabled, referred to as AABD, disadvantaged by the implementation of the Supplemental Security Income Program, referred to as SSI. KRS 205.245 provides not only for the mandatory supplementation program but also for supplementation to other needy aged, blind and disabled persons. The cabinet shall operate a supplement program for certified personal care homes (PCH) which accept state supplementation recipients and have a thirty-five (35) percent mentally ill or mentally retarded (MI or MR) population in all of the PCH's occupied licensed personal care beds. Personal care services are described in 902 KAR 20:036. This regulation sets forth the provisions of the supplementation program.

Section 1. Mandatory State Supplementation. Mandatory state supplementation payments shall be equal to the difference between the AABD payment for the month of December, 1973, plus any other income available to the recipient as of that month and the total of the SSI payment and other income. Also included are those former aged, blind or disabled recipients ineligible for SSI due to income but whose special needs entitled them to an AABD payment as of December, 1973. Mandatory payments shall continue until the needs of the recipient as recognized in December, 1973, have decreased or income has increased to the December level.

(1) The mandatory payment is increased only when income as recognized in December, 1973, decreases, the SSI payment is reduced but the recipient's circumstances are unchanged, or the standard of need utilized by the department in determining optional supplementation payments for a class of recipients is increased.

(2) In cases of man and wife, living together, income changes after September, 1974, will result in increased mandatory payment only if total income of the couple is less than December, 1973, total income.

Section 2. Optional State Supplementation. Optional state supplementation is available to those persons meeting technical requirements and resource limitations of the aged, blind or disabled medically needy program as contained in 907 KAR 1:011 and 907 KAR 1:004 (except when specified in 904 KAR 2:015) who require special living arrangements and who have insufficient income to meet their need for care. Special living arrangements include residence in a personal care home as defined in 902 KAR 20:036 or family care home as defined in 902 KAR 20:041 or situations in which a caretaker must be hired to provide care other than room and board. A supplemental payment is not made to or on behalf of an otherwise eligible individual when the caretaker service is provided by the spouse, parent (of an adult disabled child or a minor child), or adult child (of an aged or disabled parent) who is living with the otherwise eligible individual. When this circumstance exists and a person living outside the home is hired to provide caretaker services, the supplemental payment may be made. Application for SSI, if potential eligibility exists, is mandatory.

Section 3. Resources Considerations. In determining countable resources and the effect of resources on eligibility, the following policies are applied.

(1) Consider resources according to policies for the medically needy as contained in 907 KAR 1:004, except as noted in subsection (2) of this section.

(2) [(1)] The upper limit for resources for an individual and for a couple is set at $1,700 and $2,550, respectively, effective January 1, 1986; at $1,800 and $2,700, respectively, effective January 1, 1987; at $1,900 and $2,850, respectively, effective January 1, 1988; and at $2,000 and $3,000, respectively, effective January 1, 1989.

[(2) Income producing property with a net equity of $6,000 or less is excluded.]

[(3) The first $4,500 of equity value in an automobile is excluded; if used for employment, to obtain medical services, or if specially equipped (e.g., as for use by the handicapped) there is no upper limit on value.]

[(4) Burial reserves (life insurance, prepaid burial policy, etc.) up to $1,500 are excluded. The face value of life insurance is considered when determining the total value of burial reserves if the face value of the life insurance is less than $1,500. Burial spaces are excluded from consideration when computing the value of burial reserves.]

[(5) A homestead, household items, and personal items are excluded.]

(3) [(6)] Resources determined in accordance with subsection (1) [s (2), (3), and (4)] of this section to be in excess of excluded amounts must be considered countable resources when determining whether the individual or couple exceeds the upper limits specified in subsection (2) [(1)] of this section. If resources exceed the upper limits, the individual or couple is ineligible.

Section 4. Income Considerations. Establish the amount of income according to policies for

the medically needy in 907 KAR 1:004. In determining the amount of optional supplementation payment, total net income of the applicant or recipient, or applicant or recipient and spouse, including any payments made to a third party in behalf of an applicant or recipient, is deducted from the standard of need with the following exceptions:

(1) Income of the ineligible spouse is conserved for the needs of the ineligible, non-SSI spouse or minor dependent children in the amount of one-half (1/2) of the SSI standard for an individual for each person adjusted by deduction of sixty-five (65) dollars and one-half (1/2) of the remainder from monthly earnings of spouse. Income of the eligible individual is not conserved for the needs of the ineligible spouse or minor dependent children. When conserving for the needs of the minor dependent children, income of the children shall be appropriately considered so that the amount conserved does not exceed the allowable amount. When the eligible individual and spouse each have earnings, the earnings shall be combined prior to the application of the earnings disregard of sixty-five (65) dollars and one-half (1/2) of the remainder.

(2) If one (1) member of a couple is institutionalized and the SSI spouse maintains a home, income in the amount of the SSI standard for one (1) is conserved for the spouse.

Section 5. Standard of Need. (1) The standard, based on living arrangement, from which income as computed in Section 4 of this regulation is deducted to determine the amount of optional payment is as follows:

(a) Personal care home: not less than $655 [595], effective 7/90 [1/1/90];

(b) Family care home: not less than $484, effective 1/1/90;

(c) Caretaker.

1. Single individual, or eligible individual with ineligible spouse (one who is not aged, blind, or disabled): not less than $417, effective 1/1/90;

2. Married couple, both eligible (aged, blind, or disabled), with one (1) requiring care: not less than $605, effective 1/1/90;

3. Married couple, both eligible and both requiring care: not less than $647, effective 1/1/90.

(2) In couple cases, both eligible, the couple's income is combined prior to comparison with the standard of need, and one-half (1/2) of the deficit is payable to each.

Section 6. Temporary Stay in a Medical Institution. A recipient of optional or mandatory state supplementatiaon shall have continuation of state supplementation benefits during a temporary stay in a hospital, psychiatric hospital, skilled nursing facility or intermediate care facility. [Institutional Status. (1) No aged, blind or disabled person shall be eligible for state supplementation while residing in a personal care home or family care home unless such home is licensed under KRS 216B.010 to 216B.131.]

[(2) Institutional status and state supplementation benefits shall continue as required by Section 9115 of P.L. 100-203.]

Section 7. Residency. (1) To be eligible, an applicant or recipient shall be a citizen of the United States, or an alien legally admitted to this country or an alien who is residing in this country under color of law. An alien shall have been admitted for permanent residence. The applicant or recipient shall also be a resident of Kentucky. Generally, this means the individual shall be residing in the state for other than a temporary purpose; however, there are exceptions with regard to applicants for or recipients of a state supplementary payment and institutionalized individuals. The residency criteria specified in federal regulations at 42 CFR 435.403 shall be applicable except as [when] specified in Section 6 of this regulation [904 KAR 2:015].

(2) Supplemental payments may be made to Kentucky residents residing outside the state only when the individual has been placed in the other state by this state. In these situations, the other requirements for eligibility shown in other sections of this regulation shall be applicable, except that with regard to the requirement shown in Section 6 of this regulation, the licensure shall be in accordance with a similar licensure act of the other state. If there is no similar licensure act in the other state, the payment may be made only if this state determines that, except for being in another state, the facility meets standards for licensure under the provisions of KRS 216B.010 to 216B.131. To be eligible for a supplemental payment while placed out-of-state the individual shall require the level of care provided in the out-of-state placement, there shall be no suitable placement available in Kentucky, and the placement shall be preauthorized by staff of the Department for Social Insurance.

(3) When determining residency, ability of the individual to indicate intent (to become a Kentucky resident) shall be considered if the individual is institutionalized. The individual is considered incapable of indicating intent if:

(a) His I.Q. is forty-nine (49) or less or he has a mental age of seven (7) or less, based on tests acceptable to the department; or

(b) He is judged legally incompetent; or

(c) Medical documentation, or other documentation acceptable to the state, supports a finding that he is incapable of indicating intent.

(4) An individual is institutionalized if he is residing in a facility providing some services other than room and board. Personal care facilities are considered to be institutions.

(5) For any noninstitutionalized individual under age twenty-one (21) whose eligibility for a supplemental payment is based on blindness or disability, his state of residence is Kentucky if he is actually residing in the state.

(6) For any noninstitutionalized individual age twenty-one (21) or over, his state of residence is Kentucky if he is residing in the state and has the intention to remain permanently or for an indefinite period (or, if incapable of indicating intent, is simply residing in the state).

(7) For any institutionalized individual living in Kentucky who is under age twenty-one (21) or who is age twenty-one (21) or older and became incapable of indicating intent before age twenty-one (21), the state of residence is Kentucky if:

(a) The state of residence of the individual's parents, or his legal guardian if one has been

appointed, is Kentucky; or

(b) The state of residence of the parent applying for the supplemental payment on behalf of the individual is Kentucky, when the other parent lives in another state and there is no appointed legal guardian.

(8) For any institutionalized individual living in Kentucky who became incapable of indicating intent at or after age twenty-one (21), the state of residence is Kentucky if he was living in Kentucky when he became incapable of indicating intent. If this cannot be determined, the state of residence is Kentucky unless he was living in another state when he was first determined to be incapable of indicating intent.

(9) For individuals subject to determinations of residency pursuant to subsections (7) and (8) of this section, the state of residency is Kentucky when the individual is residing in Kentucky, and a determination of residency applying those criteria does not show the individual to be a resident of another state.

(10) For an individual subject to a determination of residency pursuant to subsections (7) and (8) of this section, the state of residence is Kentucky when Kentucky and the state which would otherwise be the individual's state of residency have entered into an interstate residency agreement providing for reciprocal residency status; i.e., when a similarly situated individual in either state would by written agreement between the states be considered a resident of the state in which he is actually residing.

(11) For other institutionalized individuals (i.e., those individuals who are both age twenty-one (21) or over and capable of indicating intent), the state of residence is Kentucky if the individual is residing in Kentucky with the intention to remain permanently or for an indefinite period.

(12) Except in subsections (3) through (11) of this section, any individual placed by the cabinet in an institution in another state may, with appropriate preauthorization, be considered a resident of Kentucky, and any individual placed in an institution in Kentucky by another state may not be considered a resident of Kentucky.

(13) An individual receiving a mandatory state supplemental payment from Kentucky shall be considered a resident of Kentucky so long as he continues to reside in Kentucky. An individual receiving a mandatory or optional supplemental payment from another state shall not be considered a resident of Kentucky.

(14) An individual eligible for and receiving a supplemental payment in October, 1979, shall be considered a Kentucky resident through July 4, 1984, even if he does not meet the residency requirements specified in this section, so long as the individual continues to reside in Kentucky and his receipt of supplementary payments has not since October, 1979 been interrupted by a period of ineligibility.

(15) Except in the preceding provisions of this section, a former Kentucky resident who becomes incapable of indicating intent while residing out of this state may be considered a Kentucky resident if he returns to this state and he has a guardian, parent or spouse residing in this state. This individual may not be considered a Kentucky resident on the basis of this subsection whenever, subsequent to that time, he leaves this state to reside in another state except when the provisions of subsection (11) of this section are met. An individual leaving the state may, however, reestablish Kentucky residency by returning to the state if he has a guardian, parent or spouse residing in this state.

(16) No aged, blind, or disabled person shall be eligible for state supplementation while residing in a personal care home or family care home unless such home is licensed under KRS 216B.010 to 216B.131.

Section 8. Mentally Ill or Mentally Retarded Supplement. Certified PCH may qualify for quarterly supplement payments of fifty (50) cents per diem for each state supplementation recipient in their care as of the first calendar day of each qualifying month. In order to qualify, PCH shall meet the following criteria:

(1) The PCH shall be licensed in accordance with KRS 216B.010 to 216B.131.

(2) The PCH shall care for residents who have a primary or secondary diagnosis of mental retardation (such as mild or moderate, or other ranges of retardation whose needs can be met in a personal care home) or mental illness (excluding such diagnoses as organic brain syndrome, senility, chronic brain syndrome, Alzheimer's). **An individual whose medical history includes a previous hospitalization in a psychiatric facility shall meet the criteria of mental illness, regardless of the present diagnosis.**

(3) The PCH shall care for a thirty-five (35) MI or MR percent population in all of its occupied licensed PCH beds.

(4) The PCH shall not be eligible for payments during the time it is rated by the Office of Inspector General as "conditional". Rating requirements are specified in KRS 216.550 and 900 KAR 2:030.

(5) The PCH shall have a licensed nurse or certified medication technician (CMT) on duty for at least four (4) hours during the first or second shift. The PCH may not decrease licensed nurse or CMT staffing hours in effect prior to July 1990, as a result of this minimum requirement.

(6) The PCH shall file an application with the Department for Social Insurance (DSI) by the tenth working day of the first month of the calendar quarter to be eligible for payment in that quarter. Quarters shall begin in January, April, July and October. Once certified, eligibility continues as long as criteria continues to be met.

(7) For state fiscal year (SFY) 1991 implementation only, PCH interested in being certified for the MI or MR supplement shall file a letter of intent with DSI by July 31, 1990. To assure adequate time for the MI or MR training and certification process for both the cabinet and the PCH, the letter of intent shall secure money for the first and second quarters of SFY 1991.

(8) The PCH shall provide DSI with its tax identification number and address annually and with a monthly report of all residents of the PCH (including resident's social security number) who were residents of the PCH on the first day of the month. In order to maintain confidentiality, the PCH shall annotate the monthly listing with a star which indicates a resident has a MI or MR diagnosis and note with

a check mark those residents who receive state supplementation but are not mentally ill or mentally retarded. A star and a check mark shall indicate the resident is both MI or MR and a recipient of state supplementation. The monthly report shall be used for certification, payment, and audit purposes. The monthly report shall be postmarked to DSI by the fifth working day of the month. For implementation in SFY 1991, facilities which file a timely letter of intent with DSI shall file the monthly reports for July and August, 1990, on or before August 15, 1990.

(9) The PCH shall notify DSI when its MI or MR percentage goes below thirty-five (35) percent for all personal care residents. Facilities may be randomly audited to verify percentages and payment accuracy.

Section 9. Training. The PCH licensed nurse or CMT shall attend MI or MR training provided through the Department for Mental Health and Mental Retardation Services. Other staff may be trained in order to assure the facility always has at least one (1) certified staff employed for certification purposes.

(1) MI or MR training shall be provided through a one (1) day workshop. Training will cover at least the following:

(a) Importance of proper medication administration.

(b) Side affects and adverse medication reactions especially with regard to psychotropics.

(c) Signs and symptoms of an acute onset of a psychiatric episode.

(d) Characteristics of each major diagnosis, for example, paranoia, schizophrenia, bi-polar disorder, mental retardation, etc.

(e) Guidance in the area of supervision versus patient rights for the MI or MR population.

(f) How to provide necessary activities to meet the needs of mentally ill or mentally retarded residents.

(2) Initial training shall include the licensed nurse or CMT and may include the owner or operator. These individuals shall be trained in the quarter during which the application is filed. For implementation in SFY 1991 only, the initial training shall take place in the quarter during which the letter of intent is filed or the following quarter. To assure that a certified staff member is always employed at the facility, a maximum of five (5) may be trained during a year (one (1) additional staff member in each of the quarters following the initial training). If staff turnover results in the loss of the licensed nurse or CMT and five (5) staff have been trained, the PCH shall request in writing to DSI an exemption of the five (5) staff rule. The PCH shall have on staff a licensed nurse or CMT who has received the MI or MR training or is enrolled in the next scheduled MI or MR training workshop at the closest location.

(3) The Department for Mental Health and Mental Retardation Services will provide a certificate to direct care staff who complete the workshop.

(4) DSI shall pay twenty-five (25) dollars for each staff member receiving training up to the maximum of five (5) staff per year, in accordance with 904 KAR 2:050.

Section 10. MI or MR Certification. The Office of the Inspector General, Division of Licensing and Regulation, shall visit PCH to certify their eligibility to participate in the MI or MR supplement. The PCH's initial MI or MR certification may be separate from the annual survey. However, after the initial MI or MR certification, the certification shall be in effect until the subsequent licensure survey, which can be greater than or less than twelve (12) months.

(1) Written notification to DSI from the PCH shall be postmarked within five (5) working days after staff have completed the training workshop. DSI shall notify the Division of Licensing and Regulation that the facility is ready to be certified.

(2) The Division of Licensing and Regulation shall review records, observe and interview residents and staff during the certification process. The Division of Licensing and Regulation shall review records to assure the following criteria is met:

(a) Certification is on file at the PCH to verify staff training by the Department for Mental Health and Mental Retardation Services.

(b) The PCH's certified staff have trained all other direct care staff through in-service training or orientation regarding the information obtained at the MI or MR training workshop. The PCH shall maintain documentation of attendance at the in-service training for all direct care staff.

(c) Activities are being regularly provided and meet the needs of the residents. When residents do not attend group activities, activities shall also be designed to meet the needs of individual residents, for example, reading or other activity which may be provided on an individual basis. Individualized care plans are not required to meet this criteria.

(d) Medication administration meets licensure requirements and licensed nurse or CMT demonstrates a knowledge of psychotropic drug side affects.

(3) The Division of Licensing and Regulation shall be provided the MI or MR training package to assure survey staff are aware of what has been taught for MI or MR certification purposes.

(4) The Division of Licensing and Regulation shall also review the PCH copy of the listing submitted to DSI prior to performing their record review during the MI or MR certification process.

(5) If thirty-five (35) percent MI or MR population is met on the day of the visit, the PCH shall be deemed to have an ongoing qualifying percentage effective with month of request for certification. This certification shall be in effect until next annual survey which can be greater than or less than twelve (12) months. The PCH is responsible for notifying DSI, within ten (10) working days, when the MI or MR population goes below thirty-five (35) percent of all occupied personal care beds in the facility.

(6) The Office of the Inspector General, Division of Licensing and Regulation, shall provide a form to DSI monthly identifying certified PCH eligible for MI or MR supplement. This information shall be provided by the fifth working day of each month for the prior month.

(7) The Office of Inspector General, Division of Licensing and Regulation, shall inform DSI monthly of PCH which receive a conditional rating. This information shall be provided by

the fifth working day of each month for the prior month.

Section 11. Hearings and Appeals. Applicants or recipients of benefits under programs described herein who are dissatisfied with any action or inaction on the part of the cabinet shall have the right to a hearing under 904 KAR 2:055.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: July 20, 1990
FILED WITH LRC: July 31, 1990 at 11 a.m.

REGULATION AMENDED DUE TO PUBLIC HEARING

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(Amended After Hearing)

603 KAR 5:110. Permits for moving mobile homes which do not exceed fourteen (14) feet in width.

RELATES TO: KRS 189.270
STATUTORY AUTHORITY: KRS 189.270
NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of Highways to issue permits for the movement of house trailers exceeding legal dimensions. This regulation establishes for house trailers which do not exceed fourteen (14) feet in width the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest of highway safety.

Section 1. Definitions. (1) "Daylight hours" means the period of a day from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset. However, it does not include any time when atmospheric conditions such as heavy rain, snow, sleet or fog render visibility lower than is ordinarily the case during that period of the day.

(2) "National holiday" means New Year's Day, Memorial Day (as observed on the last Monday in May), Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

(3) "House trailer" means a mobile home or manufactured home but not a modular home.

Section 2. Permit Application. (1) Application for a permit to move a house trailer on a Kentucky highway shall only be made to the Department of Vehicle Regulation, Division of Motor Carriers, Frankfort, Kentucky.

(2) A single trip permit application or request shall specify the make of the towing vehicle, the vehicle's license number and state of registration, name and address of the owner, dates of travel and specific routes of travel requested.

(3) An annual permit application or request shall specify the make, rated capacity, vehicle identification number, license number and state of registration, and name and address of the owner of the towing vehicle. In addition, it shall specify whether the motor carrier operating the towing vehicle is a for-hire or private carrier and the routes of travel requested.

Section 3. Permit Required. (1) No house trailer of a width greater than eight and one-half (8 1/2) feet shall be towed on any highway listed in 603 KAR 5:070, Section 2(2)(b) nor shall any house trailer with a width greater than eight (8) feet be towed on any other Kentucky highway unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(2) No house trailer with a combined length of house trailer and towing vehicle greater than sixty (60) feet shall be towed upon any Kentucky highway unless, and until, a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

Section 4. Annual Permits. (1) An annual permit shall not be issued for the movement of a house trailer in excess of twelve (12) feet in width.

(2) A movement of a house trailer under the provisions of an annual permit shall be on highways specified on the annual permit.

(3) Annual permits for the movement of house trailers may be issued only to dealers and manufacturers located within the Commonwealth of Kentucky; to certificated motor carriers who are properly licensed as motor carriers by the Department of Vehicle Regulation; and to private owner-residents of Kentucky for movements of their personally owned house trailers.

(4) Each towing vehicle for house trailers greater than the legal width shall be registered in Kentucky for a gross weight of not less than 22,000 pounds, have dual wheels on the rear and be rated at least one and one-half (1 1/2) ton capacity.

(5) An annual permit shall not be issued or used for the movement of a house trailer if the length of the house trailer and towing unit combined exceeds ninety-five (95) feet in length.

Section 5. Single Trip Permits. (1) A single trip permit shall be valid for no more than ten (10) days.

(2) A single trip permit shall not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or fourteen (14) feet in width exclusive of usual and ordinary overhang.

(3) A single trip permit shall specify the highways to be used in the movement of the house trailer.

Section 6. Permit Costs. The issuance cost of an annual or a single trip permit, as set forth in KRS 189.270, shall apply to the towing vehicle and the cost shall not be prorated.

Section 7. Escort Vehicles and Lighting Requirements. (1) One (1) lead escort vehicle is required for the movement of house trailers greater than the legal width but not exceeding twelve (12) feet wide on all two (2) lane highways.

(2) When a house trailer more than twelve (12) feet wide is moved, one (1) escort shall be required in the rear of each house trailer on highways with four (4) or more lanes. On highways of two (2) lanes, two (2) escort vehicles shall be required for each house trailer, one (1) in front and one (1) in the rear.

(3) Escort vehicles, both front and rear, shall be required where highway conditions dictate the need.

(4) Red or orange fluorescent flags at least eighteen (18) [twelve (12)] inches square shall be displayed on both sides of the towing vehicle or house trailer at the widest extremity and two (2) more at the extreme rear of the house trailer to indicate maximum width. The flags shall be securely fastened to the house trailer by at least one (1) corner or securely mounted on a staff. [front bumper of the lead escort and on both sides of the rear of a following escort.]

(5) Amber flashing lights may be used on both the escort and towing vehicles if the unit's

width does not exceed twelve (12) feet. If the house trailer exceeds twelve (12) feet in width, all escort vehicles and the towing vehicle shall have an amber flashing light on the roof. The [and the] house trailer shall be equipped with four (4) amber flashing lights. One (1) shall be located on each outermost front and each outermost [front and] rear corner of the house trailer spaced not less than six (6) feet above the roadway. **The permit holder may locate the two (2) front amber flashing lights on the truck mirrors rather than the front outermost corners of the house trailer if the mirrors extend out as far as the outermost front corners of the house trailer.**

(6) All overdimensional mobile homes and towing vehicles shall be marked and lighted in accordance with those requirements set forth in 601 KAR 1:005. All running lights shall be on while the unit is in motion.

(7) Oversize load signs shall be placed on the front of the towing vehicle and the rear of the house trailer any time it is operating on a highway. Each warning sign shall state in black letters on a yellow background, "OVERSIZE LOAD", and shall be at least six (6) [seven (7)] feet long and eighteen (18) inches high with a brush stroke of at least one and fourt-tenths (1.4) inches.

Section 8. Duplicate Permits. A duplicate permit which is needed to replace a lost or destroyed annual permit or to transfer the permit to another towing vehicle may be obtained from the Division of Motor Carriers by the payment of ten (10) dollars.

Section 9. Route Deviation. Prior approval shall be secured from the Division of Motor Carriers for any house trailer hauled under an annual permit which deviates from the routes prescribed in the permit issued for the towing vehicle.

Section 10. Presentation of Permits. Permits shall be carried in the towing vehicles at all times and shall be presented, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation for inspection.

Section 11. Permit Validity. (1) Permits are valid during only daylight hours as defined in Section 1 of this regulation, from Monday through Saturday noon, except for those periods before, during and after national holidays. In connection with these holidays, travel is not permitted from noon of the day preceding the national holiday until daylight of the next permissible day. If the national holiday occurs on Sunday or Monday the restricted period shall extend from noon of the preceding Friday to daylight of the following Tuesday.

(2) Permits for movement of house trailers more than twelve (12) feet in width are not valid on Saturday. In addition, in Jefferson, Fayette, Boone, Kenton and Campbell Counties they are only valid between the hours of 9 a.m. and 3 p.m. and from 6 p.m. to sundown, local prevailing time.

(3) If satisfactory proof of an emergency is furnished the Division of Motor Carriers, moves may be authorized during the restricted hours.

Section 12. Movement on Two (2) or Four (4) Lanes. Moves of house trailers more than twelve (12) feet wide shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Department of Vehicle Regulation, Division of Motor Carriers to be used to the unit's ultimate destination. The department shall deny movements on any routes deemed unsuitable for move.

Section 13. Weather Conditions. Moves of house trailers more than twelve (12) feet wide cannot be made on any highway when wind velocity exceeds twenty-five (25) MPH or when adverse weather conditions would cause these moves to be dangerous. House trailers that exceed twelve (12) feet in width shall not be moved when the road is partially or fully covered by sleet, snow, or ice or when visibility is unduly impaired by rain, sleet, snow, fog, etc.

Section 14. Breaks. The number, type, size and design of brake assemblies required to assist the towing vehicle in controlling and stopping a house trailer shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour does not exceed forty (40) feet. House trailers which are not equipped with brakes on all axles shall certify that the towing unit has sufficient brake assembles to meet the braking distance specified in this section. This certification shall be in the form of a manufacturer's statement, documented technical data, or adequate engineering analysis or its equivalent, specifying that the braking distance requirement has been met. This certificate shall be carried in the towing unit at all times and shall be presented upon request, to any law enforcement officer.

Section 15. Speed Limit. The speed limit for the movement of house trailers greater than twelve (12) feet wide on interstate highways is forty-five (45) MPH. On other highways the speed limit is thirty-five (35) MPH, unless posted minimum speed exceeds this, then the speed limit may be increased to the minimum posted speed.

JEROME LENTZ, Commissioner
MILO D. BRYANT, Secretary
GILBERT NEWMAN, State Highway Engineer
APPROVED BY AGENCY: October 5, 1990
FILED WITH LRC: October 9, 1990 at 9 a.m.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(Amended After Hearing)

603 KAR 5:111. Permits for moving mobile homes in excess of fourteen (14) feet in width.

RELATES TO: KRS 189.270
STATUTORY AUTHORITY: KRS 189.270
NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of Highways to issue permits for the movement of house trailers exceeding fourteen (14) feet in width. This regulation establishes the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest of highway safety.

Section 1. Definitions. (1) "National holiday" means New Year's Day, Memorial Day (as observed on the last Monday in May), Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(2) "House trailer" means a mobile home or manufactured home but not a modular home.

Section 2. Permit Application. (1) Application for a permit to move a house trailer with a width in excess of fourteen (14) feet on a Kentucky highway shall only be made to the Department of Vehicle Regulation, Division of Motor Carriers, Frankfort, Kentucky.

(2) A single trip permit application or request to move a house trailer which exceed fourteen (14) feet in width shall specify the make of the towing vehicle, the vehicle's license number and state of registration, the name and address of the owner, dates of travel and specific routes of travel requested.

(3) No house trailer with a width greater than fourteen (14) feet shall be towed on any Kentucky highway unless, and until, a special written single-trip permit which specifies the routing has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(4) Annual permits for house trailers over twelve (12) feet in width shall not be issued.

Section 3. Single-trip Permits. (1) A single-trip permit shall be valid for no more than ten (10) days.

(2) A single-trip permit shall not be issued for any unit, including towing vehicle and house trailer combined, which exceeds ninety-five (95) feet in length or sixteen (16) feet in width including the usual and ordinary overhang. However, mirrors on the towing vehicle shall not be considered in making the determination of width.

(3) A single-trip permit shall specify the highways to be used in the movement of the house trailer.

Section 4. Permit Cost. The issuance cost of a single trip permit, as set forth in KRS 189.270, shall apply to the towing vehicle.

Section 5. Safety Requirements. (1) One (1) lead escort vehicle and one (1) rear escort vehicle shall be required for the movement of house trailers greater than fourteen (14) feet in width on all highways.

(2) Red or orange fluorescent flags at least eighteen (18) inches square shall be displayed on either side of the vehicle or house trailer at the widest extremity and two (2) more at the extreme rear of the house trailer to indicate maximum width. The flags shall be securely fastened to the house trailer by at least one (1) corner or securely mounted on a staff.

(3) Each escort and towing vehicle shall have an amber flashing light on the roof. The house trailer shall be equipped with four (4) amber flashing lights. One (1) shall be located on each outermost front and each outermost rear corner of the house trailer. Each is to be placed not less than six (6) feet above the roadway. **The permit holder may locate the two (2) front amber flashing lights on the truck mirrors rather than the front outermost corners of the house trailer if the mirrors extend out as far as the outermost front corners of the house trailer.**

(4) All overdimensional house trailers and towing vehicles shall be marked and lighted in accordance with those requirements set forth in 601 KAR 1:005.

(5) Both the front and rear escort vehicles and the towing vehicle shall maintain radio communication with each other at all times.

(6) Oversize load signs shall be placed on the front of the towing vehicle and the rear of the house trailer any time it is operating on a highway. Each warning sign shall state in black letters on a yellow background, "OVERSIZE LOAD", and shall be at least six (6) [seven (7)] feet long and eighteen (18) inches high with a brush stroke of at least one and four tenths (1.4) inches.

Section 6. Presentation of Permits. Permits shall be carried in the towing vehicles at all times and shall be presented for inspection, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation.

Section 7. Permit Validity. (1) Permits shall not be valid from noon of the day preceding a national holiday until daylight of the next permissible day. If the national holiday occurs on Sunday or Monday the restricted period shall extend from noon of the preceding Friday until 9 a.m. of the following Tuesday.

(2) Permits are valid from Monday through Friday from 9 a.m. until 3 p.m. local prevailing time.

(3) If satisfactory proof of an emergency and traffic control is furnished the Division of Motor Carriers, moves may be authorized during the restricted hours.

(4) Permits may be restricted as to hours and days of operation for local special conditions such as celebrations, festivals, fairs, or highway construction or maintenance.

Section 8. Movement on Two (2) or Four (4) Lanes. (1) Moves of house trailers more than fourteen (14) feet wide shall be limited to highways of four (4) or more lanes and to the shortest and best two (2) lane route designated by the Department of Vehicle Regulation, Division of Motor Carriers to be used to the unit's ultimate destination. The department shall deny movements on any routes deemed unsuitable for move.

Section 9. Weather Conditions. Moves of house trailers more than fourteen (14) feet wide shall not be made on any highway when wind velocity or wind gust velocity exceeds twenty-five (25) MPH or when any adverse weather conditions would cause these moves to be dangerous. House trailers that exceed fourteen (14) feet in width shall not be moved when the road is wet, partially or fully covered by sleet, snow, or ice or when visibility is impaired by rain, sleet, snow, smog, fog, or other atmospheric conditions. Moves of house trailer which exceed fourteen (14) feet in width shall not be made on two (2) lane highways when turf or dirt shoulders are soft or muddy.

Section 10. Brakes. The number, type, size and design of brake assemblies required to assist the towing vehicle in controlling and stopping a house trailer shall be sufficient to assure that the maximum stopping distance from an initial velocity of twenty (20) miles per hour does not

exceed forty (40) feet. When a house trailer is not equipped with brakes on all axles, the towing unit shall be certified as having sufficient brake assembles to meet the braking distance specified in this section. This certification shall be in the form of a manufacturer's statement, documented technical data, or adequate engineering analysis or its equivalent, specifying that the braking distance requirement has been met. This certificate shall be carried in the towing unit at all times and shall be presented upon request, to any law enforcement officer.

Section 11. Speed Limit. The speed limit for the movement of house trailers greater than fourteen (14) feet wide on interstate highways is forty-five (45) miles per hour. On other highways the speed limit is thirty-five (35) miles per hour, unless posted minimum speed exceeds this, then the speed limit may be increased to the minimum posted speed.

Section 12. Traffic Control. (1) When a house trailer with a width greater than fourteen (14) feet is crossing a bridge on a two (2) lane road, all other traffic shall be stopped.

(2) The Department of Vehicle Regulation may require that special traffic controls be implemented or stopping of traffic be accomplished whenever the conditions indicate it is necessary to maintain traffic safety.

Section 13. Responsibilities of Permit Holder. The permit holder shall be responsible to pay for or replace any sign, traffic control device, guardrail, or other property damaged or destroyed during the move of the house trailer.

MILO D. BRYANT, Secretary
JEROME LENTZ, Commissioner
GILBERT NEWMAN, State Highway Engineer
APPROVED BY AGENCY: October 5, 1990
FILED WITH LRC: October 9, 1990 at 9 a.m.

TRANSPORTATION CABINET
Department of Highways
Division of Planning and Maintenance
(Amended After Hearing)

603 KAR 5:230. Bridge weight limits on the extended weight coal or coal by-products haul road system.

RELATES TO: KRS 177.9771, 189.230
STATUTORY AUTHORITY: KRS 177.9771
NECESSITY AND FUNCTION: KRS 177.9771(2) requires the Secretary of the Transportation Cabinet to certify those public highways which meet certain criteria as the extended weight coal or coal by-products haul road system. KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This regulation identifies the extended weight coal or coal by-products haul road system and the bridges on the system which the Department of Highways has judged may be so damaged and prescribes the maximum weight limit for each of these bridges. Further, KRS 177.9771(9) requires the Transportation Secretary to meet with certain local governing bodies and give consideration to their concerns before adding to or deleting from the extended weight coal or coal by-products haul road system and establishes procedures to be followed by local governing bodies requesting this consideration.

Section 1. Definitions. The following terms when used in this administrative regulation shall have the following meanings:

(1) "TY I" means a single unit truck consisting of two (2) single axles.

(2) "TY II" means a single unit truck consisting of one (1) steering axle and two (2) axles in tandem arrangement.

(3) "TY III" means a single unit truck consisting of one (1) steering axle and three (3) axles in tridem arrangement.

(4) "TY IV" means a tractor-semitrailer combination with five (5) or more axles.

(5) "KY" means a state numbered highway maintained by the Kentucky Department of Highways.

(6) "US" means a United States numbered highway maintained by the Kentucky Department of Highways.

(7) "I" means an interstate and defense highway maintained by the Kentucky Department of Highways.

(8) "CR" means a public highway, road, or street not maintained by the Kentucky Department of Highways.

(9) "MP" means milepoint.

(10) "FROM" means the beginning milepoint and terminus of a road segment on the extended weight coal haul road system.

(11) "TO" means the ending milepoint and terminus of a road segment on the extended weight coal haul road system.

(12) "Catastrophic failure" means a failure that is marked by sudden or unpredictable damage ranging from extreme misfortune to utter ruin.

(13) "AASHTO" means the American Association of State Highway and Transportation Officials.

(14) "CO" means county.

(15) "LN" means line.

(16) "Mpt." means milepoint.

(17) "PKWY" means parkway.

(18) "Local governing body" means the fiscal court of any county, the city council or commission of a city of the first through fourth classes or the council of an urban county government.

(19) "Coal by-products" means any of the following: fly ash, bottom ash, wet bottom boiler slag, scrubber sludge, burned coal waste (red dog), coal slag, and coal cinders.

Section 2. (1) The Department of Highways shall determine the bridges on the extended weight coal or coal by-products haul road system which may be damaged or destroyed to the point of catastrophic failure by motor vehicles operating at the weights authorized by KRS 177.9771. This determination shall be based upon an analysis of the bridges in accordance with the guidelines and ratings set forth in the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. The load factor method of analysis may be used only when a bridge is known to have been designed by that method. When the allowable stress method of analysis is used the maximum allowable stress in steel members shall not exceed sixty-nine (69) percent of the yield

strength of the steel.

(2) When the analysis specified in subsection (1) of this section cannot be applied to a bridge, the Department of Highways shall determine if any bridge may be damaged or destroyed to the point of catastrophic failure in accordance with the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions. Before making such a determination the Department of Highways shall conduct an on-site inspection to determine whether the bridge shows appreciable signs of deterioration or distress or otherwise poses a significant hazard to the traveling public.

Section 3. When the Department of Highways determines that a bridge on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure, the department may adopt a weight limit for the bridge in accordance with the guidelines set forth in the AASHTO Manual for Maintenance Inspection Bridges, 1983 edition and 1984 and 1985 Interim Revisions.

Section 4. The following highways, or portions of those highways, are certified as meeting the criteria of and are designated as the extended weight coal and coal by-products haul road system. Further, the Department of Highways has determined that the bridges listed beneath the highways on the extended weight coal or coal by-products haul road system may be damaged or destroyed to the point of catastrophic failure as provided in Section 2 of this administrative regulation and has established a weight limit for each as set forth in Section 3 of this administrative regulation:

(See highways and weight limits on following pages)

ANDERSON COUNTY

	ROAD	FROM	TO
*	Bluegrass Pkwy	44.8 Washington County Line	52.3 Mercer County Line
	Weight Limit - Bridge over Cheeselick Road @ milepoint 51.84		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
		56.3 Mercer County Line	61.9 Woodford County Line

BATH COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN
	Weight Limit - Bridge over Hinkston Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		

BELL COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Virginia State LN	19.5 Knox CO LN
	Weight Limit - Bridge over Little Yellow Creek @ milepoint 2.17		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons		
	Weight Limit - Bridge over L & N R.R. @ milepoint 7.52		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Greasy Creek @ milepoint 18.14		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 48 tons		
*	US 119	0.0 US 25E	15.8 Harlan CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.02		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
*	KY 66	0.0 US 25E	10.1 Buffalo Creek RD
	Weight Limit - Bridge over Cumberland River @ milepoint 0.33		
	TY I = 20 tons, TY II = 49 tons, TY III = 49 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Left Fork Straight Creek @ milepoint 3.95		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Sims Fork @ milepoint 7.16		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		11.9 Straight Creek Road	15.1 Mines
		18.2 KY 2011	18.7 Clay CO LN
*	KY 72	1.0 Mine	3.4 Harlan CO LN
*	KY 74	0.0 Tennessee State LN	0.9 KY 535
		9.8 Mine	16.1 KY 2079
	Weight Limit - Bridge over L & N R.R. @ milepoint 11.56		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Stoney Fork @ milepoint 13.07		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Yellow Creek Bypass Canal @ milepoint 14.21		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
*	KY 92	0.0 Whitley CO LN	10.8 US 25E
*	KY 186	2.2 Appollo Tipple	3.1 KY 74
	Weight Limit - Bridge over Bennett's Fork @ milepoint 2.41		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 188	2.8 KY 988	4.1 Cranes Creek RD
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 2.80		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 217	0.0 KY 988	8.8 KY 987
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 0.20		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 1.22		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Brownies Creek @ milepoint 8.77		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 221	0.0 KY 66	12.6 Harlan CO LN
	Weight Limit - Bridge over Right Fork Straight Creek @ milepoint 4.16		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Stoney Fork Creek @ milepoint 9.23		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons		
*	KY 441	4.5 KY 2079	4.9 US 25E
	Weight Limit - Bridge over Yellow Creek @ milepoint 4.62		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 59 tons		
*	KY 535	0.0 KY 74	0.6 Clear Fork RD
*	KY 987	9.4 Hen Wilder RD	13.5 KY 217
*	KY 988	1.2 KY 217	1.7 KY 188
*	KY 1344	0.0 KY 217	2.1 Wolfpen Branch RD
*	KY 2011	8.6 Beverly Tipple	9.0 KY 66
*	KY 2012	0.0 Private Haul RD	0.1 Hen Wilder RD
*	KY 2014	0.0 US 25E	2.7 Lewis Coal Mine RD
	Weight Limit - Bridge over Cumberland River @ milepoint 0.63		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 2079	2.4 Ashbury Avenue	3.2 KY 441

	ROAD	FROM	TO
*	Hen Wilder RD		
	CR 5001	0.0 KY 987	2.0 KY 2012
*	Cow Fork Road		
	CR 5032	0.0 KY 2011	2.6 Mine
*	Straight Creek Road		
	CR 5040	0.0 KY 66	0.6 Knox CO LN
*	Cranes Creek Road		
	CR 5260	0.0 KY 188	0.2 Mountain Drive Tipple
*	Hignite Creek Road		
	CR 5219	0.0 KY 74	2.3 Mine Access RD
	Weight Limit - Bridge over Hignite Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Clear Fork Road		
	CR 5227	0.0 KY 535	0.6 Mine Access RD
*	Lewis Mine Road		
	CR 5330	0.0 KY 2014 @ PONTA	0.5 Min-Dora Tipple
	Weight Limit - Bridge over Fourmile Creek		
	TY I = 20 tons, TY II = 45 tons, TY III = 51 tons, TY IV = 53 tons		
*	Little Creek Road		
	CR 5358	0.0 KY 66	0.2 Little Creek Tipple
*	Fitzpatrick Avenue (Middlesboro)		
		0.0 Ashbury Avenue	0.4 Old R B S Tipple
*	Ashbury Avenue (Middlesboro)		
		0.2 KY 2079	0.3 Fitzpatrick Avenue

BOURBON COUNTY

	ROAD	FROM	TO
*	US 27	8.3 US 460	15.4 Harrison CO LN
	Weight Limit - Bridge over Cooper Creek @ milepoint 11.82		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Townsend Creek @ milepoint 15.4		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
*	US 68	2.4 US 68X	10.8 Nicholas CO LN
	Weight Limit - Bridge over Hinkston Creek @ milepoint 9.41		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 50 tons		
*	US 68X	1.4 KY 627	2.8 US 68 (East)
	Weight Limit - Bridge over Stoner Creek @ milepoint 2.0		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 48 tons		
*	US 460	7.7 US 27	9.2 US 68X
	Weight Limit - Bridge over L & N RR @ milepoint 7.99		
	TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons		
	Weight Limit - Bridge over Houston Creek @ milepoint 8.95		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons		
*	KY 627	0.0 Clark CO LN	9.5 US 68X
	Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		

BOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Lawrence CO LN	21.1 Greenup CO LN
	Weight Limit - Bridge over I-64 @ milepoint 10.56		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over C & O R.R. @ milepoint 19.31		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 39 tons		
	Weight Limit - Bridge over C & O R.R. & Armco Rd. @ milepoint 19.34		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 52 tons		
*	US 23S	0.0 US 60	0.5 Ohio State LN
	Weight Limit - Northbound Bridge over Ohio River @ milepoint 0.03		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Southbound Bridge over Ohio River @ milepoint 0.05		
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 36 tons		
*	US 23X	1.4 US 60	2.0 US 23
*	US 60	0.0 Carter CO LN	12.4 US 23
	Weight Limit - Bridge over C & O R.R. at Princess @ milepoint 2.69		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	US 60Z	0.0 US 23	0.2 US 60
*	KY 5	0.0 US 60	1.5 Straight Creek RD
	Weight Limit - Bridge over Williams Creek @ milepoint 0.92		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 757	6.2 US 23	10.2 US 23
*	Straight Creek Road		
	CR 5288	0.0 KY 5	0.6 Buena Vista RD
	Weight Limit - Bridge over Straight Creek		
	TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons		

*	County Line Tipple Road				
	CR 5300	0.0	US 23	0.3	County Line Tipple
*	Buena Vista Road				
	CR 5493	0.0	Straight Creek RD	0.7	Mine Access RD
*	15th Street (Ashland)				
		0.0	US 23	0.2	Mansbach Dock
*	53rd Street (Ashland)				
		0.0	US 23	0.1	53rd ST Dock

BOYLE COUNTY

	ROAD	FROM		TO	
*	US 127	7.5	US 127 Bypass	9.7	Mercer CO LN
	Weight Limit - Bridge over Mocks Branch @ milepoint 9.74				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	US 127B	0.0	US 127	5.3	US 127
	Weight Limit - Bridge over Southern RR @ milepoint 0.93				
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons				
*	US 150	16.8	US 150 Bypass	18.9	Lincoln CO LN
*	US 150B	0.0	US 127	2.3	US 150

BRACKEN COUNTY

	ROAD	FROM		TO	
*	KY 8	0.0	Pendleton CO LN	19.0	Mason CO LN
	Weight Limit - Bridge over Holts Creek at Foster @ milepoint 1.20				
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 39 tons				
	Weight Limit - Bridge over Snag Creek @ milepoint 4.18				
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Locust Creek @ milepoint 7.04				
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 57 tons				
	Weight Limit - Bridge over Big Bracken Creek @ milepoint 13.93				
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 53 tons				

BREATHITT COUNTY

	ROAD	FROM		TO	
*	KY 15	0.0	Perry CO LN	27.5	Wolfe CO LN
	Weight Limit - Bridge over Lost Creek @ milepoint 0.48				
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons				
	Weight Limit - Bridge over Lost Creek @ milepoint 3.07				
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons				
	Weight Limit - Bridge over Lost Creek @ Milepoint 3.80				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 51 tons				
	Weight Limit - Bridge over Lost Creek @ milepoint 6.48				
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 49 tons				
	Weight Limit - Bridge over Lost Creek @ milepoint 6.69				
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons				
	Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64				
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons				
	Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73				
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons				
	Weight Limit - Bridge over Frozen Creek @ milepoint 23.27				
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 57 tons				
*	KY 28	5.7	Perry CO LN	7.4	Perry CO LN
*	KY 30	14.1	Elkatawa Tipple	14.8	KY 15 (North)
*	KY 476	0.0	Perry CO LN	11.4	KY 15
	Weight Limit - Bridge over Troublesome Creek @ milepoint 7.02				
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 50 tons				
*	KY 542	9.2	Quicksand Creek RD	18.6	Magoffin CO LN
*	KY 1098	0.0	KY 15	20.7	Knott CO LN
	Weight Limit - Bridge over South Fork Quicksand Creek @ milepoint 5.27				
	TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 49 tons				
	Weight Limit - Bridge over Quicksand Creek @ milepoint 17.98				
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons				
*	KY 1110	15.2	Haddix Tipple	15.7	KY 15
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 15.55				
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 51 tons				
*	KY 1111	0.0	KY 10.98	2.2	Big Lovely RD
*	Quicksand Creek RD				
	CR 5028	0.0	KY 542	1.0	Mine
*	Big Lovely Road				
	CR 5030	0.0	KY 1111	2.1	Knott CO LN
*	Springsfork Road				
	CR 5032	0.0	KY 542	1.4	Mine Access
*	Slusher Road				
	CR 5067	0.0	KY 542	2.5	Mine

	ROAD	FROM	TO
*	Buckhorn Creek RD		
	CR 5135	0.0 KY 476	0.3 Mine
	Weight Limit - Bridge over Laurel Pad Branch Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Buckhorn Creek Northeast of Noble		
	TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons		

BULLITT COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Spencer CO LN	5.5 Jefferson CO LN
	Weight Limit - Bridge over Hough Run @ milepoint 1.73		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Mulberry Creek @ milepoint 1.98		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons		

BUTLER COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		18.2 Warren CO LN	35.1 Ohio CO LN
	Weight Limit - Bridge over Green River @ milepoint 32.64		
	TY I = 20 tons, TY II = 42 tons, TY III = 46 tons, TY IV = 54 tons		
*	US 231	8.6 KY 1468	8.9 Green River PKWY
		11.5 KY 70 (South)	18.9 Ohio CO LN
	Weight Limit - Bridge over Green River @ milepoint 12.26		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Indian Camp Creek @ milepoint 16.32		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons		
	Weight Limit - Bridge over West Fork Indian Camp Creek @ milepoint 17.1		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons		
*	KY 70	0.0 Muhlenberg CO LN	14.4 US 231
	Weight Limit - Bridge over Panther Creek @ milepoint 4.19		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
		14.4 US 231	25.3 KY 411
	Weight Limit - Bridge over Welch Creek @ milepoint 20.37		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 79	13.4 KY 70	15.2 Possum Hollow School RD
*	KY 411	0.0 KY 70	6.1 Mine
*	KY 1328	8.4 Pyramid Mine Access RD	11.7 KY 70
*	KY 1468	0.0 KY 70	1.1 US 231
*	Old Greenwich School Road		
	CR 5015	0.0 KY 1328	0.7 KY 70
*	Jolertown Ridge Road		
	CR 5027	0.0 KY 70	0.3 Pyramid Mine
*	New Cut Road (South)		
	CR 5243	0.0 KY 70	0.3 C Crabtree MN
*	Possum Hollow School Road		
	CR 5355	0.0 KY 79	0.7 Mine
	Weight Limit - Bridge over East Prong of Indian Creek		
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons		

CALDWELL COUNTY

	ROAD	FROM	TO
	Western Kentucky Parkway		
		5.6 Lyon CO LN	21.8 Hopkins CO LN
	Weight Limit - Bridge over I. C. R.R. @ milepoint 11.36		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Tradewater River @ milepoint 21.75		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 58 tons		

CALLOWAY COUNTY

	ROAD	FROM	TO
*	US 641	0.0 Tennessee State LN	17.4 Marshall CO LN
	Weight Limit - Bridge over Clark's River @ milepoint 1.10		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Bee Creek @ milepoint 8.92		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 15.65		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		

CARTER COUNTY

	ROAD	FROM	TO
*	US 60	24.1 KY 1 and KY 7	24.8 KY 1
		29.7 Fighting Fork RD	35.0 Boyd CO LN
*	KY 1	0.0 Lawrence CO LN	10.6 US 60
	Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.46		

TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.83
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Dry Fork Creek @ milepoint 1.12
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 2.40
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.13
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.75
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.41
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.77
TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 45 tons
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 7.70
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 55 tons

		10.6 US 60	11.5	I-64

Weight Limit - Bridge over I-64 @ milepoint 11.50
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 7	0.0 Elliott CO LN	10.9	KY 1

Weight Limit - Bridge over Clifty Creek near Sophie @ milepoint 1.64
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Little Sandy River @ milepoint 10.12
TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons

*	KY 207	0.0 US 60	2.3	Greenup CO LN
*	Fighting Fork RD			
	CR 5034	0.0 US 60	0.9	Mine

CHRISTIAN COUNTY

	ROAD	FROM	TO	
*	Pennyrile PKWY	2.4 [9.4] US 68	21.1 [28.1]	KY Hopkins CO LN
*	US 41	28.5 KY 1296	31.6	Hopkins CO LN

Weight Limit - Bridge over Campbells Creek @ milepoint 29.51
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge over L & N RR @ milepoint 30.88
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 50 tons

*	KY 1296	2.7 Campbell Cemetery RD	5.2	US 41
*	Campbell Cemetery Road			
	CR 5418	0.0 KY 1296	2.0	Mine

CLARK COUNTY

	ROAD	FROM	TO	
*	Mountain Parkway (KY 402)			
		0.0 I-64	11.9	Powell CO LN

Weight Limit - Bridge over I-64 @ milepoint 0.13
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 47 tons
Weight Limit - Bridge over C & O RR @ milepoint 3.65
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 55 tons

*	US 60	0.0 Fayette CO LN	6.7	KY 627
		7.0 KY 89	7.2	KY 15
*	KY 15	0.0 Powell CO LN	13.1	US 60

Weight Limit - Bridge over Lulbegrud Creek @ milepoint 0.01
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons
Weight Limit - Bridge over Upper Howard's Creek @ milepoint 2.98
TY I = 21 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 38 tons
Weight Limit - Bridge over Big Stoner Creek @ milepoint 7.00
TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 38 tons
Weight Limit - Bridge over C&O Railroad @ milepoint 11.08
TY I = 20 tons, TY II = 20 tons, TY III = 22 tons, TY IV = 28 tons

*	KY 89	15.9 US 60	16.0	KY 627
*	KY 418	5.7 KY 1924	5.8	KY 627
*	KY 627	0.0 Madison CO LN	6.4	KY 1958

Weight Limit - Bridge over Kentucky River @ Boonesboro @ milepoint 0.01
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 47 tons

		7.8 US 60	8.1	KY 89
		9.3 I-64	14.8	Bourbon CO LN

Weight Limit - Bridge over Woodruff Creek @ milepoint 13.20
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons

*	KY 1924	0.0 Dale Power Plant	1.8	KY 418
*	KY 1958	0.0 KY 627	2.8	I-64

CLAY COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway		
		10.6 Laurel CO LN	35.9 Leslie CO LN
	Weight Limit - Bridge over Little Goose Creek Rd. @ milepoint 10.81		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Urban Road @ milepoint 13.90		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Hooker Road @ milepoint 16.14		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Ham Branch Rd. & Goose Creek @ milepoint 21.67		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Red Bird River @ milepoint 33.58		
	TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 56 tons		
*	US 421	0.0 Leslie CO LN	32.8 Jackson CO LN
	Weight Limit - Bridge over Horse Creek @ milepoint 16.58		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Goose Creek @ milepoint 18.59		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Island Creek @ milepoint 20.49		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Branch of Island Creek @ milepoint 21.20		
	TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 53 tons		
	Weight Limit - Bridge over Laurel Creek @ milepoint 23.97		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 43 tons		
	Weight Limit - Bridge over Sexton Creek @ milepoint 28.41		
	TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 52 tons		
*	KY 11	0.0 Knox CO LN	8.9 US 421 (South)
	Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 2.91		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 5.38		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
		8.9 US 421 (North)	26.6 Owsley CO LN
	Weight Limit - Bridge over Wildcat Creek @ milepoint 15.57		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 66	0.0 Bell CO LN	1.8 Beverly Tipple
*	KY 80	4.8 New Truckers Tipple	7.5 US 421
*	KY 1524	0.0 US 421	1.1 KY 2000
*	KY 2000	0.0 KY 1524	4.6 Sand Hill RD
*	KY 2432	0.0 Sester Road	1.4 Panama SCH RD
*	KY 2438	0.0 US 421	0.1 KY 2432
	Weight Limit - Bridge over Goose Creek & L & N RR @ milepoint 0.01		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 50 tons		
*	Sand Hill Road		
	CR 5129	0.0 KY 2000	0.2 Mine
*	Sevier Road		
	CR 5180	0.0 US 421	0.2 Tipple Access RD
	Weight Limit - Bridge over Goose Creek		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 60 tons		
*	Sester Road (Manchester)		
	CR 5227AA	0.0 KY 2432	0.2 Tipple Access
*	Panama School Road		
	CR 5341	0.0 Littleton Road	0.8 Steele RD
*	Steele Road		
	CR 5342	0.0 Panama School RD	0.9 Mine Access

CLINTON COUNTY

	ROAD	FROM	TO
*	KY 90	9.8 Poplar Mountain Road	12.8 Wayne CO LN
*	Poplar Mountain Road		
	CR 5058	0.0 KY 90	3.4 Mine

DAVIESS COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		59.5 Ohio CO LN	70.7 US 60 Bypass
	Weight Limit - Bridge over Owensboro Beltline @ milepoint 70.18		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons		
*	US 60	10.2 US 60 Bypass	28.0 Hancock CO LN
	Weight Limit - Bridge over L & N Railroad @ milepoint 11.78		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
	Weight Limit - Westbound Bridge over L & N RR @ milepoint 16.66		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Eastbound Bridge over Power Plant Entrance @ milepoint 16.66		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		

Weight Limit - Bridge over Pup Creek @ milepoint 20.31
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 45 tons
* US 60B 0.0 US 60 10.2 US 60
Weight Limit - Bridge over US 431 @ milepoint 4.22
TY I = 20 tons, TY II = 42 tons, TY III = 42 tons, TY IV = 48 tons
Weight Limit - Bridge over L & N Railroad @ milepoint 4.84
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 49 tons
Weight Limit - Bridge over Sutherland Road @ milepoint 5.08
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over I C RR @ milepoint 7.71
TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 48 tons
Weight Limit - Bridge over L&N RR & KY 2710 @ milepoint 9.77
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 43 tons
* US 231 0.0 Ohio CO LN 11.3 US 60 Bypass
Weight Limit - Bridge over Panther Creek @ milepoint 3.91
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek @ milepoint 8.84
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 8.94
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 9.22
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons
* KY 81 0.0 McLean CO LN 11.9 US 60 Bypass
Weight Limit - Bridge over Panther Creek @ milepoint 6.50
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 43 tons
* KY 144 0.0 US 60 11.9 Flora RD
Weight Limit - Bridge over L & N RR @ milepoint 0.16
TY I = 20 tons, TY II = 43 tons, TY III = 46 tons, TY IV = 50 tons
* KY 331 0.0 US 60 (East) 1.9 Mine
(Via Industrial Dr. & Medley-Roost Rd.)
* KY 554 1.9 Mine 4.8 KY 81
* KY 951 0.0 KY 144 2.9 Mine
* Floral Road
CR 5035 0.0 KY 144 1.4 Mine
* St Lawrence Road
CR 5036 1.6 Mine 1.8 Indian Hill Rd
* Indian Hill Road
CR 5038 0.0 KY 951 0.5 St. Lawrence RD
* Iceland Road

ELLIOTT COUNTY

	ROAD	FROM	TO
*	KY 7	17.1 KY 409	19.3 Carter CO LN

FAYETTE COUNTY

	ROAD	FROM	TO
*	US 60	0.0 Woodford CO LN	4.7 KY 4 (West)
	Weight Limit - Bridge over South Elkhorn Creek @ milepoint 1.30		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		10.2 KY 4 (East)	19.3 Clark CO LN
	Weight Limit - Bridge over New Circle Road (KY 4) @ milepoint 10.19		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons		
*	US 68	0.0 Jessamine CO LN	3.1 KY 4
	Weight Limit - Bridge over South Elkhorn Creek @ milepoint 0.74		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
*	KY 4	2.2 US 68 (South)	12.7 US 60 (East)
	Weight Limit - Bridge over US 60, Versailles Road @ milepoint 4.61		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Viley Pike @ milepoint 5.48		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Southern RR @ milepoint 8.03		
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons		
*	KY 922	1.0 KY 4	2.9 I-75

FLEMING COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Robertson CO LN	5.4 Mason CO LN
*	KY 11	0.0 Bath CO LN	17.2 Mason CO LN
	Weight Limit - Bridge over Fleming Creek @ milepoint 7.80		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons		
	Weight Limit - Bridge over Cassidy Creek @ milepoint 8.77		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		

FLOYD COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Pike CO LN	15.7 KY 114 [24.1 JohnsonCO LN]
	Weight Limit - Bridge over Levisa Fork Big Sandy River @ milepoint 10.76		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 56 tons		
	Weight Limit - Bridge over C&O RR @ milepoint 10.95		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
*	US 23	16.8 KY 1428	24.1 Johnson CO LN
*	KY 3	0.0 US 23 & KY 80	2.3 Blackhawk Tipple
*	KY 7	0.0 Knott CO LN	6.5 KY 80
*	KY 80	0.0 Knott CO LN	14.4 US 23 & KY 3
*	KY 114	0.0 Magoffin CO LN	11.4 US 23
	Weight Limit - Bridge over Middle Creek @ milepoint 4.12		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
	Weight Limit - Bridge over C&O RR @ milepoint 10.41		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 56 tons		
	Weight Limit - Bridge over Middle Creek @ milepoint 10.60		
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons		
*	KY 122	8.5 KY 80	21.1 Spewing Camp Branch RD
		24.3 Mine	31.6 KY 466
*	KY 194	9.0 Addington Mine	12.2 Pike CO LN
	Weight Limit - Bridge over Brushy Creek @ milepoint 12.15		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 404	0.0 Magoffin CO LN	3.1 KY 850
		4.2 KY 1210	8.1 KY 114
	Weight Limit - Bridge over Middle Creek @ milepoint 8.07		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 466	2.3 Caleb FK RD	4.1 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.58		
	TY I = 16 tons, TY II = 18 tons, TY III = 21 tons, TY IV = 37 tons		
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 2.90		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 550	0.0 Knott CO LN	0.2 KY 7
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.06		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons		
*	KY 680	0.0 KY 122	0.9 KY 1929
		1.6 Joseph Mining Tipple	5.4 KY 979
*	KY 777	6.5 Mine	9.1 KY 80
*	KY 850	3.0 Mine	7.5 KY 404
*	KY 979	0.0 KY 122	19.3 US 23
	Weight Limit - Bridge over Toler Creek @ milepoint 17.43		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 1091	0.0 Knott CO LN	1.2 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 1.20		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 1101	0.0 KY 122	0.1 Stonecoal Branch RD
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.90		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 59 tons		
*	KY 1210	0.0 KY 80	0.6 Mines
		7.1 Nerco-Hiller Tipple	7.8 KY 404
	Weight Limit - Bridge over Middle Creek @ milepoint 7.76		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
*	KY 1426	0.0 Pike CO LN	6.6 KY 979
		6.6 KY 979	9.5 Justice BR RD
		10.9 Mine	14.3 US 23
	Weight Limit - Bridge over Levisa Fork of Big Sandy River @ milepoint 14.09		
	TY I = 20 tons, TY II = 49 tons, TY III = 49 tons, TY IV = 55 tons		
*	KY 1428	6.2 US 23	8.8 KY 194
		14.1 Uptown Mining Mine	15.6 US 23
	Weight Limit - Bridge over Little Paint Creek @ milepoint 14.85		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
*	KY 1498	0.0 Knott CO LN	4.6 KY 122
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 4.59		
	TY I - 20 tons, TY II = 39 tons, TY III - 38 tons, TY IV = 60 tons		
*	KY 1928	2.0 Ned FK RD	4.5 KY 680
*	KY 2030	0.0 KY 122	7.8 KY 1426
	Weight Limit - Bridge over Left Fork of Beaver Creek @ milepoint 0.10		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 56 tons		
*	KY 2557	0.0 Betsy Layne BR RD	0.3 US 23
*	KY 3188	0.8 Kanawha Mine	1.3 KY 80
*	KY 3379	0.0 Left Fork/Tinker Fork RD	7.0 KY 979
*	KY 3380	0.0 KY 979	0.6 Andy Branch RD
*	Powell Branch Road		
	CR 5022	0.0 Justell Bridge RD	0.3 Camp BR Branch RD

*	Justell Bridge Road		
	CR 5024F	0.0 US 23	0.1 Powell Branch RD
*	Ivy Creek RD		
	CR 5032	0.0 US 23	2.1 Mine
*	Bushy Fork Road		
	CR 5046	0.0 KY 194	0.8 Pike CO LN
*	Wolf Branch Road		
	CR 5046A	0.0 Bushy Fork Road	1.0 Martin CO LN
*	Bull Creek Road		
	CR 5055	0.0 KY 3	0.5 Cabin Coal Tipple
*	Camp Branch Road		
	CR 5078	0.0 Powell Branch RD	0.9 Right FK/Camp BR RD
*	Right Fork/Camp Branch Road		
	CR 5078A	0.0 Camp Branch RD	0.2 Prater Creek Mine
*	Transcontinental Road (Excluding Bridge)		
	CR 5083	0.0 Transcontinental Tip	0.8 US 23
*	Justice Branch Road		
	CR 5107	0.0 KY 1426	0.4 Right Fork Justice BR RD
*	Right Fork of Justice Branch RD		
	CR 5107A	0.0 Justice Branch RD	0.3 Island Creek Mine
*	Frog Branch Road		
	CR 5110	0.0 KY 2030	1.0 Maple Ridge Mine
*	Betsy Layne Branch Road		
	CR 5111	0.0 KY 2557	0.9 Somerset Coal Mine
*	Cedar Hill Road		
	CR 5118	0.0 KY 1426	0.2 Mine
*	Hamilton Branch RD		
	CR 5127	0.0 KY 1426	0.2 Bebe Mine
	Weight Limit - Bridge over Toler Creek		
	TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 35 tons		
*	Parsons Branch Road		
	CR 5128	0.0 KY 979	0.2 Transcontinental Mine
	Weight Limit - Bridge over Mud Creek		
	TY I = 20 tons, TY II = 36 tons, TY III = 36 tons, TY IV = 36 tons		
*	Frasure Branch Road		
	CR 5134	0.0 KY 979	1.0 Joseph Mining Mine
*	Mink Branch Road		
	CR 5138	0.0 KY 979	1.2 Mine
	Weight Limit - Bridge over Big Mud Creek		
	TY I = 22 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	Dry Branch/Mud Creek Road		
	CR 5139	0.0 KY 979	1.1 Joseph Mining Mine
*	Ned Fork Road		
	CR 5140	0.0 KY 1929	1.1 Premium Elkhorn Shannon Mine
*	Branham Creek Road		
	CR 5142	0.0 KY 3379	0.6 Pike CO LN
*	Barn Branch Road		
	CR 5146	0.0 Branham Creek RD	0.3 Phyllis Coal Mine
*	Left Fork/Tinker Fork Road		
	CR 5147	0.0 Branham Creek RD	0.2 Wellmore Kodiak Mine
*	Andy Branch Road		
	CR 5148	0.0 Tinker Fork RD	0.5 Ensol Mine
*	Red Morg Branch Road		
	CR 5153	0.0 KY 979	0.9 Turner Elkhorn Mine
*	Buzzard Rock Road		
	CR 5157	0.2 Apache Mining Mine	0.5 Pike CO LN
*	Caleb Fork RD		
	CR 5175	0.0 KY 466	0.7 Pike County Haul RD
*	Spewing Camp Branch		
	CR 5190	0.0 KY 122	1.8 Mine
	Weight Limit - Bridge over Left Fork of Beaver Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Little Muddy Creek Road		
	CR 5197	0.0 KY 2030	3.0 Bebe Mine
*	Upper Wolfpen Branch Road		
	CR 5197B	0.0 Little Muddy Creek RD	0.7 Prater Creek Mine
*	Hite Road		
	CR 5220	1.8 Hite RD-KY 122	1.9 Hite Prep Plant Connector RD
*	Hite Road-KY 122 Connector Road		
	CR 5220A	0.0 KY 122	0.1 Hite RD
*	Stonecoal Branch Road		
	CR 5234	0.0 KY 1101	1.6 Mine
*	Goose Creek Road		
	CR 5273	0.0 Gosling Branch RD	0.6 Transcontinental T&H Mine

```
*  Gosling Branch Road
   CR 5274          0.0 KY 80                                          0.1 Goose Creek RD
*  Vine Street (Eastern)
   CR 5283C         0.0 KY 80                                          0.1 May I Tipple
   Weight Limit - Bridge over Right Fork of Beaver Creek
   TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
*  Johnson Fork-Conley Fork Road
   CR 5409          0.0 KY 1210                                        0.2 Amber Prep Plant

FRANKLIN COUNTY
     ROAD                        FROM                                                    TO
*  US 60            0.0 Shelby CO LN                                   6.5 US 127 (West)
   Weight Limit - Bridge over Benson Creek @ milepoint 0.01
   TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons
   Weight Limit - Bridge over South Benson Creek @ milepoint 2.72
   TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 40 tons
                   12.1 US 421 (East)                                 14.0 KY 676
   Weight Limit - Bridge over L & N Railroad @ milepoint 12.12
   TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 40 tons
*  US 127           5.3 KY 676                                         6.2 US 60
*  KY 676           0.0 US 127                                         5.3 US 60

GREENUP COUNTY
     ROAD                        FROM                                                    TO
*  US 23            0.0 Boyd CO LN                                     11.6 KY 2541
   Weight Limit - Bridge over Little Sandy River @ milepoint 11.41
   TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 57 tons
*  KY 1            11.4 KY 207                                         17.3 US 23
*  KY 207           0.0 Carter CO LN                                    0.5 Logtown Hollow RD
                    8.3 Woods RD                                        9.2 KY 1
*  Logtown Hollow Road
   CR 5168          0.0 KY 207                                         0.5 Mine
*  Stepp Drive
   CR 5216          0.0 KY 207                                         0.3 Mine
*  Schultz Branch Road
   CR 5250          0.0 KY 2                                           1.0 Mine

HANCOCK COUNTY
     ROAD                        FROM                                                    TO
*  US 60            0.0 Daviess CO LN                                  5.0 Mine

HARLAN COUNTY
     ROAD                        FROM                                                    TO
*  US 119           0.0 Bell CO LN                                     39.7 Letcher CO LN
   Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 31.12
   TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 53 tons
   Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 33.32
   TY I = 20 tons, TY II = 47 tons, TY III = 47 tons, TY IV = 55 tons
   Weight Limit - Bridge over Clover Lick Creek @ milepoint 33.74
   TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
   Weight Limit - Bridge over Poor Fork @ milepoint 35.56
   TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
   Weight Limit - Bridge over Poor Fork @ milepoint 38.91
   TY I = 20 tons, TY II = 25 tons, TY III = 27 tons, TY IV = 35 tons
   Weight Limit - Bridge over Poor Fork @ milepoint 39.61
   TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons
*  US 421           0.0 Virginia State LN                              17.6 US 119 (West)
   Weight Limit - Bridge over Cranks Creek @ milepoint 2.70
   TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 42 tons
   Weight Limit - Bridge over Fork of Crummies Creek @ milepoint 7.36
   TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 40 tons
   Weight Limit - Bridge over KY 840, L&N RR, Clover Fork @ milepoint 17.51
   TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 49 tons
                   17.6 US 119 (East)                                 27.4 Leslie CO LN
*  KY 38            0.0 US 421                                        13.3 Shields SCH RD
   Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21
   TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons
   Weight Limit - Bridge over Yocum Creek @ milepoint 8.60
   TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 38 tons
   Weight Limit - Bridge over Clover Fork @ milepoint 12.90
   TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
                   16.7 Conveyor Dump Point                           17.0 KY 179
*  KY 72            0.0 Bell CO LN                                     1.3 Mill Branch RD
                    1.9 KY 2005                                        4.9 Rockhouse BR RD
   Weight Limit - Bridge over Puckett Creek @ milepoint 4.73
```

TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 40 tons
Weight Limit - Bridge over Puckett Creek @ milepoint 4.84
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons

		10.2 Mine	11.3	US 421

Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 11.19
TY = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons

*	KY 215	0.0 KY 38	0.2	Yocum Tipple

Weight Limit - Bridge over Yocum Creek @ milepoint 1.06
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons

*	KY 221	0.0 Bell CO LN	8.9	US 421 (South)
		8.9 US 421 (North)	21.6	KY 2008
*	KY 987	10.4 Wilder Branch RD	18.5	US 421

Weight Limit - Bridge over Martins Fork Lake @ milepoint 12.72
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons
Weight Limit - Bridge over Martins Fork @ milepoint 15.07
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Crummies Creek @ milepoint 18.52
TY I = 20 tons, TY II = 29 tons, TY III = 34 tons, TY IV = 41 tons

*	KY 990	0.0 US 421	1.3	Coalgood Tipple
*	KY 1137	0.0 US 421	3.2	Mine Access RD
*	KY 2005	2.6 Lick Branch Culvert	5.1	KY 72

Weight Limit - Bridge over Yocum Creek @ milepoint 5.08
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons

*	KY 2006	0.7 Mine	4.6	Arch of KY Tipple
*	KY 2008	0.0 Leslie CO LN	1.4	KY 221
*	KY 2009	0.0 KY 221	2.7	Leslie CO LN

Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons
Weight Limit - Bridge over Laurel Fork Creek @ milepoint 2.72
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons

*	KY 3449	0.0 Forester's Creek RD	1.1	Kentucky Harlan Tipple
*	KY 3451	1.4 Mine	2.2	US 119
*	KY 3457	0.0 KY 38	0.5	Mine
*	KY 3462	0.0 US 421	0.8	Mine
*	KY 3465	0.0 KY 221	3.9	Leslie CO LN
*	Totz Road			
	CR 5007B	0.0 Haul RD	0.1	Totz Washer
*	Slack Cemetery Road			
	CR 5140	0.0 US 421 (North)	0.4	Tipple
*	Barn Branch Road			
	CR 5142	0.0 US 421	0.4	Mine Access RD
*	Grays Branch Road			
	CR 5206K	0.0 US 421 @ Grays Knob	0.4	Tipple

Weight Limit - Bridge over Martins Fork
TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 tons

*	Foresters Creek Road			
	CR 5238	0.0 KY 3449	1.7	Mine Access RD
*	Rockhouse Branch Road			
	CR 5256	0.0 KY 72	0.2	R B Tipple
*	Gabes Branch Road			
	CR 5326E	0.0 KY 38	0.1	Brookside Tipple
*	Ages Creek Road			
	CR 5326M	0.0 KY 38	0.3	Mine

Weight Limit - Bridge over Ages Branch
TY I = 20 tons, TY II = 27 tons, TY III = 33 tons, TY IV = 53 tons

*	Big Run Hollow Road			
	CR 5344	2.1 Mine Access Road	2.6	Bell CO LN

HARRISON COUNTY

	ROAD	FROM		TO
*	US 27	0.0 Bourbon CO LN	19.5	Pendleton CO LN

Weight Limit - Bridge over South Fork Licking River @ milepoint 5.65
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 57 tons
Weight Limit - Bridge over L&N RR @ milepoint 6.28
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 45 tons
Weight Limit - Bridge over Indian Creek @ milepoint 7.09
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 58 tons
Weight Limit - Bridge over Sycamore Creek @ milepoint 9.09
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons
Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 57 tons
Weight Limit - Bridge over Curry Creek @ milepoint 13.27
TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 50 tons
Weight Limit - Bridge over Richland Creek @ milepoint 19.18
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons

HENDERSON COUNTY

	ROAD	FROM	TO
*	Pennyrile PKWY	61.4 KY 416	69.3 KY 425
		(Extended weight provision restricted to use by Type IV vehicles only.)	
*	US 41	0.0 Webster CO LN	13.0 KY 812
	Weight Limit - Bridge over King Creek @ milepoint 0.65		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over East Fork of Cane Creek @ milepoint 6.20		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Dredged Ditch @ milepoint 6.32		
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 416	7.8 Pennyrile Parkway	8.0 KY 2096
	(Extended weight provision restricted to use by Type IV vehicles only.)		
*	KY 425	4.7 US 41	5.5 Pennyrile PKWY
		(Extended weight provision restricted to use by Type IV vehicles only.)	
*	KY 812	5.6 Mine	7.4 US 41
*	KY 2096	0.0 KY 416	3.1 KY 2097
	(Extended weight provision restricted to use by Type IV vehicles only.)		
*	KY 2097	0.0 US 41	0.9 Bill Givens RD
*	Bill Givens Road CR 5142	0.0 Webster CO LN	0.1 KY 2097

HOPKINS COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway	21.8 Caldwell CO LN	43.4 Muhlenberg CO LN
	Weight Limit - Bridge over Tradewater River Overflow @ milepoint 22.00		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over I.C. RR @ milepoint 24.89		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 112 & Copperas Creek @ milepoint 28.35		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons		
	Weight Limit - Bridge over Oak Hill Rd. & I.C. RR @ milepoint 33.87		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Pennyrile Parkway @ milepoint 38.31		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 56 tons		
*	Pennyrile Parkway (Nontoll Segment) and US 41	22.6 [29.6] US 41 (South)	38.2 [45.2] Begin Toll Segment @ US 41(N)
	Weight Limit - Bridge on exit ramp to U.S. 41 @ milepoint 45.2		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Pennyrile Parkway (Toll Segment)	38.2[45.2] End Nontoll Segment @ US 41 (North)	48.0 [55.0] Webster CO LN
	Weight Limit - Bridge over KY 138 @ milepoint 54.07		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 56 tons		
*	US 41	0.0 Christian CO LN	2.3 Pennyrile Parkway (South)
	Weight Limit - Bridge over Drakes Creek @ milepoint 0.49		
	TY I = 20 tons, TY II = 31 tons, TY III = 36 tons, TY IV = 53 tons		
	US 41 & Pennyrile Parkway (Nontoll Segment) included with Pennyrile Parkway Listing		
		2.3 Pennyrile Parkway (North)	11.8 Webster CO LN
	Weight Limit - Bridge over Otter Creek @ milepoint 6.13		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	US 41A	0.0 US 41	29.4 Webster CO LN
	Weight Limit - Bridge over Crab Orchard Creek @ milepoint 0.82		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 56 tons		
	Weight Limit - Bridge over IC RR & Pleasant Run Creek @ milepoint 3.42		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 48 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 6.59		
	TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 34 tons		
	Weight Limit - Bridge over Pond Creek @ milepoint 22.86		
	TY I = 20 tons, TY II = 23 tons, TY III = 27 tons, TY IV = 43 tons		
*	US 62	1.7 KY 109	21.3 Sextet Mine & Tipple
	Weight Limit - Bridge over Copperas Creek @ milepoint 5.70		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Cane Run Creek @ milepoint 7.94		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Pleasant Run @ milepoint 12.51		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L&N RR, Fork Pleasant Run @ milepoint 14.89		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 58 tons		
	Weight Limit - Bridge over US 41 @ milepoint 15.64		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Pleasant Run Creek @ milepoint 16.39		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Drakes Creek @ milepoint 16.72		

TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons
* KY 70 4.5 Peter Howton Road 18.7 US 41A
Weight Limit - Bridge over Richland Creek @ milepoint 11.77
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over ICG RR NE of Richland @ milepoint 13.09
TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons
Weight Limit - Bridge over Sugar Creek @ milepoint 13.45
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over L&N RR @ milepoint 18.53
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
18.7 US 41A 26.4 Muhlenberg CO LN
Weight Limit - Bridge over Pond River @ milepoint 26.32
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons
* KY 109 2.1 US 62 17.2 KY 814
Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 54 tons
Weight Limit - Bridge over IC RR @ milepoint 4.50
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
Weight Limit - Bridge over IC RR @ milepoint 6.49
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
Weight Limit - Bridge over Lick Creek @ milepoint 7.24
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons
* KY 112 3.5 Mine Access RD 9.8 US 41A
Weight Limit - Bridge over Finley Ditch @ milepoint 5.85
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
Weight Limit - Bridge over Unnamed Stream @ milepoint 8.06
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
Weight Limit - Bridge over Unnamed Stream @ milepoint 8.26
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons
* KY 262 0.0 KY 630 2.6 Bean Cemetery RD
Weight Limit - Bridge over Pogue Creek @ milepoint 0.92
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* KY 281 0.0 US 41A 0.7 Pennyrile Parkway
Weight Limit - Bridge over L&N RR @ milepoint 0.25
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons
* KY 336 3.2 McLeod RD 5.8 US 41A
* KY 454 0.0 US 62 2.3 KY 112
Weight Limit - Bridge over Western KY PKWY @ milepoint 1.02
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons
* KY 630 0.0 KY 262 2.0 US 41A
* **KY 813 0.8 Claude Young RD 2.8 US 62**
* KY 813 10.2 Mortons Gap-WH CTY RD 12.3 US 41A
* KY 814 0.0 KY 109 1.4 Webster CO LN
* KY 879 [870] 0.0 KY 112 0.2 Southard Church Road
(Extended weights shall be available only for Types III and IV vehicles.)
* KY 1751 0.0 US 41A 1.4 US 41
Weight Limit - Bridge over L&N RR @ milepoint 1.14
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 58 tons
* KY 2086 0.0 Walnut Grove RD 1.2 KY 109
* KY 2273 0.0 KY 109 0.2 Ferguson Town Spur RD
* KY 2663 0.0 Mine Access RD 0.6 KY 2655
* Old Hanson-Slaughters Road
CR 5073 0.0 Jasper Reynolds RD 0.4 KY 2655
* Jasper Reynolds RD
CR 5081 0.0 US 41 0.4 Old Hanson RD
*Herbert Brown RD
CR 5082 0.0 Old Hanson RD 0.1 KY 2655
* McLeod Road
CR 5140 0.0 KY 3361) 0.3 Mine & Tipple
* Mortons Gap-White City Road
CR 5153 0.0 KY 813 1.8 Mine
* **Claude Young Road**
CR 5169 0.0 KY 813 1.7 Orton Bridge RD
* **Orton Bridge Road**
CR 5170 1.0 Claude Young RD 1.3 Private Haul Road
* Wells Road
CR 5212 7.9 Barnsley Loop RD 8.7 Mine
* Barnsley Loop Road
CR 5217 0.0 US 41A 1.5 Wells Road
* Leonard Jackson Road
CR 5262 0.0 Dawson Daylight RD 1.0 Private Haul RD
* Walnut Grove Road
CR 5301 0.0 Mine 0.6 KY 2086
* Dawson Daylight Road
CR 5305 0.0 KY 109 2.4 Leonard Jackson RD

*	Ferguson Town Spur Road			
	CR 5311	0.0 Ferguson Town RD	0.1	Roberts Bros Tipple
*	Peter Howton Road			
	CR 5330	0.0 KY 70	0.3	Mine
*	Bean Cemetery Road			
	CR 5396	0.4 Mine	2.9	KY 262
	Weight Limit - Bridge over Greasy Creek			
	TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons			

JACKSON COUNTY

	ROAD	FROM	TO	
*	US 421	0.0 Clay CO LN	6.3	Andrews RD
	Weight Limit - Bridge over Flat Lick Creek @ milepoint 6.26			
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons			
*	KY 30	0.0 Laurel CO LN	12.5	US 421 (South)
	Weight Limit - Bridge over Moores Creek @ milepoint 0.59			
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons			
	Weight Limit - Bridge over Pond Creek @ milepoint 2.64			
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons			
		12.5 US 421 (North)	20.9	Owsley CO LN
*	Andrews Road			
	CR 5122	0.0 US 421	0.6	Begley Road
*	Begley Road			
	CR 5245	0.8 Andrews Road	0.9	Mine

JEFFERSON COUNTY

	ROAD	FROM	TO	
*	US 31E	0.0 Bullitt CO LN	5.5	KY 1065
	Weight Limit - Bridge over Floyd's Fork Creek @ milepoint 0.58			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
		16.7 US 42	17.8	US 31W @ Second Street
*	US 31W	3.2 Kosmos Cement CO	22.1	US 31E @ Second Street
*	US 42	0.0 US 31E	0.8	US 60
	Weight Limit - Bridge over Beargrass Creek @ milepoint 0.23			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	US 60	0.0 US 42 (Westbound)	17.4	Shelby CO LN
	Weight Limit - Bridge over Floyd's Fork @ milepoint 13.56			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Longrun Creek @ milepoint 15.79			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	KY 841	0.0 US 31W	6.1	KY 1865
*	KY 864	4.3 KY 1065 (East)	4.4	KY 1065 (West)
*	KY 1065	1.0 KY 1865	10.0	KY 864
	Weight Limit - Bridge over Northern Ditch @ milepoint 1.40			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over I-65 @ milepoint 4.75			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
		10.0 KY 864	11.9	US 31E
*	KY 1865	0.9 KY 841	1.3	KY 1065
*	KY 1934	5.5 Ralph AVE	8.4	US 31W
*	KY 2056	0.4 B.F. Goodrich Plant	1.1	I-264
*	Ralph Avenue (Louisville)			
		0.9 KY 1934	1.8	Dupont Plant

JESSAMINE COUNTY

	ROAD	FROM	TO	
*	US 68	0.0 Mercer CO LN	12.1	Fayette CO LN

JOHNSON COUNTY

	ROAD	FROM	TO	
*	US 23	0.0 Floyd CO LN	18.4	Lawrence CO LN
	Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 3.53			
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 38 tons			
	Weight Limit - Bridge over Paint Creek @ milepoint 8.68			
	TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 55 tons			
*	US 460	0.0 Magoffin CO LN	8.3	US 23
*	KY 3	3.1 Lacker Branch RD	4.7	Martin CO LN
*	KY 40	7.2 KY 172	8.7	US 460
		8.7 US 23	13.3	Deadfall Branch RD
*	KY 172	6.9 Joe Salyers Branch RD	12.4	KY 40
	Weight Limit - Bridge over Mudlick Creek @ milepoint 11.91			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 55 tons			
*	KY 302	2.8 KY 2381	6.5	KY 3
*	KY 2381	0.0 US 23	2.2	KY 302
*	Deadfall Branch Road			
	CR 5139	0.0 KY 40	0.6	Mine Access Road

KNOTT COUNTY

	ROAD	FROM	TO
*	KY 7	2.5 KY 1498	16.0 Floyd CO LN
	Weight Limit - Bridge over Beaver Fork @ milepoint 6.10		
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 15	0.0 Letcher CO LN	9.4 Perry CO LN
	Weight Limit - Bridge over Carr Fork Reservoir @ milepoint 2.82		
	TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Carr Fork Lake @ milepoint 5.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 80	0.0 Perry CO LN	21.1 Floyd CO LN
*	KY 160	0.0 KY 15	8.8 Cave Branch RD
			[5.8 A K P Coal Mine]
	Weight Limit - Bridge over Carr Fork Lake @ milepoint 1.74		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 56 tons		
		8.2 KY 1393	13.9 Patsy Jayne Mine
*	KY 550	23.8 Big Springs RD	26.6 Floyd CO LN
	Weight Limit - Bridge over Jones Fork @ milepoint 25.30		
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons		
*	KY 899	7.7 National Mines Mine	12.2 KY 7
	Weight Limit - Bridge over Caney Creek @ milepoint 8.74		
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons		
	Weight Limit - Bridge over Caney Creek @ milepoint 11.82		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 1087	1.4 KY 3209	3.4 Mountain Clay Mine
		9.6 C & D Coal Mine	14.1 KY 80
*	KY 1088	3.9 Young's Fork RD	9.4 KY 15
	Weight Limit - Bridge over Yellow Creek @ milepoint 9.12		
	TY I = 20 tons, TY II - 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Carr Creek @ milepoint 9.36		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 56 tons		
*	KY 1091	0.0 KY 7	2.2 Floyd CO LN
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
*	KY 1098	0.0 Breathitt CO LN	12.0 KY 1087
	Weight Limit - Bridge over Laurel Fork Quicksand Creek @ milepoint 6.94		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 1102	1.1 Sandlick Branch RD	2.7 KY 80
*	KY 1231	0.0 KY 15	1.2 Flax Patch Branch RD
*	KY 1393	2.8 KY 899	4.9 KY 160
*	KY 1410	0.0 KY 160	4.7 Letcher CO LN
	Weight Limit - Bridge over Carr Fork @ milepoint 0.01		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons		
*	KY 1498	0.5 KY 7	1.5 Floyd CO LN
*	KY 3209	0.0 KY 80	0.4 KY 1087
	Weight Limit - Bridge over Ball Fork @ milepoint 0.05		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 3391	0.0 KY 1231	1.7 Madden Creek RD
*	Potato Branch RD		
	CR 5005	0.0 KY 7	1.1 Wheelwright Mine
	Weight Limit - Bridge over Right Fork of Beaver Creek		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 44 tons		
*	Patten Branch of Beaver Creek Road		
	CR 5009	0.0 KY 7	0.2 National Mines Mine
*	Big Springs Branch Road		
	CR 5032	0.0 KY 550	0.9 National Mines Mine
	Weight Limit - Bridge over Jones Fork		
	TY I = 19 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 39 tons		
*	Triplett Branch Road		
	CR 5033	0.0 KY 550	0.8 National Mines Mine
*	Rock Fork (Bolyn) Road		
	CR 5037	0.0 KY 80	0.8 Consolidation Mine
*	Bates Branch Road		
	CR 5117	0.0 KY 7	1.4 Wheelwright Mine
*	Perkins Branch-Lick Branch Road		
	CR 5145	0.0 KY 15	0.4 Southeast Coal Mine
*	Runnells Branch Road		
	CR 5156	0.0 KY 160	0.5 Left FK Runnells BR RD
*	Left Fork of Runnells Branch Road		
	CR 5156A	0.0 Runnells Branch RD	0.3 Golden Oak Mine
*	Irishman Creek Road		
	CR 5203	0.0 KY 1231	0.8 R J F Coal Mine
*	Flax Patch Branch Road		
	CR 5208	0.0 KY 1231	0.5 Allied Coals Mine

*	Defeated Creek Road			
	CR 5212	0.0 KY 15	3.2	Meade & Shepherd Mine
*	Young's Fork Road			
	CR 5226	0.0 KY 1088	1.3	Kentucky Prince Mine
*	Middle Fork of Quicksand Creek Road			
	CR 5312	0.0 Decoy-Spring Fork RD	1.0	Big Branch of Quicksand Creek RD
*	Big Branch of Quicksand Creek Road			
	CR 5314	0.0 Miller Branch Mine	1.2	Middle Fork of Quicksand Creek RD
*	Decoy-Spring Fork Road			
	CR 5315	0.0 Breathitt CO LN	1.1	Middle Fork of Quicksand Creek Road
*	Sandlick Branch Road			
	CR 5336	0.0 KY 1102	0.9	McCoy Coal Mine

KNOX COUNTY

	ROAD	FROM	TO	
*	US 25E	0.0 Bell CO LN	26.6	Laurel CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 0.85			
	TY I = 20 tons, TY II = 33 tons, TY III = 33 tons, TY IV = 40 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 1.54			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 51 tons			
	Weight Limit - Bridge over Stinking Creek @ milepoint 3.70			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons			
	Weight Limit - Bridge over Turkey Creek @ milepoint 4.81			
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 51 tons			
*	KY 6	0.0 Whitley CO LN	14.7	KY 11
	Weight Limit - Bridge over Lynn Camp Creek @ milepoint 0.23			
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons			
	Weight Limit - Bridge over Stewards Creek @ milepoint 0.83			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Indian Creek @ milepoint 6.15			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Tributary of Indian Creek @ milepoint 6.85			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Indian Creek @ milepoint 8.37			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
*	KY 11	0.0 Whitley CO LN	10.1	US 25E
	Weight Limit - Bridge over Little Poplar Creek @ milepoint 2.17			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons			
		10.1 US 25E	22.7	Clay CO LN
	Weight Limit - Bridge over Little Richland Creek @ milepoint 13.00			
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Little Richland Creek @ milepoint 13.39			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Little Richland Creek @ milepoint 13.57			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons			
*	KY 225	5.9 Kayjay Mine	15.0	US 25E
*	KY 312	0.0 Whitley CO LN	1.3	US 25E
*	KY 930	0.0 KY 225	4.1	US 25E
	Weight Limit - Bridge over Stinking Creek @ milepoint 1.77			
	TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 50 tons			
*	KY 1809	0.0 Whitley CO LN	6.3	KY 11
*	KY 2421	0.0 KY 225	0.9	KY 11
*	Alex Creek Road			
	CR 5031	1.7 Straight Creek RD	2.2	Mine
*	Straight Creek Road			
	CR 5032	0.0 Bell CO LN	0.8	Alex Creek RD
*	Little Brush Creek Road			
	CR 5166	0.0 KY 225	1.6	Lay Branch RD
	Weight Limit - Bridge over Brush Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Lay Branch Road			
	CR 5169	0.0 Little Brush CK RD	0.8	Mine
*	Swan Pond Road			
	CR 5209	0.0 KY 11	1.9	Mine
*	Stoney Fork Road			
	CR 5210	0.0 KY 1809	1.0	Mine
*	Hubbs Road			
	CR 5214	0.0 KY 1809	1.5	Girdner #1 Mine
	Weight Limit - Bridge over Hubbs Creek east of Bryant's Store			
	TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons			
	Weight Limit - Bridge over Hubbs Creek @ Bain Branch			
	TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons			

	ROAD	FROM	TO
*	Sugartree Road		
	CR 5216	0.0 Hubbs RD	0.5 Terco #1 Mine
	Weight Limit - Bridge over Hubbs Creek		
	TY I = 4 tons, TY II = 4 tons, TY III = 4 tons, TY IV = 4 tons		
*	Davis Branch Road		
	CR 5224	0.0 KY 1809	0.1 Mine
*	Dowis Road		
	CR 5248	0.0 KY 6	0.9 Mosley Branch RD
*	Middle Fork Richland Creek Road		
	CR 5311	0.9 Higgins Road	1.2 H & P Mine
*	Higgins Road		
	CR 5323	0.0 US 25E	0.8 Richland Creek RD

LAUREL COUNTY

	ROAD	FROM	TO
*	Daniel Boone		
	Parkway	0.0 US 25 & KY 80	10.6 Clay CO LN
	Weight Limit - Bridge over L&N RR @ milepoint 0.85		
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons		
	Weight Limit - Bridge over Little Laurel River @ milepoint 3.40		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Sallys Branch Rd. @ milepoint 4.18		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 1305 @ milepoint 6.42		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Lick Creek Road @ milepoint 7.64		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons		
	Weight Limit - Bridge over KY 488 @ milepoint 8.57		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
*	US 25	0.0 US 25E & US 25W	10.4 KY 192
	Weight Limit - Bridge over Robinson Creek @ milepoint 3.28		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Laurel River at Lily @ milepoint 4.14		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 7.19		
	TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 48 tons		
	Weight Limit - Bridge over Little Laurel River @ milepoint 8.44		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 60 tons		
		13.6 KY 80 & Daniel Boone Parkway	23.1 KY 909
*	US 25E	0.0 Knox CO LN	0.3 US 25 & US 25W
*	KY 30	1.4 KY 490	9.8 Jackson CO LN
	Weight Limit - Bridge over Rockcastle River @ milepoint 9.08		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 59 tons		
*	KY 80	0.0 Pulaski CO LN	11.1 US 25 & Daniel Boone PKWY
	Weight Limit - Bridge over I-75 @ milepoint 10.59		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 43 tons		
*	KY 192	18.2 I-75	22.0 D Boone PKWY
	Weight Limit - Bridge over I-75 @ milepoint 18.24		
	TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 42 tons		
*	KY 229	0.0 Knox CO LN	11.5 KY 192
	Weight Limit - Bridge over Laurel River @ milepoint 6.85		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Little Laurel River @ milepoint 10.63		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
*	KY 490	0.0 US 25	0.9 KY 30
	Weight Limit - Bridge over L&N RR @ milepoint 0.10		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 44 tons		

LAWRENCE COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Johnson CO LN	30.2 Boyd CO LN
*	KY 1	0.0 KY 3	5.0 Olioville-Coal Branch RD
		12.8 KY 201	14.1 Carter CO LN
*	KY 3	0.0 Martin CO LN	15.5 US 23
	Weight limit - Bridge over Levisa & Tug Forks @ milepoint 14.87		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		24.4 KY 1398	24.7 KY 1
*	KY 3S	0.0 KY 3	0.1 West Virginia State LN
	Weight Limit - Bridge over Levisa & Tug Forks @ milepoint 0.01		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 32	8.5 Lower Laurel Creek RD	28.9 US 23
	Weight Limit - Bridge over Cains Creek @ milepoint 9.53		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Blaine Creek @ milepoint 10.10		
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 54 tons		

Weight Limit - Bridge over Hood Creek @ milepoint 10.85
TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Brushy Creek @ milepoint 16.05
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 54 tons
Weight Limit - Bridge over Rich Creek @ milepoint, 18.39
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons
Weight Limit - Bridge over Blaine Creek @ milepoint 22.55
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Russey Branch @ milepoint 23.46
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons

*	KY 201	5.0	KY 32	18.2	KY 1

Weight Limit - Bridge over Dry Fork Creek @ milepoint 18.13
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	KY 645	0.0	US 23	5.2	Martin CO LN
*	KY 1690	1.5	KY 645	1.7	KY 2033
*	KY 1760	0.0	US 23	2.8	Georges Creek RD
*	KY 2033	1.3	KY 1690	3.3	Richardson Mine
*	KY 3398	0.0	US 23	2.3	KY 3
*	Donithon Branch Road				
	CR 5118	0.0	KY 3	1.6	Lockworth Mine
*	Georges Creek Road				
	CR 5156	0.0	KY 1760	1.5	Left FK Brushy CR RD
*	Left Fork Brushy Creek Road				
	CR 5203	0.0	Georges Creek Road	0.8	Mine
*	Lower Laurel Creek Road				
	CR 5221	0.0	KY 32	1.7	Black Wells Mine

Weight Limit - Bridge over Lower Laurel Creek
TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons
Weight Limit - Bridge over Lower Laurel Creek
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons

*	Olioville-Coal Branch Road				
	CR 5311	0.0	KY 1	0.3	Mine

LESLIE COUNTY

	ROAD	FROM		TO	
*	Daniel Boone Parkway	35.9	Clay CO LN	51.0	Perry CO LN
*	US 421	0.0	Harlan CO LN	6.3	Mine
		20.6	KY 2431	22.6	KY 18
		26.8	Wet Rockhouse Branch	35.4	Clay CO LN
*	KY 80	0.0	US 421	9.7	Perry CO LN

Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 43 tons
Weight Limit - Bridge over Wooton Creek @ milepoint 6.12
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 46 tons
Weight Limit - Bridge over MacIntosh Creek @ milepoint 8.84
TY I = 20 tons, TY II = 25 tons, TY III = 26 tons, TY IV = 42 tons

*	KY 118	0.0	US 421	3.5	Daniel Boone PKWY
*	KY 699	0.0	KY 80	13.6	Old Big Rock RD

Weight Limit - Bridge over Cutshin Creek @ milepoint 1.96
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons
Weight Limit - Bridge over Maggard Creek @ milepoint 8.14
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

		15.2	Mine	16.0	Perry CO LN
*	KY 1807	0.0	KY 80	3.6	Mine Access RD
*	KY 2008	0.0	KY 2009	3.0	Mine Access RD
		5.2	Mine	8.2	Harlan CO LN
*	KY 2009	0.0	Harlan CO LN	5.4	Bledsoe Tipple

Weight Limit - Bridge over Greasy Creek @ milepoint 3.58
TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons

*	KY 2057	0.0	KY 699	3.1	Bear BR RD
*	KY 2431	0.0	US 421	0.1	High School

Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 32 tons

*	Wendover Road				
	CR 5001	0.0	KY 2431	1.6	Hurricane Creek RD
*	Hurricane Creek Road				
	CR 5002	2.2	Camp Creek RD	3.3	Wendover RD
*	Camp Creek Road				
	CR 5005	0.0	Hurricane Creek RD	0.7	Tipple Access
*	Bear Branch Road				
	CR 5018	0.0	KY 2057	1.4	Mine & Perry CO LN
*	Bailey Branch Road				
	CR 5027	0.0	KY 1807	0.6	Mine

*	Long Branch Road			
	CR 5118	0.0 KY 699	0.2	Mine
*	Old Big Rock Road			
	CR 5126	0.0 KY 699	0.6	Right Fork of Cutshin RD
	Weight Limit - Bridge over Cutshin Creek			
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons			
*	Right Fork of Cutshin Road			
	CR 5128	0.0 Old Big Rock RD	3.7	Mine
*	Abner Branch Road			
	CR 5133	0.0 Harlan CO LN	1.3	KY 2008
*	White Oak Road			
	CR 5135	0.0 KY 2008	0.8	Mine
*	Phillips Fork Road			
	CR 5225	5.0 Mine RD	5.2	Mine RD

LETCHER COUNTY

	ROAD	FROM	TO	
*	US 23	0.0 Virginia State LN	7.1	Pike CO LN
	Weight Limit - Bridge over Elkhorn Creek @ milepoint 5.83			
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons			
*	US 119	0.0 Harlan CO LN	7.0	Scotia Mine Tipple
		20.7 KY 1862	27.7	US 23
*	KY 7	0.0 Perry CO LN	25.2	KY 317
	Weight Limit - Bridge over Line Fork @ milepoint 0.17			
	TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 34 tons			
	Weight Limit - Bridge over North Fork Kentucky River @ milepoint 2.61			
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 48 tons			
	Weight Limit - Bridge over Elk Creek @ milepoint 5.28			
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Gaudill Branch @ milepoint 8.04			
	TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 22.31			
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Rockhouse Creek @ milepoint 24.78			
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 48 tons			
*	KY 15	2.7 KY 931	9.2	KY 7
		9.2 KY 7	10.7	Knott CO LN
*	KY 160	13.4 Lucky Branch RD	21.8	KY 15
	Weight Limit - Bridge over Kings Creek @ milepoint 14.73			
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 51 tons			
*	KY 317	0.0 KY 805	0.4	Mine
		1.0 KY 343	8.9	KY 7
*	KY 343	0.0 KY 317	1.5	#2 Hollow Road
	Weight Limit - Bridge over Yount's Fork Creek @ milepoint 0.08			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
	Weight Limit - Bridge over Wright's Fork @ milepoint 0.46			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
	Weight Limit - Bridge over Wright's Fork @ milepoint 0.65			
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons			
*	KY 588	3.7 Tolson Loading	5.0	KY 160
		5.0 KY 160	11.0	Mine
*	KY 805	0.0 US 119	3.1	KY 317
*	KY 931	7.7 Hampton Branch RD	*	
		16.4 Clay Hollow	18.4	KY 7
*	KY 1103	6.0 Private Haul RD	8.2	Tolby Branch RD
*	KY 1410	0.0 Knott CO LN	1.6	KY 7
*	KY 1862	1.2 KY 3410	1.7	US 119
		6.4 Mine	9.9	KY 931
*	KY 3410	0.0 Cram Creek-Pert Creek RD	1.1	KY 1862
*	Clay Hollow Road			
	CR 5010	0.0 KY 931	0.2	Golden Oak Mine
*	Beaverdam Branch Road			
	CR 5047	0.0 KY 7	2.7	Mine
*	Bottom Fork Road			
	CR 5068L	0.2 Tammy Ann Mine	0.7	#2 Hollow Road
*	#2 Hollow Road			
	CR 5068M	0.0 Bottom Fork Road	0.6	KY 343
*	Marshall Branch Road			
	CR 5103	0.0 Pike CO LN	0.3	Pike CO LN
*	Cram Creek Road			
	CR 5169	0.9 Wampler Bros Mine	1.4	KY 3410
*	Kingdom Come Creek Road			
	CR 5229	0.0 Ky 588	1.2	Lake Coal Mine
	Weight Limit - Bridge over Kingdom Come Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			

* Big Branch-Tolson Branch Road
CR 5258 0.0 KY 588 1.4 Lake Coal Mine
* Whitaker Branch Road
CR 5259 1.4 Mine 2.5 Big BR-Tolson BR RD
* Defeated Creek Road
CR 5265 5.1 Southeast Mine 5.6 KY 1103
Weight Limit - Bridge over Line Fork Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Lucky Branch Road
CR 5272 0.0 KY 160 0.4 Lake Coal Mine
* Johnson Branch Road
CR 5309 0.0 KY 160 0.3 Whitaker Mine
* Bee Tree Branch Road
CR 5311 0.0 KY 160 1.0 Lake Coal Mine
* Hollybush Branch Road
CR 5312 0.0 KY 160 0.4 Golden Oak Mine
* Stamper's Branch Road
CR 5335 0.0 KY 7 0.8 Whitaker Mine
* Hicks Branch Road
CR 5338 0.0 KY 7 0.1 Isom #2 Tipple
Weight Limit - Bridge over Rockhouse Creek
TY I = 9 tons, TY II = 9 tons, TY III = 9 tons, TY IV = 9 tons
* Caudill Creek Road
CR 5354 0.0 KY 7 2.3 Golden Oak Mine

LINCOLN COUNTY

	ROAD	FROM	TO
*	US 27	17.2 US 150	18.0 US 150 Bypass
*	US 150	0.0 Boyle CO LN	4.3 US 150 Bypass

Weight Limit - Bridge over Hanging Fork Creek @ milepoint 1.81
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons
6.4 US 27 19.7 Rockcastle CO LN
Weight Limit - Bridge over Logans Creek @ milepoint 7.04
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over L&N RR @ milepoint 18.62
TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons
Weight Limit - Bridge over Turkey Creek @ milepoint 19.35
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

*	US 150B	0.0 US 150	1.1 US 27

LIVINGSTON COUNTY

	ROAD	FROM	TO
*	US 62	0.0 Marshall CO LN	2.9 Lyon CO LN

Weight Limit - Bridge over Kentucky Lake Dam Lock @ milepoint 0.31
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 55 tons
Weight Limit - Bridge over I.C. Gulf R.R. @ milepoint 0.64
TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 51 tons
Weight Limit - Bridge over Reed's Haul Road @ milepoint 0.97
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 54 tons
Weight Limit - Bridge over Cumberland River @ milepoint 2.78
TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons

*	KY 453	0.5 B R T Dock	2.8 US 62

Weight Limit - Bridge over IC RR @ milepoint 1.92
TY I = 20 tons, TY II = 46 tons, TY III = 47 tons, TY IV = 60 tons

LOGAN COUNTY

	ROAD	FROM	TO
*	US 68	11.2 US 79 & KY 100	26.6 Warren CO LN
*	US 79	0.0 Todd CO LN	12.9 US 68

Weight Limit - Bridge over Vick's Branch @ milepoint 2.91
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Branch of Whippoorwill Creek @ milepoint 4.64
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons
Weight Limit - Bridge over Dry Fork @ milepoint 5.93
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons

LYON COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway	3.7 US 62	5.6 Caldwell CO LN
*	US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Tennessee State LN	22.7 Pulaski CO LN

*	KY 92	17.3	Railroad DR	28.4	Whitley CO LN
	Weight Limit - Bridge over Marsh Creek @ milepoint 25.42				
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons				
*	KY 1673	0.0	Whitley CO LN	0.6	Whitley CO LN
*	Railroad Drive				
	CR 5203	0.0	KY 92	0.3	Revelo Prep Plant
*	Bauer Road				
	CR 5333	0.0	US 27	3.8	Pulaski CO LN

McLEAN COUNTY

	ROAD	FROM		TO	
*	KY 81	12.8	KY 1792	18.3	Daviess CO LN
*	KY 136	11.1	KY 1792	12.9	KY 81
	Weight Limit - Bridge over Long Falls Creek @ milepoint 11.26				
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons				
*	KY 140	0.0	KY 256	0.1	KY 1792
*	KY 256	5.6	Mine	5.9	KY 140
*	KY 1792	0.0	KY 140	2.6	KY 136
	Weight Limit - Bridge over Porters Drainage Ditch @ milepoint 0.92				
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons				

MADISON COUNTY

	ROAD	FROM		TO	
*	KY 627	0.1	I-75	6.2	Clark CO LN
	Weight Limit - Bridge over I-75 @ milepoint 0.11				
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons				

MAGOFFIN COUNTY

	ROAD	FROM		TO	
*	Mountain PKWY (KY 402)				
		71.7	KY 30	75.6	US 460
	Weight Limit - Bridge over Licking River @ milepoint 74.51				
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons				
*	US 460	0.0	Morgan CO LN	20.4	Johnson CO LN
	Weight Limit - Bridge over Licking River @ milepoint 1.75				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 42 tons				
	Weight Limit - Bridge over State Road Fork Creek @ milepoint 11.35				
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons				
*	KY 7	3.2	Mine Access RD	23.9	Mountain Parkway (KY 402)
	Weight Limit - Bridge over Licking River @ milepoint 5.79				
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons				
*	KY 30	4.5	Mine Access RD	8.9	Mountain Parkway (KY 402)
	Weight Limit - Bridge over Middle Fork @ milepoint 7.55				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons				
*	KY 114	0.0	US 460	5.0	Floyd CO LN
*	KY 404	0.0	KY 7	2.7	Floyd CO LN
*	KY 542	0.0	Breathitt CO LN	5.8	KY 7
*	KY 867	4.0	Mine Access RD	5.7	KY 7
		5.7	KY 7	7.4	Hickory Tipple
*	KY 1471	0.0	Big Half Mountain RD	4.3	KY 7
	Weight Limit - Bridge over Licking River @ milepoint 3.96				
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons				
*	KY 1635	0.0	Tiptop-Bettsmann RD	5.7	KY 867
*	Brushy Fork Road				
	CR 5132	0.0	KY 7	1.0	Mine
*	Bull Creek Road				
	CR 5140	0.0	KY 7	0.4	Mine
*	Jake Wireman Road				
	CR 5144	0.0	KY 1502	1.0	Mines
*	Beetree Branch Road				
	CR 5145	0.0	KY 7	0.7	Mine
*	Big Half Mountain Road				
	CR 5148	0.0	Mine	0.5	KY 1471
	Weight Limit - Bridge over Big Half Mountain Creek				
	TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons				
*	Wright Oakley Creek Road				
	CR 5221	0.0	KY 1635	0.3	Mine
	Weight Limit - Bridge over Oakley Creek				
	TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons]				
*	Tiptop-Bettsmann Branch Road				
	CR 5225B	0.0	Breathitt CO LN	0.7	KY 1635

MARSHALL COUNTY

	ROAD	FROM		TO	
*	US 62	7.2	KY 95	12.1	Livingston CO LN

Weight Limit - Bridge over KY 282 @ milepoint 8.67
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 53 tons
Weight Limit - Bridge over Cypress Drainage Ditch @ milepoint 9.48
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV 53 tons
Weight Limit - Bridge over Tennessee River Dam Gates @ milepoint 11.94
TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV 48 tons

*	US 68	9.7 US 641 (North)	10.1 US 641 (South)
*	US 641	0.0 Calloway CO LN	12.9 US 68 (Southeast)

Weight Limit - Bridge over Town Creek @ milepoint 7.94
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Town Creek @ milepoint 7.95
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV 40 tons

		12.9 US 68 (Northwest)	19.4 US 62
*	KY 95	4.1 US 62	7.3 KY 1523

Weight Limit - Bridge over Cypress Creek @ milepoint 6.32
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV 60 tons

MARTIN COUNTY

	ROAD	FROM	TO
*	KY 3	0.0 Johnson CO LN	11.6 KY 645 (North)
		18.5 Rockcastle BR RD	23.2 Lawrence CO LN
*	KY 40	5.3 KY 1224	9.1 KY 645 (West)

Weight Limit - Bridge over Rockcastle Fork @ milepoint 6.95
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 53 tons

		10.8 KY 645 (East)	20.3 West Virginia ST LN
*	KY 292	0.0 Pike CO LN	13.2 KY 40

Weight Limit - Bridge over Wolfe Creek @ milepoint 11.99
TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons

		28.5 Mine	28.9 KY 3
*	KY 645	0.0 Lawrence CO LN	6.6 KY 3 (North)
		6.6 KY 3 (South)	7.6 KY 40 (East)
*	KY 1224	1.3 Mine	5.2 KY 40

Weight Limit - Bridge over Rockcastle Fork @ milepoint 4.32
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 55 tons

*	KY 1439	0.0 Pike CO LN	11.2 KY 1714

Weight Limit - Bridge over Wolfe Creek @ milepoint 1.83
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 45 tons

*	KY 1714	3.6 KY 1439	9.2 KY 292
*	KY 2032	0.0 KY 1439	4.0 KY 40
*	Emily Branch Road		
	CR 5105	3.1 Private Haul RD	3.2 Private Haul RD 1.0 miles SW of Oppy
*	Emily-Long Branch RD		
	CR 5107	0.9 Private Haul RD	1.0 Private Haul RD
*	Laurel Fork-Wolf Creek Road		
	CR 5202	0.0 KY 1439	7.8 Private Access Road
*	Middle Fork of Wolf Creek Road		
	CR 5205	0.0 Middle Fork of Rockcastle Creek RD	3.7 Mine
*	Middle Fork of Rockcastle Creek Road		
	CR 5206	0.0 KY 3	0.2 Mid FK Wolf CK RD
*	Mudlick Branch Road		
	CR 5210	0.0 KY 3	0.8 Mine
*	Peter Cave Branch Road		
	CR 5315	0.0 KY 3	0.5 Mine
*	Rockcastle Branch Road		
	CR 5317	0.0 KY 3	0.5 Mine

MASON COUNTY

	ROAD	FROM	TO
*	US 62	12.7 US 68	17.4 KY 10 (West)
*	US 68	0.0 Fleming CO LN	11.9 US 62
*	KY 8	0.0 Bracken CO LN	11.0 KY 10

Weight Limit - Bridge over Phillips Creek @ milepoint 7.11
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 39 tons

*	KY 10	9.7 US 68	15.9 Spring Creek RD

Weight Limit - Bridge over L&N RR @ milepoint 9.79
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Bull Fork @ milepoint 13.30
TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons

*	KY 11	0.0 Fleming CO LN	11.3 US 62

Weight Limit - Bridge over Mill Creek @ milepoint 0.16
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons

*	Spring Creek Road		
	CR 5012	0.0 KY 10	1.8 Cabin Creek PK

Weight Limit - Bridge over Spring Creek 1.2 miles east of Plumville

TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Spring Creek @ Cabin Creek Pike
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Cabin Creek Pike
CR 5013 0.0 Spring Creek RD 0.7 Dravo Lime CO

MERCER COUNTY

	ROAD	FROM	TO
*	Bluegrass PKWY	52.3 Anderson CO LN	56.3 Anderson CO LN
	Weight Limit - Bridge over Salt River @ milepoint 56.27		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 54 tons		
*	US 127	0.0 Boyle CO LN	4.4 US 68

MONTGOMERY COUNTY

	ROAD	FROM	TO
*	US 460	7.3 KY 11 (North)	8.3 KY 686 (North)
*	KY 11	0.0 Powell CO LN	9.2 KY 686 (South)
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 3.92		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons TY IV = 58 tons		
	Weight Limit - Bridge over Lulbegrud Creek @ milepoint 5.38		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
		10.0 US 460 (North)	15.4 Bath CO LN
*	KY 686	0.0 US 460 (North)	2.7 KY 11 (South)

MORGAN COUNTY

	ROAD	FROM	TO
*	US 460	20.1 Malone-Jones Creek RD	28.8 Magoffin CO LN
	Weight Limit - Bridge over Licking River @ milepoint 23.74		
	TY I = 17 tons, TY II = 24 tons, TY III = 25 tons, TY IV = 40 tons		
*	KY 172	21.0 Cindas Creek RD	22.3 KY 1614
*	Malone-Jones Creek Road		
	CR 5175	0.0 KY 7	2.0 Mine

MUHLENBERG COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway		
		43.4 Hopkins CO LN	57.9 US 431
	Weight Limit - Bridge over Pond River Relief @ milepoint 43.60		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 175-IC RR - Unnamed Creek @ milepoint 48.05		
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons		
	Weight Limit - Bridge over KY 181 @ milepoint 52.52		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons		
	Weight Limit - Bridge over IC RR @ milepoint 55.51		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 59 tons		
	Weight Limit - Bridge over L&N RR, Branch Little Cypress Creek @ milepoint 57.58		
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons		
*	US 62	1.3 Henry Oates RD	10.5 KY 176
	Weight Limit - Bridge over Branch of Thompson Creek @ milepoint 3.68		
	TY I = 20 tons, TY I = 28 tons, TY III = 31 tons, TY IV = 40 tons		
	Weight Limit - Bridge over I.C. & Gulf R.R. @ milepoint 5.40		
	TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 57 tons		
		19.2 KY 604	26.0 Ohio CO LN
	Weight Limit - Bridge over I.C. RR @ milepoint 24.71		
	TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 36 tons		
*	US 431	11.5 KY 176	25.5 Mine
	Weight limit - Bridge over Pond Creek @ milepoint 12.45		
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Western KY Parkway @ milepoint 17.48		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
*	KY 70	0.0 Hopkins County Line	14.7 KY 189
		(Extended weights shall be available only for TY IV vehicles.)	
		23.6 Barge Dock	23.8 Butler CO LN
	Weight Limit - Bridge over Mud River @ milepoint 23.75		
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons		
*	KY 176	0.0 US 62	12.5 T V A Paradise Plant
	Weight Limit - Bridge over Pond Creek @ milepoint 4.29		
	TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV = 60 tons		
*	KY 189	6.0 Mine Access	8.8 US 62 (South Junction)
		14.0 US 62	15.3 KY 70 (North Junction)
		(Extended weights shall be available only for TY IV vehicles.)	
*	KY 277	2.6 KY 602	3.8 KY 1379
*	KY 602	0.0 KY 277	0.7 US 431
*	KY 604	0.0 US 431	1.0 US 62

Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 0.34
TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 39 tons
* KY 1379 0.0 KY 277 0.5 Prep Plant Access
Weight Limit - Bridge over Unnamed Stream @ milepoint 0.25
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
* Wilcox Cemetery Road
CR 5003 0.0 US 421 0.6 Mine
* Green River Power Plant Road
CR 5045 0.0 US 431 0.7 KY Utilities Plant
* Henry Oates Road
CR 5392 0.0 US 62 2.3 Mine

NELSON COUNTY

	ROAD	FROM	TO
*	Bluegrass PKWY	33.3 KY 55	39.3 Washington CO LN
	Weight Limit - Bridge over Chaplin River @ milepoint 39.25		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 31E	15.4 KY 245	27.6 Spencer CO LN
	Weight Limit - Bridge over Powell Run @ milepoint 26.99		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 62	15.9 KY 245	25.0 KY 55
	Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 24.96		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 55	3.1 Bluegrass Parkway	3.8 US 62
	Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 3.77		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	KY 245	0.0 US 62	1.0 US 31E

NICHOLAS COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Bourbon CO LN	12.2 Robertson CO LN
	Weight Limit - Bridge over Stony Creek @ milepoint 9.72		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		

OHIO COUNTY

	ROAD	FROM	TO
*	Western KY PKWY	74.6 US 231	76.8 Green River Parkway
	Weight Limit - Bridge over US 231 @ milepoint 74.56		
	TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Arnold-Butler Road @ milepoint 85.72		
	TY I = 20 tons, TY II = 42 tons, TY III - 44 tons, TY IV = 60 tons		
*	Green River PKW	35.1 Butler CO LN	59.5 Daviess CO LN
	Weight Limit - Bridge over Rough River @ milepoint 49.34		
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons		
*	US 62	0.0 Muhlenberg CO LN	19.0 Horton-MT Pleasant RD
	Weight Limit - Bridge over Green River @ milepoint 0.01		
	TY I = 20 tons, TY II = 27 tons, TY III = 32 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Lewis Creek @ milepoint 1.45		
	TY I = 20 tons, TY II = 32 tons, TY III = 32 tons, TY IV = 57 tons		
	Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03		
	TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
	Weight Limit - Bridge over Muddy Creek @ milepoint 12.30		
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Elmlick Creek @ milepoint 14.95		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 53 tons		
*	US 231	0.0 Butler CO LN	10.0 US 62 (South)
		10.0 US 62 (North)	24.3 Daviess CO LN
	Weight Limit - Bridge over North Fork Muddy Creek @ milepoint 12.30		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
	Weight Limit - Bridge over Barnett Creek @ milepoint 20.30		
	TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons		
*	KY 69	6.9 Mine	7.6 KY 85 (South)
		13.7 US 231 (South)	15.4 Country Club Road
*	KY 85	7.2 KY 69 (East)	11.3 US 62
	Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62		
	TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons		
*	KY 1414	14.0 Sugar Grove RD	15.7 KY 54
*	KY 1903	0.0 US 62	0.9 Lewis Creek Dock
*	Sunnydale Road		
	CR 5076	8.3 Sugar Grove RD	8.4 Sugar Grove RD
*	Sugar Grove Road		
	CR 5077	0.0 KY 1414	1.5 Sunnydale RD
		1.5 Sunnydale RD	2.0 Mine

*	Horton-Mount Pleasant Road			
	CR 5125	0.0 US 62	0.1	Southwind Tipple
	Weight Limit - Bridge over Pigeon Creek			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Whoopee Hill Road			
	CR 5356	0.0 US 231	1.5	Rone RD
*	Rone Road			
	CR 5356A	0.0 Whoopee Hill RD	0.5	Mine
*	Maple Lake Road (Old Martin-Dodson Cemetery Road)			
	CR 5373	0.1 US 231	0.7	Mine

OWSLEY COUNTY

	ROAD	FROM	TO	
*	KY 11	0.0 Clay CO LN	10.8	KY 1938
	Weight Limit - Bridge over Sexton Creek @ milepoint 1.80			
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons			
	Weight Limit - Bridge over Island Creek @ milepoint 4.02			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons			
	Weight Limit - Bridge over White Oak Creek @ milepoint 6.18			
	TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 49 tons			
*	KY 30	0.0 Jackson CO LN	10.8	KY 847
	Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 3.42			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 4.88			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 5.15			
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons			
*	KY 847	4.3 Bowman Branch RD	7.2	KY 30
	Weight Limit - Bridge over Buck Creek @ milepoint 6.34			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
*	Hurricane Branch Road			
	CR 5301	0.0 Bowman Branch Road	1.1	Denham & Lewis Mine
*	Bowman Branch Road			
	CR 5303	0.0 KY 847	0.3	Hurricane Branch RD

PENDLETON COUNTY

	ROAD	FROM	TO	
*	US 27	0.0 Harrison CO LN	19.4	Campbell CO LN
	Weight Limit - Bridge over Blanket Creek near Four Oak @ milepoint 4.41			
	TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 60 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 7.57			
	TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 54 tons			
	Weight Limit - Bridge over South Fork of Licking River @ milepoint 8.18			
	TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons			
	Weight Limit - Bridge over L&N RR-CR 5011-Kennedy Br. @ milepoint 15.78			
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 60 tons			
*	KY 8	2.2 Black River Lime	4.3	Bracken CO LN

PERRY COUNTY

	ROAD	FROM	TO	
*	Daniel Boone Parkway			
		51.0 Leslie CO LN	59.1	KY 15
*	KY 7	0.0 KY 15	13.6	Letcher CO LN
	Weight Limit - Bridge over Maces @ milepoint 2.44			
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons			
*	KY 15	0.0 Knott CO LN	25.2	Breathitt CO LN
	Weight Limit - Bridge over Main Street, Carr Fork, & L&N RR @ milepoint 0.20			
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 55 tons			
	Weight Limit - Bridge over Carr Fork & L&N RR @ milepoint 3.37			
	TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons			
	Weight Limit - Bridge over L&N RR @ milepoint 13.17			
	TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 55 tons			
	Weight Limit - Bridge over KY 80, N Fork KY River @ milepoint 13.57			
	TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 49 tons			
	Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 56 tons			
*	KY 28	3.5 Buckhorn-Breathitt RD	6.0	Breathitt CO LN
		6.0 Breathitt CO LN	18.1	KY 15
	Weight Limit - Bridge over Grapevine Creek @ milepoint 15.02			
	TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons			
*	KY 80	0.0 Leslie CO LN	7.9	KY 15 Underpass
	Weight Limit - Bridge over Right Fork of Big Creek @ milepoint 1.57			
	TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 46 tons			
	Weight Limit - Bridge over Big Creek @ mile point 5.27			
	TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 44 tons			

Weight Limit - Bridge over L & N R.R. & Kentucky River @ milepoint 7.09
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons

		7.9 D Boone Parkway & KY 15	15.9	Knott CO LN
*	KY 451	5.0 Mine	7.7	Daniel Boone Parkway
		7.7 Daniel Boone PKWY	7.8	KY 80
		7.8 KY 80	10.9	KY 2021
*	KY 463	1.4 Jackson Fork RD	6.5	KY 699

Weight Limit - Bridge over Leatherwood Creek @ milepoint 6.34
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons

*	KY 476	2.0 KY 550	2.4	Black Gold Tipple

Weight Limit - Bridge over Lotts Creek @ milepoint 2.07
TY I = 20 tons, TY II = 19 tons, TY III = 20 tons, TY IV = 30 tons
Weight Limit - Bridge over Lotts Creek @ milepoint 2.22
TY I = 20 tons, TY II = 21 tons, TY III = 22 tons, TY IV = 29 tons

		2.9 KY 1088	18.1	Mine

Weight Limit - Bridge over Jake's Creek @ milepoint 3.65
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Troublesome Creek @ milepoint 8.72
TY I = 20 tons, TY II = 24 tons, TY III = 27 tons, TY IV = 38 tons
Weight Limit - Bridge over Ball Fork @ milepoint 12.36
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons

		22.2 Buckhorn Creek Road	22.3	Breathitt CO LN
*	KY 550	0.0 KY 15 & KY 80	2.5	KY 476

Weight Limit - Bridge over Big Leather Creek @ milepoint 2.4
TY I = 20 tons, TY II = 35, TY III = 36 tons, TY IV = 48 tons

*	KY 699	0.0 Leslie CO LN	4.8	KY 463

Weight Limit - Bridge over Leatherwood Creek @ milepoint 4.75
TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 57 tons

		6.5 Beech Fork RD	12.5	KY 7

Weight Limit - Bridge over Leatherwood Creek @ milepoint 8.01
TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons
Weight Limit - Bridge over Big Leather Creek @ milepoint 10.77
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 60 tons

*	KY 1087	0.0 KY 476	0.7	Lick Branch RD
*	KY 1088	0.0 KY 476	1.1	Mine
*	KY 1095	0.4 Emmons Tipple	2.9	KY 15

Weight Limit - Bridge over Carr Fork @ milepoint 2.55
TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 31 tons

*	KY 1096	0.0 KY 80	4.0	Whitaker Tipple

Weight Limit - Bridge over Big Creek @ milepoint 0.02
TY I = 20 tons, TY II = 40 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over Big Creek @ milepoint 3.55
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 1146	2.2 Jakes Fork Tipple	2.7	KY 476

Weight Limit - Bridge over Trace Fork @ milepoint 2.69
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons

		2.7 KY 476	4.0	KY 80
		4.0 KY 80	4.6	Buckhorn Prep Plant
*	KY 2021	1.1 Beech Oak Branch	3.4	KY 451
*	KY 3196	0.0 Beech Fork RD	0.1	KY 699

Weight Limit - Bridge over Leatherwood Creek @ milepoint 0.01
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons

*	KY 3348	0.1 Little Leatherwood Creek RD	3.9	KY 699

Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 1.44
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 2.32
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	Wayne Davidson Road			
	CR 5005	0.3 Cumberland Elk Tipple	0.5	KY 15
*	Dwarf-Engle Fork Road			
	CR 5032	0.0 KY 476	0.1	Highland Coal Mine
*	Coates Branch Road			
	CR 5044	0.0 Ky 476	0.5	Ball Branch Mine
*	Lick Branch Road			
	CR 5045	0.0 KY 1087	0.6	Star Fire Mine
*	Buckhorn Creek Road			
	CR 5070	0.0 KY 476	0.1	Breathitt CO LN

Weight Limit - Bridge over Troublesome Creek
TY I = 16 tons, TY II = 16 tons, TY III = 16 tons, TY IV = 16 tons

*	Old KY 15 Loop #1 Road			
	CR 5102	0.0 KY 15	0.2	Kentucky Prince Tipple
*	Oakwood Avenue-Stacy Branch Road			
	CR 5117	0.0 Main ST (Vicco)	1.3	Chester Tipple
*	Main Street (Vicco)			
	CR 5118B	0.0 KY 1095	0.2	Oakwood Ave-Stacey Branch RD

*	Kelly Fork Road			
	CR 5119	0.0 KY 1095	0.4	Emmons Tipple
*	Straight Fork Road			
	CR 5140	0.0 Little Leatherwood Creek RD	0.5	Mine
*	Beech Fork Road			
	CR 5146	0.0 KY 3196	3.0	Lee Mine
*	Jackson Fork Road			
	CR 5152	0.0 KY 463	0.4	Blue Diamond Mine
*	Beech Oak Branch Road			
	CR 5213	0.0 KY 2021	0.9	Mine
*	Sam Campbell Branch Road (Old Pigeon Roose-Hull School RD)			
	CR 5319	0.0 KY 15	4.8	Dun Raven Tipple
*	Clear Fork Road			
	CR 5320	0.0 KY 28	2.3	Sam Campbell BR RD
*	Barwick Road			
	CR 5330	0.0 KY 28	0.8	Breathitt CO LN
*	Right Fork Spencer Creek Road			
	CR 5332	0.0 Spencer Creek-Napfor BR RD	1.0	Vires Coal Mine
*	Spencer Creek-Napfor Branch Road			
	CR 5333	0.0 KY 28	1.9	Pine Branch Mine
*	Buckhorn-Breathitt County Line Road			
	CR 5349	0.0 KY 28	0.4	Mine

PIKE COUNTY

	ROAD	FROM	TO	
*	US 23	0.0 Letcher CO LN	39.6	Floyd CO LN
	(Via Old US 23 at Pikeville, Does not include new cut through)			
	Weight Limit - Bridge over Shelby Creek @ milepoint 17.23			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Little Creek @ milepoint 18.12			
	TY I = 20 tons, TY II = 34 tons, TY III = 33 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Shelby Creek @ milepoint 19.75			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over C&O RR & Levisa Fork @ milepoint 22.00			
	TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 47 tons			
*	New US 23 (Pikeville Cut Through)			
		0.0 US 23 (South)	2.7	US 23 NW of Pikeville
*	US 119	0.0 US 23 (North of Pikeville)	29.7	W. Va. State LN
	Weight Limit - Bridge over Raccoon Creek @ milepoint 6.61			
	TY I = 18 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons			
	Weight Limit - Bridge over John's Creek @ milepoint 7.94			
	TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 37 tons			
	Weight Limit - Bridge over Bent Branch @ milepoint 9.99			
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Bent Branch @ milepoint 10.23			
	TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons			
	Weight Limit - Bridge over Bent Branch @ milepoint 10.88			
	TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons			
	Weight Limit - Bridge over Bent Branch @ milepoint 11.25			
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Bent Branch @ milepoint 11.40			
	TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Bent Branch @ milepoint 11.63			
	TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons			
	Weight Limit - Bridge over Fork of Big Creek @ milepoint 16.41			
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 60 tons			
	Weight Limit - Bridge over Big Creek @ milepoint 17.06			
	TY I = 20 tons, TY II = 23 tons, TY III = 24 tons, TY IV = 27 tons			
	Weight Limit - Bridge over Reed Fork @ milepoint 18.48			
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons			
	Weight Limit - Bridge over Big Creek @ milepoint 20.13			
	TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons			
	Weight Limit - Bridge over Tug River @ West Virginia State Line @ milepoint 29.7			
	TY I = 20 tons, TY II = 45 tons, TY III = 45 tons, TY IV = 52 tons			
*	Old US 119	0.0 US 23 @ Ferguson Creek	2.8	US 119 West of Zebulon
*	US 460	0.0 US 23	24.0	Virginia State LN
	Weight Limit - Bridge over Levisa Fork @ milepoint 4.26			
	TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 46 tons			
*	KY 80	0.0 US 460	6.9	Virginia State LN
	Weight Limit - Bridge over Russell Fork of Big Sandy @ milepoint 3.07			
	TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 57 tons			
	Weight Limit - Bridge over Russell Fork & Clinchfield R.R. @ milepoint 3.60			
	TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 57 tons			
*	KY 122	3.3 Arnold Fork Road Mine	10.4	US 23
	Weight Limit - Bridge over Robinson Creek @ milepoint 6.75			

TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 53 tons
Weight Limit - Bridge over Bear Fork north of Jones Chapel @ milepoint 8.28
TY I = 20 tons, TY II = 36 tons, TY III = 39 tons, TY IV = 60 tons

*	KY 194	0.0	Floyd CO LN	16.8 US 119 (South)
		16.8	US 119 (North)	27.8 Mine

Weight Limit - Bridge over John's Creek @ milepoint 25.62
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 48 tons

		29.6	KY 3418	40.0 KY 1499
		52.4	Prater Branch RD	55.7 KY 632 @ Phelps
		67.3	Mine	67.7 KY 2062
		69.6	KY 2059	73.2 Virginia State LN
*	KY 195	0.0	KY 197	11.6 US 460

Weight Limit - Bridge over Brushy Branch @ milepoint 3.27
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Wolf Pit Branch @ milepoint 9.93
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Russell Fork @ milepoint 11.44
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 197	9.8	KY 195	16.6 KY 80

Weight Limit - Bridge over Sycamore Creek @ milepoint 6.70
TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over Elkhorn Creek @ milepoint 13.91
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 56 tons

*	KY 199	8.2	KY 1056	11.6 US 119

Weight Limit - Bridge over Pond Creek @ milepoint 8129
TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 58 tons
Weight Limit - Bridge over Pond Creek @ milepoint 8.72
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons
Weight Limit - Bridge over Pond Creek @ milepoint 11.34
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 59 tons

*	KY 292	0.0	Goody-AFLX-BURNWL RD	4.8 US 119 (South)
		4.8	US 119 (North)	12.7 Martin CO LN
*	KY 319	0.0	US 119	7.0 KY 1056 @ Ransom

Weight Limit - Bridge over Blackberry Fork North of Hardy
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons

*	KY 468	0.0	US 119	13.6 KY 292
*	KY 610	0.0	US 23	2.6 Myra Tipple

Weight Limit - Bridge over Beefhide Creek @ Myra @ milepoint 1.60
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons

		8.1	KY 1460	8.9 KY 122
*	KY 611	0.0	KY 195	3.5 Henry Clay Mine
		4.3	Little Fork-Left Fork RD	6.0 US 23
*	KY 612	0.0	KY 468	3.6 Mine
		6.6	Mine	8.4 KY 292
*	KY 632	0.0	KY 194 @ Kimper	15.0 KY 194 @ Phelps

Weight Limit - Bridge over Johns Creek @ milepoint 1.19
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons
Weight Limit - Bridge over Peter Creek @ milepoint 14.96
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons

*	KY 881	0.0	US 119	3.0 Brushy Fork Road
*	KY 1056	0.0	KY 199	11.6 W.Vir. ST LN

Weight Limit - Bridge over Blackberry Creek @ milepoint 6.52 @ Ransom
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over Blackberry Creek @ Nampa
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over Tug Fork Big Sandy River @ milepoint 11.5
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons

*	KY 1373	4.8	Card Creek-Card Knob Road	6.7 US 460
*	KY 1384	0.0	US 23 @ Boldman	6.1 KY 3417
*	KY 1426	0.0	Floyd CO LN	4.9 US 23
*	KY 1441	0.0	KY 1789	3.9 Mine
		4.4	Standard Elkhorn Mine	10.1 US 119

Weight Limit - Bridge over Pompey Creek @ milepoint 0.21
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Raccoon Creek @ milepoint 4.79
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over Raccoon Creek @ milepoint 6.04
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons
Weight Limit - Bridge over Raccoon Creek @ milepoint 7.96
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over Burning Fork Creek @ milepoint 10.00
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 58 tons

*	KY 1469	4.5	KY 3414	14.5 US 23 [11.4 KY 610
		11.4	KY 610	12.2 KY Elkhorn Tipple]
*	KY 1499	0.0	US 460	6.1 KY 194

Weight Limit - Bridge over Levisa Fork @ milepoint 6.03
TY I = 15 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 41 tons

*	KY 1758	6.8 Daugherty Tipple	7.8 KY 632
*	KY 1789	0.0 US 460	1.1 KY 1441
*	KY 2059	0.0 KY 194	0.3 Private Haul Road
		1.6 Private Haul Road	2.3 Lower Elk Creek RD
*	KY 2061	0.0 US 23	7.1 KY 194

Weight Limit - Bridge over Cowpen Creek @ milepoint 0.81
TY I = 18 tons, TY II = 19 tons, TY III = 22 tons, TY IV = 36 tons
Weight Limit - Bridge over Caney Fork of Johns Creek @ milepoint 6.72
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons
Weight Limit - Bridge over Johns Creek @ milepoint 7.11
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons

*	KY 2062	0.0 KY 194 @ Jamboree	3.1 KY 194 @ Stopover
*	KY 2552	0.0 US 23	0.3 Shelbiana RD

Weight Limit - Bridge over Shelby Creek @ milepoint 0.01
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons

*	KY 3154	0.0 Meathouse Branch RD	2.7 US 119
*	KY 3226	0.0 Rockhouse Creek-Greasy RD	3.3 US 460
*	KY 3227	0.0 US 23	1.0 Coal Run Tipple
*	KY 3414	2.4 Mine	3.4 KY 1469
*	KY 3415	0.0 Robinson Creek RD	2.8 KY 122

Weight Limit- Bridge over Robinson Creek @ milepoint 0.4
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Robinson Creek @ milepoint 0.6
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	KY 3416	0.0 Island Creek RD	1.7 KY 1426
*	KY 3417	0.0 KY 1426	1.1 KY 1384
*	KY 3418	7.4 Hurricane Creek RD	10.1 KY 194
*	KY 3419	4.9 KY 632	6.0 Kentucky Carbon Scales
		10.5 Mine	12.0 KY 1056

Weight Limit - Bridge over Left Fork of Blackberry Creek @ milepoint 11.47
TY I = 20 tons, TY II = 29 tons, TY III = 31 tons, TY IV = 46 tons
Weight Limit - Bridge over Blackberry Creek @ milepoint 12.01
TY I = 20 tons, TY II = 37 tons, TY III = 48 tons, TY IV = 60 tons

*	Frozen Creek Road		
	CR 5004	0.0 KY 1441	2.4 Mine
*	Winn Branch Road		
	CR 5011	0.0 US 119	1.3 Chloe Creek Dev Mine

Weight Limit - Bridge over Little Ratliff Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

*	Varney Branch Road		
	CR 5021	0.0 KY 194 South of Deskin	0.4 Utility Tipple
*	Meathouse Fork Road		
	CR 5022	0.0 KY 194 @ Deskin	0.8 Callahan Branch-Dix Fork RD
*	Callahan Branch-Dix Fork Road		
	CR 5023	0.0 Meathouse Fork RD	1.0 Mine
*	Meathouse Branch Road		
	CR 5025	0.0 KY 3154	0.6 Mine
*	Peg Branch Road		
	CR 5043	0.0 US 119	0.6 Eastern Coal Mine
*	Goody-Aflex-Burnwell Road		
	CR 5050	0.0 KY 292	0.8 Mine
*	Bent Branch Road		
	CR 5074	0.0 KY 468	1.1 Gex Tipple

Weight Limit - Bridge over Big Creek
TY I = 18 tons, TY II = 18 tons, TY III = 20 tons, TY IV = 32 tons

*	Swinge Camp Branch Road		
	CR 5075	0.0 KY 468	0.4 H Mar/Island Mines

Weight Limit - Bridge over Big Creek
TY I = 3 ton, TY II = 3 ton, TY III = 3 ton, TY IV = 3 ton

*	Halfway Branch Road		
	CR 5077	0.0 KY 468	0.5 Island Creek Mine
*	Rockhouse Fork Road		
	CR 5078	0.0 KY 468	0.4 Island Creek Mine

Weight Limit - Bridge over Big Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

*	Brushy Fork Road		
	CR 5095	0.0 KY 881	0.5 Addington Mine

Weight Limit - Bridge over Left Fork of Brushy Fork
TY I = 20 tons, TY II = 26 tons, TY III = 26 tons, TY IV = 26 tons

		16.1 Big Branch/Meathouse Creek RD	16.8 Floyd CO LN
*	Big Branch/Meathouse Creek Road		
	CR 5111	2.4 Mine	4.2 Brushy Fork RD
*	Miller Creek Road		

	CR 5123	3.6 Miller Creek Tipple	5.1 KY 194
	Weight Limit - Bridge over Johns Creek		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Lick Branch Road		
	CR 5141	0.0 KY 468	0.8 Jex Big Hill Mine
*	Hurricane Creek Road		
	CR 5162	2.5 Wellmore Mine	3.7 KY 3418
*	Dicks Fork Road		
	CR 5163	0.0 KY 194 @ Phyliss	0.6 Big Fist #4 Mine
*	Lane Branch Road		
	CR 5168	0.0 KY 632	1.2 McCoy Elkhorn Mine
*	Hatfield Branch Road		
	CR 5210	0.0 KY 319	0.8 Blackberry CR Mine
*	Lower Elk Creek Road		
	CR 5241	0.0 KY 2059	0.6 Race Fork Mine
*	Prater Branch Road		
	CR 5253	0.0 KY 194	0.8 Majestic Mine
*	Old Mouth Card-Feds Creek Road		
	CR 5282	0.0 US 460	0.3 Flannary Branch RD
*	Flannary Branch Road		
	CR 5283	0.0 Old Mouth Card-Feds CR RD	0.2 Mouth Card Mines
*	Card Creek-Card Knob Road		
	CR 5285	0.0 KY 1373	0.7 Clark Elkhorn Mine
		1.6 Wellmore Mine	4.6 US 460
*	Island Creek Road		
	CR 5287	0.0 Bane Tipple	0.6 Island Creek-Grapevine RD
*	Island Creek-Grapevine Road		
	CR 5288	0.0 Island Creek Road	1.8 Millers CR RD
*	Left Fork/Island Creek Road		
	CR 5289	0.0 Island Creek-Grapevine RD	0.2 Flannary Coal Mine
*	Millers Creek Road		
	CR 5290	0.0 Island Creek-Grapevine RD	2.4 Flannary Coal Mine
*	Hopkins Creek Road		
	CR 5322	0.0 US 460	1.0 Hopkins Creek Tipple
	Weight Limit - Bridge over Levisa Fork		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	Daniel Branch Road		
	CR 5326	0.0 US 460	0.4 Mine
*	Biggs Creek Road		
	CR 5327	0.0 US 460	1.9 Mine
*	Little Fork of Harless Creek Road		
	CR 5329	0.0 Harless Creek RD	1.0 Mine
*	Harless Creek Road		
	CR 5330	0.0 US 460	1.5 Wellmore Mine
*	Jimmie Creek Road		
	CR 5341	0.0 US 460	0.6 Wellmore Mine
*	Old US 460 Loop #2 Road		
	CR 5353	0.3 Potter Coal Mine	0.8 US 460
*	Shortridge Fork Road		
	CR 5355	0.4 Wellmore Mine	0.9 Wellmore Private RD
*	Abes Fork Road		
	CR 5356	0.0 Virginia State LN	0.4 Potter Prep Plant
*	Ohio Street (Elkhorn City)		
	CR 5361T	0.0 KY 80	0.5 Potter Processing
*	Old Bridge Street (Elkhorn City)		
	CR 5361Z	0.0 KY 80	0.1 Private Access Road
*	John Moore Branch Road		
	CR 5363	0.0 KY 197	0.9 Federal Tipple
*	Jackson Branch Road		
	CR 5371	0.0 KY 197	1.9 Mine
*	Brushy Branch Road		
	CR 5379	0.0 KY 195	0.8 Ratliff Elkhorn Mine
*	Marrowbone Creek Road		
	CR 5381	0.0 KY 195	2.1 Lad/Prospect Mine
	Weight Limit - Bridge over Marrowbone Creek		
	TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons		
*	Bowling Fork Road		
	CR 5384	0.0 KY 195	1.7 Nats Fork RD
*	Marshall Branch Road		
	CR 5399	0.0 US 23	0.3 Letcher CO LN
		0.3 Letcher CO LN	0.8 Mine
*	Little Fork/Left Fork Road		
	CR 5416	0.0 KY 611	0.2 Henry Clay Mine
*	Rockhouse Creek/Greasy Road		
	CR 5422	0.0 KY 195	2.6 Mine

Weight Limit - Bridge over Marrowbone Creek
5.3 Joe Brown RD 6.3 KY 3226

* Joe Brown Road
CR 5429 0.0 Rockhouse Creek Greasy RD 0.3 Mine

* Prichard Branch Road
CR 5430 0.0 Wolfpit Branch-Gardiner Fork RD 0.5 Mine
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

* Wolfpit Branch-Gardner Fork Road
CR 5433 5.1 Prichard Branch RD 6.3 KY 3226

* Wolfpen Branch Road
CR 5444 0.0 KY 80 0.8 Wellmore Mine

* Shelbiana Road
CR 5473 0.0 KY 2553 0.5 Coalmac Shelby Tipple

* Marion Branch Road
CR 5478 0.0 KY 1426 1.6 Chapperal Tipple

* Tollage Creek Road
CR 5496 0.0 US 23 1.0 Coal Run Mine

* Harmond Branch Road
CR 5505 0.0 US 23 0.9 Amber #9 Mine

* Dog Fork/Hurricane Creek Road
CR 5522 0.0 KY 1384 1.3 Peter Fork Joline Mine

* Hoopwood Branch Road
CR 5529 0.0 KY 1426 0.7 Stillhouse Mine

* Raccoon Branch Road
CR 5531 0.0 KY 1426 1.3 Jet/Cimaron Mine

* Island Creek Road
CR 5535 0.0 KY 1426 3.3 Mine

* Ray Branch Road
CR 5537 0.0 Island Creek RD 0.7 Mine

* Bear Fork - Tinker Fork Road
CR 5547 0.0 Bear Fork Branch RD 1.1 Floyd CO LN

* L Robinson - Floyd County Road
CR 5550 0.0 Robinson Creek RD 0.6 Floyd CO LN

* Little Fork/Robinson Road
CR 5553 0.0 KY 3415 1.6 Apache Mining Mine

* Robinson Creek Road
CR 5554 0.0 KY 3415 1.3 Mine

* Arnold Fork Road
CR 5555 0.0 KY 122 0.3 Apache Mining Mine

* Lizzie Fork Road
CR 5590 0.0 US 23 1.0 Mine
Weight Limit - Bridge over Caney Creek
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons

* Rob Fork Road
CR 5593 0.0 US 23 0.5 Damron Fork Tipple

* Gillespie Branch Road
CR 5606 0.0 KY 3226 0.9 Mine

* Lucy Branch Road
CR 5607 0.0 KY 3226 0.3 Mine

* Sugar Camp Branch Road
CR 5611 0.0 KY 122 1.5

* Bear Fork Branch Road
CR 5616 0.0 KY 122 1.5 Bear FK-Tinker FK RD

POWELL COUNTY

	ROAD	FROM	TO
*	Mountain Parkway (KY 402)	11.9 Clark CO LN	36.0 Wolfe CO LN

Weight Limit - Bridge over Lulbegrud Creek @ milepoint 11.90
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 45 tons
Weight Limit - Bridge over Red River @ milepoint 18.22
TY I = 20 tons, TY II = 37 tons, TY III = 37 tons, TY IV = 45 tons
Weight Limit - Bridge over Red River @ milepoint 24.83
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 50 tons
Weight Limit - Bridge over Cane Creek @ milepoint 26.12
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over KY 613 @ milepoint 27.38
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over North Fork Red River @ milepoint 27.94
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons
Weight Limit - Bridge over Middle Fork Red River @ milepoint 31.96
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over KY 11 & 15 @ milepoint 32.08
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 54 tons

* KY 11 21.0 KY 15 @ Clay City 25.0 Montgomery CO LN

*	KY 15	3.5	KY 11	4.1	Mountain PKW (KY 402) @ KY 82
	Weight Limit - Bridge over Mountain Parkway @ milepoint 4.08				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons				
		4.1	Mountain Parkway (KY 402) @ KY 82	8.9	Clark CO LN

PULASKI COUNTY

	ROAD	FROM		TO	
*	US 27	0.0	McCreary CO LN	16.9	KY 80 Bypass
	Weight Limit - Bridge over Cumberland River @ milepoint 9.19				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Pitman Creek @ milepoint 10.06				
	TY I = 20 tons, TY II = 39 tons, TY III = 38 tons, TY IV = 59 tons				
*	KY 80	21.6	KY 80 Bypass	40.4	Laurel CO LN
	Weight Limit - Bridge over Buck Creek @ milepoint 31.55				
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons				
*	KY 80B	0.0	US 27	2.3	KY 80
*	KY 90	0.0	Wayne CO LN	4.2	US 27
	Weight Limit - Bridge over Cumberland River @ milepoint 3.07				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
*	KY 192	0.0	KY 80 Bypass	15.0	Old Whitley RD
	Weight Limit - Bridge over Pitman Creek @ milepoint 4.13				
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 58 tons				
	Weight Limit - Bridge over Buck Creek @ milepoint 10.57				
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 48 tons				
*	KY 790	0.0	Wayne CO LN	5.7	KY 90
*	KY 1247	0.0	US 27	5.5	KY 1580
	Weight Limit - Bridge over Southern RR @ milepoint 0.08				
	TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 52 tons				
	Weight Limit - Bridge over Pitman Creek @ milepoint 3.40				
	TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 52 tons				
*	KY 1580	0.0	Ferguson Tipple	0.5	KY 1247
*	KY 1642	4.7	US 27	6.3	KY 1247
*	KY 1675	5.7	Acorn-Lick Creek RD	10.5	KY 80
	Weight Limit - Bridge over Branch of Short Creek @ milepoint 9.48				
	TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 53 tons				
*	Acorn-Lick Creek Road				
	CR 5016	0.0	KY 1675	1.7	Ano RD
*	Bolthouse Ridge Road				
	CR 5017	0.0	Ano RD	0.9	Ikerd Bandy Mine
*	Ano Road				
	CR 5018	0.0	Acorn-Lick Creek RD	1.4	Bolthouse Ridge RD
*	Old Whitley Road				
	CR 5216	0.0	KY 192	3.8	Cumberland River RD
*	Cumberland River Road				
	CR 5225	0.0	Old Whitley RD	0.8	Mine
*	Bauer Road				
	CR 5232	0.0	McCreary CO LN	0.8	Mine
*	Cooper Power Plant Road				
	CR 5349	0.0	KY 1247	0.6	E KY Power Plant

ROBERTSON COUNTY

	ROAD	FROM		TO	
*	US 68	0.0	Nicholas CO LN	1.4	Fleming CO LN

ROCKCASTLE COUNTY

	ROAD	FROM		TO	
*	US 25	11.8	I-75	13.9	US 150
*	US 150	0.0	Lincoln CO LN	10.5	US 25

SHELBY COUNTY

	ROAD	FROM		TO	
*	US 60	0.0	Jefferson CO LN	23.0	Franklin CO LN
	Weight Limit - Bridge over L & N R.R. @ milepoint 2.64				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Little Bullskin Creek @ milepoint 5.02				
	TY I = 20 tons, TY II = 21 tons, TY III = 25 tons, TY IV = 43 tons				
	Weight Limit - Bridge over Clear Creek @ milepoint 11.17				
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons				
	Weight Limit - Bridge over Guist Creek @ milepoint 13.93				
	TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 44 tons				

SIMPSON COUNTY

	ROAD	FROM		TO	
*	US 31W	0.0	Warren County Line	3.2	KAEC Gasahol Plant
	(Extended weights shall be available only to TY IV vehicles with a gross				

weight of 90,000 pounds or less.)
3.2 KAEC Gasahol Plant 6.5 KY 100 in Franklin
6.5 KY 100 in Franklin 14.0 Tennessee State LN
(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)

SPENCER COUNTY

	ROAD	FROM	TO
*	US 31E	0.0 Nelson CO LN	2.4 Bullitt CO LN

TODD COUNTY

	ROAD	FROM	TO
*	US 79	0.0 Tennessee State LN	10.6 Logan CO LN

Weight Limit - Bridge over L & N R.R. @ milepoint 1.94
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 51 tons
Weight Limit - Bridge over Elk Fork Creek @ milepoint 7.61
TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 47 tons

UNION COUNTY

	ROAD	FROM	TO
*	US 60	1.4 KY 109	9.2 Mine

Weight Limit - Bridge over Branch of Cypress Creek @ milepoint 3.66
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons

*	KY 109	0.0 Webster CO LN	1.5 US 60 (East)
		1.5 US 60 (East)	4.9 KY 492
*	KY 492	1.9 Davis Mine RD	2.5 KY 109
*	KY 1508	0.0 KY 109	2.7 Pyro Dock
		5.3 Canipe Dock	6.0 Private Haul Road

Weight Limit - Bridge over Unnamed Stream @ milepoint 5.61
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons

*	Davis Mine Road		
	CR 5227	0.0 KY 109	0.3 Private Haul Road

WARREN COUNTY

	ROAD	FROM	TO
*	Green River Parkway		
		0.0 I-65	18.2 Butler CO LN

Weight Limit - Bridge over I-65 @ milepoint 0.01
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons
Weight Limit - Bridge over US 31-W @ milepoint 3.57
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 59 tons

*	US 31W	0.0 Green River Parkway	9.0 Simpson County LN
		(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)	
*	US 68	0.0 Logan CO LN	8.2 Green River Parkway

WASHINGTON COUNTY

	ROAD	FROM	TO
*	Bluegrass Parkway		
		39.3 Nelson CO LN	44.8 Anderson CO LN

Weight Limit - Bridge over Chaplin River @ milepoint 42.08
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

WAYNE COUNTY

	ROAD	FROM	TO
*	KY 90	0.0 Clinton CO LN	25.2 Pulaski CO LN

Weight Limit - Bridge over Beaver Creek @ milepoint 8.65
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Meadow Creek @ milepoint 19.51
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons

*	KY 776	7.5 KY 790	9.8 Brammer Hill Ridge RD
*	KY 790	1.3 KY 776	10.5 Pulaski CO LN

Weight Limit - Bridge over Sinking Creek @ milepoint 2.02
TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 41 tons

*	Brammer Hill Ridge Road		
	CR 5023	0.0 KY 776	4.1 Jonesville Cemetery RD
*	Denny Creek Road		
	CR 5024	0.0 KY 776	1.7 Shamrock Mine
*	Brammer Hill-Delta Road		
	CR 5030	0.0 KY 790	2.2 Brammer Hill Ridge RD
*	Jones Cemetery #2 Road		
	CR 5031	0.0 Brammer Hill Ridge RD	2.4 Mine
*	Sizemore Road		
	CR 5155	0.0 Denny Creek RD	1.1 Mine

WEBSTER COUNTY

	ROAD	FROM	TO
*	Pennyrile PKWY	48.0 [55.0] Hopkins CO LN	55.6 [62.6] KY 56
*	US 41	0.0 Hopkins CO LN	12.1 Henderson CO LN
*	US 41A	0.0 Hopkins CO LN	19.5 KY 56
*	KY 56	5.3 US 41A	12.5 US 41 (South)
	Weight Limit - Bridge over Branch @ milepoint 12.42		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
		12.5 US 41 (North)	14.4 Old Eastwood Ferry RD
*	KY 109	2.9 KY 670	14.7 Union CO LN
	Weight Limit - Bridge over Crab Orchard Creek @ milepoint 7.33		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
	Weight Limit - Bridge over Caney Fork @ milepoint 10.72		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 51 tons		
*	KY 132	23.6 Mine	25.9 KY 494
*	KY 270	8.4 Mine	13.2 US 41A
*	KY 494	0.0 KY 132	2.2 US 41
*	KY 670	0.0 KY 109	2.7 US 41A
*	KY 814	0.0 Hopkins CO LN	0.6 US 41A
*	KY 1525	0.8 Mine Entrance	2.6 KY 109
*	Old Eastwood Ferry Road		
	CR 5034	0.0 KY 56	0.1 Sebree Dock
*	Quinns Landing Road		
	CR 5036	0.0 Henderson CO LN	0.2 Big Rivers Plant

WHITLEY COUNTY

	ROAD	FROM	TO
*	US 25T	0.0 US 25W	0.7 US 25W
*	US 25W	1.7 Kensee Creek Rd	14.1 KY 26 (South)
	Weight Limit - Bridge over Clear Creek @ milepoint 5.04		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
	Weight Limit - Bridge over Clear Fork Creek @ milepoint 6.23		
	TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 39 tons		
	Weight Limit - Bridge over L&N RR @ milepoint 11.02		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
		32.1 KY 26 (North)	32.8 US 25T (South)
*	KY 6	0.8 KY 1064	1.6 Knox CO LN
	Weight Limit - Bridge over Corn Creek @ milepoint 1.64		
	TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons		
*	KY 11	0.0 KY 92	2.6 Knox CO LN
*	KY 26	0.0 US 25W (South)	14.3 US 25W (North)
*	KY 92	0.0 McCreary CO LN	11.3 US 25W (South)
	Weight Limit - Bridge over Pleasant Run @ milepoint 0.23		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 58 tons		
	Weight Limit - Bridge over Pleasant Run @ milepoint 1.51		
	TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 46 tons		
	Weight Limit - Bridge over Jellico Creek @ milepoint 2.99		
	TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 40 tons		
	Weight Limit - Bridge over Briar Creek @ milepoint 8.39		
	TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons		
	Weight Limit - Bridge over I-75 @ milepoint 11.00		
	TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 51 tons		
		11.3 US 25W (North)	33.4 Bell CO LN
	Weight Limit - Bridge over Cumberland River @ milepoint 22.02		
	TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 42 tons		
	Weight Limit - Bridge over Golden Fork @ milepoint 26.66		
	TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 50 tons		
	Weight Limit - Bridge over Harpes Creek @ milepoint 27.89		
	TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons		
*	KY 312	2.5 US 25W	2.6 Knox CO LN
*	KY 628	1.7 Mine	5.2 US 25W
	Weight Limit - Bridge over Possum Creek @ milepoint 3.91		
	TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
	Weight Limit - Bridge over I-75 @ milepoint 4.91		
	TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 48 tons		
*	KY 779	6.3 KY 1064 (East)	12.7 KY 11
	Weight Limit - Bridge over Cumberland River @ milepoint 11.83		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
*	KY 904	0.0 KY 92 @ Suttons Mill	13.5 KY 92 @ Siler
	Weight Limit - Bridge over Cumberland River @ milepoint 0.09		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
	Weight Limit - Bridge over Poplar Creek @ milepoint 13.44		
	TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
*	KY 1064	0.0 KY 904 @ Dixie	5.1 KY 92 @ Louden
	Weight Limit - Bridge over Cumberland River @ Louden		

TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons
Weight Limit - Bridge over Unnamed Stream 0.79 miles North of Louden
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons

		9.3	KY 779	17.1	KY 6
*	KY 1595	3.0	Mine	4.6	KY 92

Weight Limit - Bridge over Poplar Creek @ milepoint 4.49
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 52 tons

*	KY 1673	0.0	KY 92	0.4	McCreary CO LN
		0.4	McCreary CO LN	1.2	Ball Branch RD
*	KY 1809	0.0	KY 92	1.4	Knox CO LN

Weight Limit - Bridge over Golden Creek @ milepoint 0.21
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 53 tons

*	Mosley Road				
	CR 5038	0.0	KY 1064	0.9	Mine
*	McNeil Hollow-Corn Creek Road				
	CR 5045	2.4	Brenda Mine	3.6	KY 1064
*	Doc Siler Road				
	CR 5223	0.0	Tennessee ST LN	0.1	Skaggs Branch RD
*	Skaggs Branch Road				
	CR 5224	0.0	Doc Siler RD	0.7	Bowlin Mine
*	Keswick-Gatliff Road				
	CR 5227	3.3	Upper Cane Creek RD	8.0	KY 904

Weight Limit - Bridge over Bennetts Branch
TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 56 tons

*	Upper Cane Creek Road				
	CR 5230	0.0	Keswick-Gatliff RD	0.5	Mine
*	Jordan Hollow Road				
	CR 5321	0.0	KY 628 (East)	0.3	Mine
*	Kensee Creek Road				
	CR 5326	0.0	US 25W	0.8	Mine
*	Ryans Creek Road				
	CR 5335	0.0	KY 1898	4.3	McCreary CO LN
*	Ball Branch Road				
	CR 5338	0.0	KY 1673	0.6	Mine

Weight Limit - Bridge over Pleasant Run Creek
TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons

WOLFE COUNTY

	ROAD	FROM		TO	
*	Mountain PKWY (KY 402)				
		36.0	Powell CO LN	42.7	KY 155
*	KY 15	0.0	Breathitt CO LN	10.3	KY 651

Weight Limit - Bridge over Holly Creek @ milepoint 1.79
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons

		13.4	Mountain PKWY (KY 402)	14.0	KY 715
*	KY 15S	0.0	KY 15	1.1	Mountain PKWY (KY 402)

Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 58 tons

*	KY 651	2.0	KY 3355	2.1	KY 15
*	KY 715	2.6	KY 2016	5.8	KY 15
*	KY 2016	0.2	Mine	4.5	KY 715
*	KY 3355	0.0	KY 651	0.9	Mullins Point RD
*	Mullins Point Road				
	CR 5218	0.0	KY 3355	1.6	Mine

WOODFORD COUNTY

	ROAD	FROM		TO	
*	Bluegrass Parkway				
		61.9	Anderson CO LN	71.1	US 60
*	US 60	0.0	Franklin CO LN	13.0	Fayette CO LN
*	US 60X	1.0	US 62 in Versailles	1.8	US 60 East of Versailles
*	US 62	0.1	K.U. Tyrone Power Plant	7.1	US 60X in Versailles

Weight Limit - Bridge under Southern R.R. @ Tyrone @ milepoint 0.1
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

Section 5. No person shall operate, or knowingly cause to be operated, on any bridge listed in Section 4 of this administrative regulation any vehicle whose gross vehicle weight exceeds the weight limits specified for that bridge.

Section 6. In accordance with KRS 189.230(3), the Department of Highways shall post the gross vehicle weight limits for each bridge listed in Section 4 of this administrative regulation.

Section 7. No person shall operate, or knowingly cause to be operated, on any bridge on the extended weight coal haul road system any vehicle whose gross vehicle weight exceeds the limits specified by a notice posted pursuant to KRS 189.230(3).

Section 8. Resolutions of local governing bodies issued pursuant to KRS 177.9771(9) making recommendations to the Secretary of Transportation shall be submitted to: Secretary of Transportation, Transportation Cabinet, State Office Building, Frankfort, Kentucky 40622. The resolution shall set forth a specific description of the road or road segments under consideration. The resolution shall further set forth with specificity those conditions which give rise to inherent and definite hazards or create special conditions which the Secretary of the Transportation Cabinet needs to consider.

Section 9. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions is hereby incorporated by reference as part of this administrative regulation. A copy of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be viewed at the Transportation Cabinet, Department of Highways, Division of Maintenance, Frankfort, Kentucky. Copies of the AASHTO Manual for Maintenance Inspection of Bridges, 1983 edition and 1984 and 1985 Interim Revisions may be obtained from the American Association of State Highway and Transportation Officials, 444 North Capitol Street, N.W., Suite 225, Washington, D.C. 20001.

JEROME LENTZ, Commissioner
MILO D. BRYANT, Secretary
O. GILBERT NEWMAN, State Highway Engineer
APPROVED BY AGENCY: October 5, 1990
FILED WITH LRC: October 9, 1990 at 9 a.m.

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, OCTOBER 15, 1990

GENERAL GOVERNMENT CABINET
Kentucky Board of Dentistry
(Proposed Amendment)

201 KAR 8:140. Continuing education compliance.

RELATES TO: KRS 313.080 (1), (2)
STATUTORY AUTHORITY: KRS 313.080
NECESSITY AND FUNCTION: Sets forth guidelines and schedule of points to be accumulated by each licensed dentist for compliance with the continuing education requirement for relicensure.

Section 1. Each licensed dentist requesting renewal of license shall [must] show evidence which is satisfactory to the Kentucky Board of Dentistry that he or she has accumulated fifteen (15) [ten (10)] points of continuing education. The evidence of fifteen (15) [ten (10)] points of continuing education shall be submitted on the "Continuing Education Credit Record" no later than December 31st of each year together with appropriate written verification of actual attendance of such course by the licensee. Included in the fifteen (15) hours of continuing education required by this subsection each licensed dentist requesting renewal of his license shall show evidence which is satisfactory to the Kentucky Board of Dentistry that he or she has successfully completed a course, approved by the Kentucky Cabinet for Human Resources, pertaining to acquired immunodeficiency syndrome. [The Kentucky Board of Dentistry may be notified as each group of points is earned; however, the final date for filing the "Continuing Education Credit Record" shall be December 31st each year.]

Section 2. (1) Of the fifteen (15) points required by Section 1 of this regulation, ten (10) points shall be scientific based, shall have the prior approval of the board, and one (1) continuing education point shall be approved for each hour of such course. Five (5) of the fifteen (15) points required by Section 1 of this regulation may be professional/business related, and each such source shall also have the prior approval of the board.

(2) The following schedule of points rating is hereby adopted: one (1) continuing education point shall be approved for attendance at each of the following types of meetings: local dental meetings, regional and national dental meetings, dental specialty meetings, study club dental meetings, hospital staff meetings, and nursing home meetings. Two (2) continuing education points shall be approved for attendance at state dental meetings and officers conferences.

(3) During each two (2) year period, commencing with January 1, 1991, each licensed dentist shall show proof of successful completion of a course in cardiopulmonary resuscitation, said course to be approved by the Kentucky Board of Dentistry. [(1) Local dental meetings, two (2) points.]

[(2) State dental meetings, five (5) points.]

[(3) Regional and national meetings, five (5) points. Regional meetings shall be defined as a meeting held within a specific region of the United States, not within a specific region of an individual state.]

[(4) Dental specialty meetings, five (5) points.]

[(5) Study club dental meetings, two (2) points. Study clubs shall be defined as a meeting of no less than two (2) hours duration. They shall be chartered and adopt a constitution and bylaws, such constitution and bylaws to be filed with the Kentucky Board of Dentistry in order to be eligible to fulfill the continuing education requirement. One-half (1/2) of the meeting time shall be devoted to matters of professional interest.]

[(6) Continuing education in formally enrolled classes or clinics under the sponsorship of a recognized dental association, dental college or university or specialty license certifying board, five (5) points per day. Such courses shall be of six (6) hours or more in duration in order to qualify.]

[(7) Hospital staff meetings, two (2) points. (Applicable when a scientific session is held.)]

Section 3. The Board of Dentistry or the secretary-treasurer of the board may[, at its/his discretion,] approve for continuing education credit such other courses as may be deemed worthy of fulfilling the requirement as related to continuing education.

MICHAEL T. RIDLEY, President
APPROVED BY AGENCY: October 8, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on these proposed regulations will be held on November 28, 1990 at the hour of 10 a.m. at the office of the Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205. Any person interested in commenting on these regulations at that hearing should contact: Ms. Deborah L. Cameron, Executive Secretary, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40105 in writing by November 21, 1990.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Deborah L. Cameron
(1) Type and number of entities affected: 2400 dentists.
(a) Direct and indirect costs or savings to those affected: Minimal
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Minimal
(2) Effects on the promulgating administrative body: Enforcing statute.
(a) Direct and indirect costs or savings: Minimal
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Minimal
(3) Assessment of anticipated effect on state and local revenues: Minimal
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable, this is merely a clarification of current statute and practice.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No, because there is only one class of person to which the regulation applies.

GENERAL GOVERNMENT CABINET
Kentucky Board of Dentistry
(Proposed Amendment)

201 KAR 8:285. Hygienists' continuing education points for license renewal.

RELATES TO: KRS 313.270(2)
STATUTORY AUTHORITY: KRS 313.220
NECESSITY AND FUNCTION: Sets forth guidelines and schedule of points to be accumulated by each licensed dental hygienist for compliance with the continuing education requirement for relicensure.

Section 1. Each licensed dental hygienist requesting renewal of license shall [must] show evidence which is satisfactory to the Kentucky Board of Dentistry that he[/she] has accumulated fifteen (15) points of continuing education [in accordance with the schedule of points set forth in this regulation]. The evidence of fifteen (15) points of continuing education shall be submitted on the "Dental Hygiene Continuing Education Credit Record" no later than December 31st of each year together with appropriate written verification of actual attendance of such course by the licensee. Included in the fifteen (15) hours of continuing education required by this subsection each licensed dental hygienist requesting renewal of his license shall show evidence which is satisfactory to the Kentucky Board of Dentistry that he or she has successfully completed a course, approved by the Kentucky Cabinet for Human Resources, pertaining to acquired immunodeficiency syndrome.

Section 2. (1) Of the fifteen (15) points required by Section 1 of this regulation, ten (10) points shall be scientific based, shall have the prior approval of the board, and one (1) continuing education point shall be approved for each hour of such course. Five (5) of the fifteen (15) points required by Section 1 of this regulation may be professional/business related, and each such source shall also have the prior approval of the board.

(2) The following schedule of points rating is hereby adopted: one (1) continuing education point shall be approved for attendance at each of the following types of meetings: local dental hygiene meetings, regional and national dental hygiene meetings, specialty meetings, study club meetings, hospital and nursing home meetings. Two (2) continuing education points shall be approved for attendance at state dental hygiene meetings and officers conferences.

(3) During each two (2) year period, commencing with January 1, 1992, each licensed dental hygienist shall show proof of successful completion of a course in cardiopulmonary resuscitation, said course to be approved by the Kentucky Board of Dentistry. [Effective January 1, 1979, and ending December 31, 1979, a total of seven (7) points shall be required for renewal of license for 1980; effective January 1, 1980, and ending December 31, 1980, a total of eight (8) points shall be required for renewal of license for 1981; effective January 1, 1981, and ending December 31, 1981, a total of nine (9) points shall be required for renewal of license for 1982; effective January 1, 1982, and ending December 31, 1982, a total of ten (10) points shall be required for renewal of license for 1983. Each year thereafter a total of ten (10) points shall be required for each dental hygienist requesting renewal of his/her license. Evidence of continuing education earned shall be reported to the Kentucky Board of Dentistry on the form, "Dental Hygiene Continuing Education Credit Record" and filed with the Kentucky Board of Dentistry no later than December 31st each year for renewal of license for the following year.]

Section 3. Continuing education units earned through the American Dental Hygienists Association may be recognized at unit value. Credits earned through the American Dental Hygienists Association shall be [certified to the Kentucky Board of Dentistry by the American Dental Hygienists Association but must be] recorded by the licensee on the "Dental Hygiene Continuing Education Credit Record" and shall be signed by the licensee prior to submitting to the Kentucky Board of Dentistry.

MICHAEL T. RIDLEY, President
APPROVED BY AGENCY: October 8, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on these proposed regulations will be held on November 28, 1990 at the hour of 10 a.m. at the office of the Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentucky 40205. Any person interested in commenting on these regulations at that hearing should contact: Ms. Deborah L. Cameron, Executive Secretary, Kentucky Board of Dentistry, 2106 Bardstown Road, Louisville, Kentukcy 40105 in writing by November 21, 1990.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Deborah L. Cameron
(1) Type and number of entities affected: 1100 dental hygienists.
(a) Direct and indirect costs or savings to those affected: Minimal
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Minimal
(2) Effects on the promulgating administrative body: Enforcing statute.
(a) Direct and indirect costs or savings: Minimal
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Minimal
(3) Assessment of anticipated effect on state

and local revenues: Minimal
(4) Assessment of alternative methods; reasons why alternatives were rejected: Not applicable, this is merely a clarification of current statute and practice.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No, because there is only one class of person to which the regulation applies.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:005. Amendments to rules and regulations.

RELATES TO: KRS 323.210
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To define method to amend regulations.

Section 1. Amendments to Rules and Regulations. (1) The rules and regulations may be amended at any regular or special meeting of the board by regular vote provided a copy of the proposed amendments have been given or mailed to each member of the board at least ten (10) days prior to the date of the meeting in which they are to be considered, or without such notice at any meeting where there is full attendance of all seven (7) [five (5)] members of the board.
(2) Amendments by letter ballot may be adopted provided all seven (7) [five (5)] members vote upon the question involved.
(3) Less than seven (7) [five (5)] votes shall be construed in the same manner as though those not voting had voted to defer action until the next meeting.

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 7 board members.
(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs or savings as this regulation only defines methods to amend regulation.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: 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: 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 board members have same standing.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:025. Application for examination.

RELATES TO: KRS 323.050, 323.215
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To define [clarify] the procedure for making application for admission to the examinations.

Section 1. Application for Examination and Registration. All applications must be made upon the printed forms issued by the board and in strict accordance with the instructions to applicants submitted therewith. The forms and instructions, incorporated herewith by reference, are available at the board office: 3302 Brookhill Circle, Lexington, Kentucky 40502. Office hours 9 a.m. to 5 p.m. [Otherwise they will not be accepted or considered.]

Section 2. When to Submit Applications. Applications for examination will be received at all times but must be received at the board's office at least ninety (90) days before the date of the scheduled examinations which the applicant wishes to take. [This allows time for completion of the applicant's record prior to the board's preexamination meeting which is held several weeks before the examination. At that

meeting the board will determine whether the applicant is eligible for admission to the examination.]

Section 3. Time and Place for Examinations. The actual dates and locations for the administration of the examination will be determined by the board. Applicants will be notified [well] in advance to allow for preparation.

Section 4. The provisions of this regulation shall be effective January 1, 1983.

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 30 new applicants each year; varies.
(a) Direct and indirect costs or savings to those affected: This regulation does not involve direct or indirect costs or savings.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Applicants use described forms to apply for examination and registration.
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None additional.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None appropriate.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(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 applicants use same form.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:030. Examination; general provisions.

RELATES TO: KRS 323.050, 323.210
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: [This regulation] To define[s] the general provisions in taking the examinations.

Section 1. Reporting for Written Examination. All applicants [candidates] taking the [full] examination or any part shall present themselves promptly [on the morning of the first day of the examination] at the time and place designated by the board. Any applicant [candidate] who does not appear at the time and place prescribed will not be permitted to enter the examination[; except that those candidates taking only certain parts of the examination shall present themselves in accordance with the instructions of the board].

Section 2. Materials Required for Written Examinations. Applicants [Candidates] will be notified as to reference material permitted and equipment necessary for the examination.

Section 3. Fairness in Grading. [In order to preserve the anonymity of the candidate until the examining committee has rated the papers and exhibits,] Each applicant [candidate] shall be assigned an identification number. The applicant [directed to draw a number which he will place in an envelope and seal. He] shall use this number to mark all papers and exhibits.

Section 4. Language Provisions. All examinations shall be administered [held] in the English language, without the use of an interpreter and under such auspices and environment as will insure their proper conduct under dignified surroundings.

Section 5. The provisions of this regulation shall be effective January 1, 1983.

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 90 to 100 applicants, both new and retake.
(a) Direct and indirect costs or savings to those affected: This regulation does not involve direct or indirect costs or savings.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None additional.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None appropriate.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(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 applicants meet same requirements.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:035. Qualifications for examination.

RELATES TO: KRS 323.050, 323.060
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To further define eligibility of applicants for admission to the examinations.

Section 1. Eligibility to Take the State Board Examination. [(1)] Any person who possesses the qualifications prescribed in KRS 323.050, and as further defined in other sections of these regulations, shall be eligible to take the examinations.
[(2) It should be understood, however, that the education and experience required are more than mere vehicles to admission. These requirements and the examination are two (2) distinct exercises on the road to registration. Each supplements and sustains the other, but neither can replace the other as a vital part of professional training.]

Section 2. General Requirements for Examination. Applicants for examination must meet the following requirements:
(1) Hold a first professional degree in architecture from a degree program that has been accredited by the National Architectural Accrediting Board not later than two (2) years after termination of enrollment; or have satisfied the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) "Circular of Information No. 3" 1990 [current] edition, with such additional experience as the board may prescribe and approve. A copy of "circular of Information No. 3" may be obtained from the board office: 3302 Brookhill Circle, Lexington, Kentucky 40502. Office hours 9 a.m. to 5 p.m. An applicant meeting all other requirements but does not hold a professional degree in architecture may be admitted to the examination if the applicant holds a high school diploma or equivalent and has accumulated, as of June 1, 1992, at least five (5) education credits as determined from the "Table of Equivalence [for Education, Training and Experience]" in Section 3 of this regulation.
(2) Be a legal resident of the Commonwealth of Kentucky unless specifically exempted by the board therefrom for a justifiable reason.
[(3) Be at least twenty-five (25) years of age.]
(3) [(4)] Be of good moral character, as verified by employers and registered architects. One (1) or more of the following may be sufficient to prevent an applicant from being considered to be of "good moral character:"
(a) Conviction of a felony.
(b) Chronic alcoholism, persistent drug abuse, or any such acts of behavior which would, if applicant [he] were licensed, jeopardize or impair his or her judgment to meet [his] professional responsibility as an architect to the public welfare and safety.
(c) Submitting a misstatement or misrepresentation of facts in an application or in supplementary information.
(d) Violating any provision of KRS Chapter 323 or board rules and regulations either before or after admission to examination.
(e) Violating the registration law of any other state, territory, or country.
(4) [(5)] The board will review and evaluate the applicant's [candidate's] record of education, employment, experience, personal character, professional affiliations, and civic activities.
(5) [(6)] The applicant may, at the board's discretion, be asked to appear for a personal audience so that the board may have the opportunity to judge his or her general qualifications for admission to the examinations. [the practice of architecture, his ethical precepts, his resourcefulness, initiative and purpose in seeking a career in architecture and his general talents therefor.]
(6) [(7)] The applicant [candidate] must demonstrate to the board that his or her qualifications and preparation for examination are adequate.

Section 3. Experience Required and Equivalencies Allowed. (1) An applicant who has met the requirements of Section 2 of this regulation [holds an accredited first professional degree or who has earned the equivalent five (5) education credits as of June 1, 1992] shall, in addition thereto, have at least three (3) years of training credits [architectural experience] satisfactory to the board, or have satisfied the Intern Development Program (IDP) training requirements in accordance with the National Council of Architectural Registration Boards (NCARB) "Circular of Information No. 1", 1990-1991 [current] edition, as verified by NCARB evaluation. A copy of "Circular of Information No. 1" may be obtained at the board office: 3302 Brookhill Circle, Lexington, Kentucky 40502. Office hours 9 a.m. to 5 p.m. Beginning June 1, 1986, applicants who have completed required education and who have less than six (6) months acceptable training shall be required to enroll in and satisfy the Intern Development Program Training requirements as verified by NCARB evaluation.

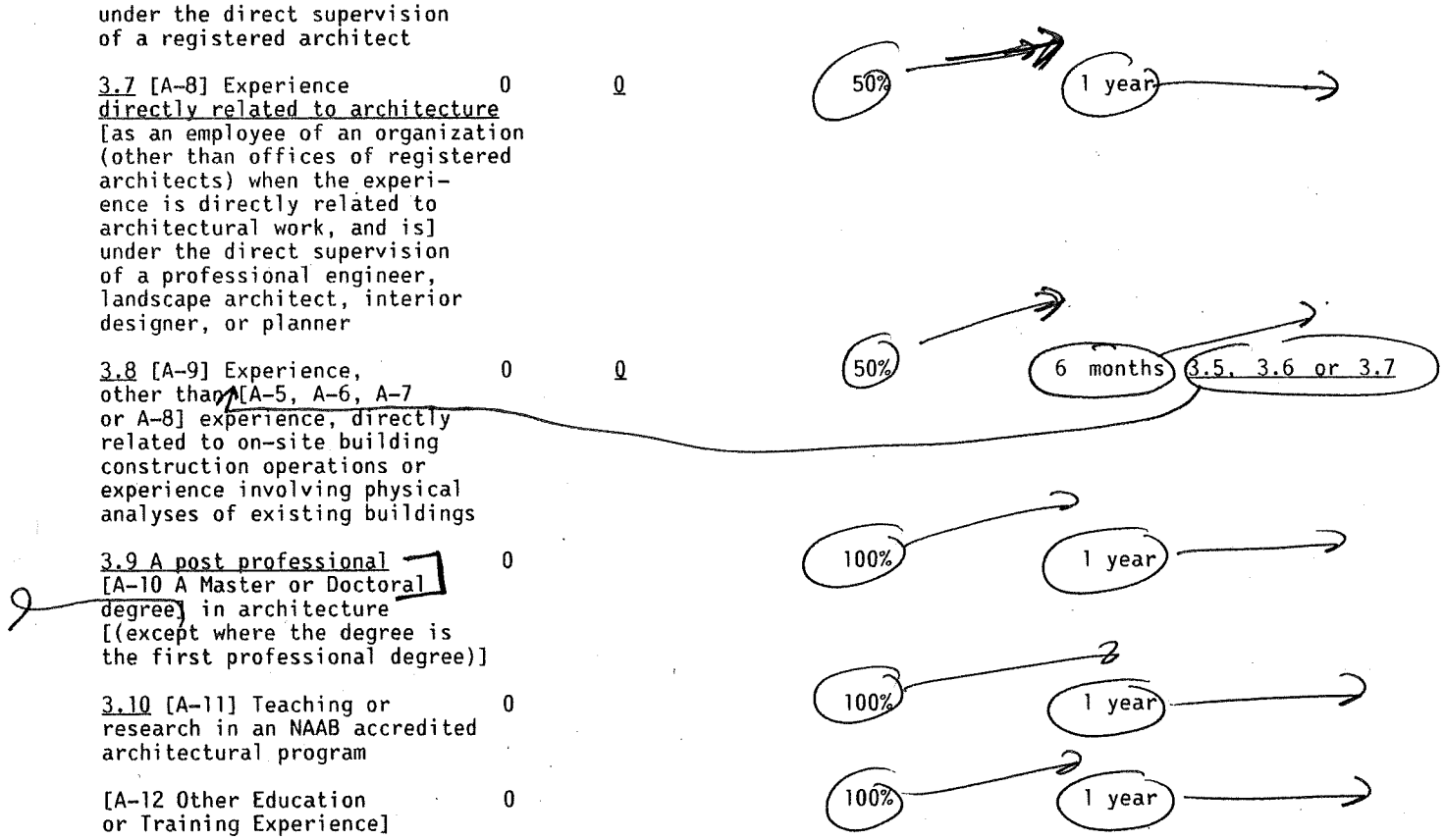
(2) To be eligible for examination an applicant must present authentic evidence, by means of college transcripts and verification [letters] from employers, architects and other that he or she has met all the requirements noted in other sections and [that he] has had well diversified and satisfactory training in the many areas of architectural practice.

(3) [In order to give the applicant a better understanding of the time and nature of the required experience, including related types of work which may be applied thereto, the board has adopted] The following "Table of Equivalents" sets forth the ways in which education and training credits can be acquired [for Education, Training and Experience" as a guide]:

TABLE OF EQUIVALENTS [FOR EDUCATION, TRAINING AND EXPERIENCE]

Experience Description	Education Credits			Training Credits	
	First 2 Years	Succeeding Years	Max. Credit Allowed	Credit Allowed	Max. Credit Allowed
3.1 [A-1] First professional degree in architecture, or credits toward the first professional degree, where the degree program has been accredited by the National Architectural Accrediting Board ("NAAB") not later than two (2) years after termination of enrollment	75%	100%	5 years		
3.2 [A-2] First professional degree in architecture, or credits toward that degree, where the degree program has not been accredited by NAAB	75%	75%	4 years		
3.3 [A-3] Bachelor degree, or credits toward that degree, in architectural engineering, architectural technology, or in civil, mechanical, or electrical engineering, in a degree program accredited by the Engineers' Council for Professional Development or the Accreditation Board for Engineering and Technology, or in interior architecture, accredited by the Foundation for Interior Design Education Research	50%	75%	3 years		
3.4 [A-4] Any other bachelor degree			2 years		
3.5 [A-5] Experience in architecture [, directly related to architectural work], as an employee in the offices of registered architects	50%	50%	5 years	100%	no limit

[A-6 Experience practicing as a principal, with a verified record of substantial practice, directly related to architectural work]	50%	50%	5 years	100%	no limit
3.6 [A-7] Experience in architecture as an employee of an organization (other than offices of registered architects) when the experience is [directly related to architectural work and is] under the direct supervision of a registered architect	50%	50%	4 years	100%	2 years
3.7 [A-8] Experience directly related to architecture [as an employee of an organization (other than offices of registered architects) when the experience is directly related to architectural work, and is] under the direct supervision of a professional engineer, landscape architect, interior designer, or planner	0	0			
3.8 [A-9] Experience, other than [A-5, A-6, A-7 or A-8] experience, directly related to on-site building construction operations or experience involving physical analyses of existing buildings	0	0			
3.9 A post professional [A-10 A Master or Doctoral degree] in architecture [(except where the degree is the first professional degree)]	0				
3.10 [A-11] Teaching or research in an NAAB accredited architectural program	0				
[A-12 Other Education or Training Experience]	0				



(4) For purposes of interpreting the "Table of Equivalents [for Education, Training and Experience]," Education Credits shall be subject to the following conditions:

(a) Applicants with the degree specified in 3.1 [A-1] through 3.4 [A-4] will be allowed the credit shown in the Maximum Credit Allowed column, regardless of the length of the degree program. Applicants without the degree specified in 3.1 [A-1] or 3.2 [A-2] may not accumulate more than three (3) years of education credits in the aggregate from all degree programs.

(b) Thirty-two (32) semester credit hours or forty-eight (48) quarter credit hours are considered to be one (1) year. Fractions of a year of one-half (1/2) or greater will be considered one-half (1/2) year, and smaller fractions will not be counted.

(c) Foreign education credits will be granted only under classifications 3.2 [A-2] and 3.4 [A-4]. Foreign educated applicants are required to meet requirements of NCARB Circular of Information No. 3. [Any cost of translation and evaluation will be borne by the applicant.]

(5) For purposes of interpreting the "Table of Equivalents [for Education, Training and Experience]," Training Credits shall be subject to the following conditions:

(a) For applicants who have completed education under 3.1, no training credits may be earned prior to completion of three (3) years under that classification [accumulating two and one-half (2 1/2) education credits].

(b) Every applicant must earn at least one (1) year of training credit under 3.5 [A-5 or A-6] and must earn it after earning five (5) years of education credits.

(c) To earn credit under 3.9 or 3.10 [A-10 or A-11], an applicant's credit hours must be in subjects evaluated by NCARB as directly related to architecture. Twenty (20) semester credit hours or thirty (30) quarter credit hours of teaching or equivalent time in research will equal one (1) year.

(d) No credit used as an education credit may be used as a training credit.

(6) For purposes of interpreting the "Table of Equivalents" the following general evaluation

criteria shall apply:

(a) [(e)] Organizations will be considered to be "offices of registered architects" if:

1. The architectural practice of the organization in which the applicant works is in the charge of a person practicing as a principal and the applicant works under the direct supervision of a registered architect; and

2. The organization is not engaged in construction; and

3. The organization has no affiliate engaged in construction which has a substantial economic impact upon the person or persons in the organization practicing as a principal; and

4. The architectural practice of the organization encompasses the comprehensive process of the practice of architecture including each of the categories composing such practices set forth in the NCARB requirements for the Intern Development Program (IDP).

(b) [(f)] An organization (or an affiliate) is engaging in construction if it customarily engages in either of the following activities:

1. Undertakes to provide labor and/or material for all or any significant portion of a construction project, whether on lump sum, cost plus or other basis of compensation; or

2. Agrees to guarantee to an owner the maximum construction cost for all or any significant portion of a construction project.

(c) [(g)] A person practices as a "principal" by being:

1. A registered architect; and

2. The person in charge of the organization's architectural practice, either alone or with other registered architects.

[(6) For purposes of interpreting the "Table of Equivalents for Education, Training and Experience," the following general evaluation criteria shall be used:]

(d) [(a)] To earn full education or training credits under 3.5, 3.6, 3.7, and 3.8 [A-5, A-6, A-7, A-8 and A-9] an applicant must work at least thirty-five (35) hours per week for a minimum period of ten (10) consecutive weeks under 3.5 [A-5] or six (6) consecutive months under 3.6, 3.7, or 3.8 [A-6, A-7, A-8 or A-9]. An applicant may earn one-half (1/2) the credit specified under 3.5 [A-5] for work of at least twenty (20) hours per week in periods of six (6) or more consecutive months; no credit will be given for part-time work in any category other than 3.5 [A-5].

(e) [(b)] Other education and training may be substituted for the requirements outlined above, only insofar as the board considers them to be equivalent to the required qualifications.

(f) [(c)] In evaluating credits, the board requires substantiation of the quality and character of the applicant's experience, notwithstanding the fact that the applicant has complied with the technical education and training requirements set forth above.

(6) [(7)] Training and experience acquired up to one (1) month prior to the month of the examinations if supported by supplementary documentation may be counted as credit.

CURTIS E. FLANNERY, President

APPROVED BY AGENCY: October 11, 1990

FILED WITH LRC: October 15, 1990 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune

(1) Type and number of entities affected: 30 new applicants annually; varies.

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

1. First year: $50 initial cost to apply for Intern Development Program, NCARB.

2. Continuing costs or savings: $75 upon completion of NCARB record.

3. Additional factors increasing or decreasing costs (note any effects upon competition): $25 fee to NCARB to maintain record.

(b) Reporting and paperwork requirements: Applicant must gather and submit required references and verifications to supplement application.

(2) Effects on the promulgating administrative body: Routine review of applications and supplemental information.

(a) Direct and indirect costs or savings: None additional to administrative staff.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Review of applicants records and supplemental information and recording results.

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

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

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

(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. There is only one class of person to which this regulation applies.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:040. Types of examinations required.

RELATES TO: KRS 323.050, 323.215
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To define and describe the examinations required [state the eligibility of candidates for examinations as to education requirements and nature of examinations].

Section 1. Examination Definition. (1) The board has adopted the Architect Registration Examination (ARE) as developed, prepared and graded by the National Council of Architectural Registration Boards (NCARB).
(2) The ARE is required to be taken and passed by all applicants for license.
(3) The board shall administer the examination in accordance with the schedule established by NCARB.

Section 2. Conditions of Examination. (1) A proctor assigned by the board will be present during each division of the examination.
(2) Grading of the examination shall be in accordance with the national grading procedure administered by NCARB.
(3) The board shall adopt the scoring procedures recommended by NCARB.
(4) No information pertaining to the subject matter of the examination will be given to applicants in advance, except as specifically authorized by the board.
(5) The board, in its discretion, may approve transfer credits for parts of examinations passed prior to the 1983 ARE. Information as to transfer credits will be provided when appropriate, to applicants requesting application forms.

Section 3. Application Notice. Each applicant who has applied and deemed eligible to take the examination shall be notified of the dates set for each division of the examination, the location at which the examination shall be held, the instruments and materials he or she shall supply and/or be permitted to bring to the examination, and other necessary information.

Section 4. Transfer of Scores. (1) The board, in its discretion and upon proper application, may accept passing scores achieved on divisions of the ARE administered and attested to by another NCARB member board.
(2) The board, in its discretion and upon proper application, may forward the grades achieved by an applicant in the various divisions of the examination given under the board's jurisdiction to any other duly constituted architectural registration board and to NCARB for use in evaluating such applicant's eligibility for NCARB certification. The applicant shall state his or her reason for requesting transfer. Such transfer shall terminate the applicant's application pending before the board.

[Section 1. Examination Required. (1) The Architect Registration Examination (ARE) is required to be taken and passed by all applicants for license.]

[(2) Applicants who have entered the examination process prior to January 1, 1983 may transition from previous examination models to the ARE and will be required to take and pass only those sections and/or subsections of the ARE that equate to previous examination sections failed. Applicants making transition to the ARE will retain credit for equivalent sections or parts passed from previous examinations.]

[Section 2. Description of Examinations; Grading. (1) The Architect Registration Examination (ARE) is prepared by the cooperative effort of all state boards through the auspices of the National Council of Architectural Registration Boards and is administered in all states. The examination, its sections and supporting documents are available only to the state registration boards and cannot be viewed, copied or studied by other persons.]
[(a) The Architect Registration Examination (ARE) is designed to evaluate the applicant's competence so as to protect the public health, safety and welfare by demonstrating the applicant's ability to provide architectural services of predesign, site design, building design, building systems and construction documents and services, as these relate to the social/cultural aspects of the built environment, natural and physical forces, the design process, methods and materials and other external constraints.]
[(b) The ARE is divided into several sections and subsections each testing for minimum competence in the several areas of architectural expertise. Content and format is as determined by the board through its participating membership in the National Council of Architectural Registration Boards. Details of the examination subject matter of the several sections and subsections along with a schedule of the time permitted for each and dates of administration will be given to each active applicant well in advance of the examination dates.]
[(2) The grading and determination of the pass/fail scores for each section and subsection of the ARE shall be as established by the board in cooperation with all state boards through its participating membership in the National Council of Architectural Registration Boards and with advisory reports of its examination consultants.
(a) Those sections and subsections of the ARE which have multiple choice selections of answers or other methods of written simulation are machine graded.]
[(b) The sections and subsections of the ARE which have graphic or drawing solutions to the test problems are evaluated and graded independently by professionally qualified and trained graders under controlled conditions organized and authorized by all state boards through the National Council of Architectural Registration Boards or its regional subdivisions.]
[(3) The applicant will receive credit as determined by the board for those sections or subsections of the ARE which he/she has passed and must only retake those sections or subsections which he/she has failed.]

[Section 3. Notification. (1) Candidates will be notified well ahead of the date of the examination to which they have been admitted and must advise the board promptly if they will

appear at that time.]
[(2) A statement from a candidate that he will appear must be accompanied by a check made out to the State Treasurer of Kentucky covering the actual cost to the board of the sets of questions required.]

[Section 4. The provisions of this regulation shall be effective January 1, 1983.]

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 90 to 100, both new and retake.
(a) Direct and indirect costs or savings to those affected: This regulation does not involve direct or indirect costs or savings.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None additional.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None appropriate.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(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 applicants take same exam.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:050. Reexamination; reconsideration.

RELATES TO: KRS 323.090, 323.210
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: [This regulation is necessary] To define the period of eligibility for reexamination and reconsideration of applicants denied admission to examination.

Section 1. Three Year Period of Eligibility Defined. (1) If an applicant [candidate] fails to pass all parts of the first examination to which he or she is admitted, then the three (3) year period during which he or she may retake the examinations failed, by payment for the examination questions at the time prescribed by the board, shall be from the last day of the month in which his or her first examination was given.
(2) If an applicant fails to attend the first examination to which he or she is admitted, then the three (3) year period during which he or she may take the entire examination or parts thereof, by payment for examination questions at the time prescribed by the board, shall be from the last day of the month in which the examination he or she failed to attend was given.
(3) Provided, however, that the board may, in its discretion, grant extensions of time if examinations are cancelled or changed during that period or if illness or other reasonable circumstances prevent the applicant [candidate] from attending any regular examination.
(4) At the end of the three (3) year period of eligibility, the applicant [candidate] must submit a new application, containing pertinent supplemental information, in order to continue taking the examinations, but an applicant [a candidate] may retain credit for those sections or subsections of the examination he or she has previously passed.

Section 2. Reconsideration of Applicants Who Were Denied Admission to Examination. (1) An applicant whose original application for admission to the examination was denied may request reconsideration by letter to the board with evidence that he or she has made up the deficiencies which caused the denial. No formal application or application fees will be required for such a request if made within a period of three (3) years from the date denied.
(2) After three (3) years a new application must be submitted containing relative information on training and experience subsequent to the original application.

[Section 3. The provisions of this regulation shall be effective January 1, 1983.]

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill

Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 60 ± retake applicants annually.
(a) Direct and indirect costs or savings to those affected: This regulation does not involve direct or indirect costs or savings.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: 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: None appropriate.
(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 candidates given same opportunities.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:060. Reciprocity; registration without examination.

RELATES TO: KRS 323.060, 323.210
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To define basis and rules for registration of nonresident architects.

Section 1. General Requirements of Nonresident Architects. (1) Nonresident architects must be fully registered in Kentucky before they practice architecture in the Commonwealth [come into the Commonwealth to seek work, or to represent themselves as architects, or to perform any professional services]. Any nonresident architect who desires registration in Kentucky, and whose state of residence grants reciprocal licensing privileges satisfactory to this board, may apply for a license in Kentucky.
(2) He or she must make [his] application through the National Council of Architectural Registration Boards, 1735 New York Avenue, N.W., Suite 700, Washington, D.C. 20006, and obtain NCARB certification.
(3) An NCARB record plus certification[, once obtained] will provide all, or most of the information needed in applying for registration[, not only for Kentucky, but also in other states, depending upon the requirements of each individual state].

Section 2. Review of Applications. Registration by reciprocity shall be based upon equivalent examinations, experience, character and education requirements. An application received through the National Council of Architectural Registration Boards will be accepted for [immediate] review to determine if the qualifications for licensing by examination were, in the opinion of the board, equal to those prescribed in Kentucky. [The board will give such credit for examinations already successfully passed as it deems fair and just and after giving weight to experience subsequent to examination, and determine whether or not the applicant's qualifications are equal to the standards required in Kentucky. In most cases NCARB certification provides sufficient evidence that the requirements have been met.]

Section 3. Additional Provisions. The board may, in its discretion:
(1) Call for personal interview [questioning] any applicant whose record is not sufficiently clear as to his technical, ethical and moral qualifications, for further judgment thereon.
(2) Grant registration without examination to any architect whose application shows him to be so qualified and so fitted to practice architecture that his services will, in the opinion of this board, be a valuable asset to both the Commonwealth of Kentucky, and the profession of architecture.
(3) In any case the board reserves unto itself alone the right of decision to grant or deny registration by reciprocity to any applicant.

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 160 ± annually reciprocity applications for registration received.
(a) Direct and indirect costs or savings to those affected: There is no direct or indirect costs or savings.
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: Routine review and recording of application; approval and registration.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None appropriate.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(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 reciprocity applicants submit same requirements.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:070. Duplicate certificates.

RELATES TO: KRS 323.100, 323.210
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To provide basis to issue duplicate certificates.

Section 1. Request and Conditions. An architect who is registered in the Commonwealth of Kentucky may secure a duplicate certificate by showing a legitimate need for such certificate and accompanying this [his] request with the prescribed fee of twenty-five (25) [fifteen (15)] dollars.

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 5 ± annually.
(a) Direct and indirect costs or savings to those affected:
1. First year: $25 fee for duplicate certificate.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: Written request indicating need for duplicate.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: Indirect $10 ± cost to prepare and process.
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None
(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: None appropriate.
(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. Certifications are same for everyone.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:085. Fees.

RELATES TO: KRS 323.080, 323.110
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To define the basis of

fees and fee payments.

Section 1. Annual Renewal Fee. (1) The annual renewal fee shall be due and paid before the first day of July each year. Anyone failing to pay the annual fee on or before the 30th day of August, who has not voluntarily surrendered his or her registration by that date, shall be guilty of violation of the law and his or her license is automatically revoked.

(2) Licenses granted on July 1 and thereafter through December 31 shall be first renewed before the first day of July following. Licenses granted January 1 and thereafter through June 30 following shall be first renewed before the first day of July in the year following. This rule shall also apply to licenses restored or reinstated.

(3) During a period of active military duty an architect in the service may, upon written application to the board, be excused from paying the annual fee until such time as his or her military service is terminated and he or she wishes to resume practice. An identification card or renewal certificate will be issued upon notification of his or her return from duty and payment of the current annual renewal fee.

(4) An architect whose license has been revoked for failure to pay the annual renewal fee, who wishes to have his or her license reinstated, shall make a written request therefor, giving the reason why they [he] neither surrendered their [his] registration nor paid the fee within the time prescribed by law and thereafter bide by the Board's decisions and follow its instructions in applying for reinstatement.

Section 2. Examination Applications. (1) An application for admission to the Architect Registration Examination (ARE) must be accompanied by the payment of fees set forth by these regulations. [a total fee of fifty (50) dollars. Upon successful completion of the examination, the applicant shall pay a fee of twenty-five (25) dollars to obtain the license certificate.]

(2)(a) Applicants who either fail to pass the entire examination, or who were not admitted to the examination, within the prescribed three (3) year eligibility period must submit another application, updated to the time of submission with supplemental information. These applicants will be required to pay an additional application fee same as for new applicants. [fifty (50) dollars examination fee.]

(b) Applicants receiving credit from the previous full examination sequence will not be required to pay additional examination fees during their three (3) year period of eligibility.

[(3) Applicants who have applied for the previous partial examination (Qualifying Test and/or Design Test with payment of twenty (20) dollars fee) may convert to the ARE by payment of the additional fee of thirty (30) dollars as balance of fee for administration of the examination.]

Section 3. Fee Schedule. (1) Application for admission to, and administration of the Architect Registration Examination - $100 [50]

(2) Reapplication for admission to and administration of the Architect Registration Examination after original application has expired - $100 [50]

[(3) Application for admission to, and administration of the Architect Registration Examination by converting from previous partial examinations (Qualifying Test and/or Design Test) - $30]

(3) [(4) Application] For a license certificate after passing of examination - $25

(4) Application for restoration of a voluntarily surrendered license - $50

(5) Application for a license by reciprocity with another state or country - $75

[(6) Application for restoration of a voluntarily surrendered license - $50]

(6) [(7)] Application for reinstatement of license revoked for failure to pay renewal fee, or suspended by the board; renewal fees from date of revocation plus application as directed plus - $50

(7) [(8)] Annual renewal fee: determined each year by board. Not to exceed - $45 [35]

(8) [(9)] No fee shall be refunded in whole or in part. All payments must be by check made payable to "Kentucky State Treasurer [of Kentucky]." All must be certified except those for the annual renewal fee, and examination questions.

Section 4. Charges for Examination Questions. Applicants [Candidates] will be charged, at actual cost to the board, for the use of each set of examination questions required. Payment must be made when the board is notified by the applicant [candidate] that he intends to appear. Such charges will be made each time the examinations are taken and will not be refunded.

Section 5. The provisions of this regulation shall be effective January 1, 1983.

CURTIS E. FLANNERY, President

APPROVED BY AGENCY: October 11, 1990

FILED WITH LRC: October 15, 1990 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune

(1) Type and number of entities affected: 30 ± new applicants; 60 ± retake applicants; 2000 ± registered architects.

(a) Direct and indirect costs or savings to

those affected:
1. First year: $100 - new applicants; 0 retakes.
2. Continuing costs or savings: Maximum $45 annual renewal all registered architects.
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 additional.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Processing notices, receipts, depositing funds and maintaining records.
(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. Because there is only one class of person to which the regulation applies.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:095. Professional practice standards; violations, penalties.

RELATES TO: KRS 323.095, 323.120
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To define basis for board to proceed against architects for unprofessional practice.

Section 1. Penalties for Unprofessional Practice. (1) The board may refuse to issue, reissue, or renew or may issue a private or public reprimand or may probate, suspend for a period or revoke the [any] license of any architect to practice architecture [, or forbid practice by any architect] for any of the following reasons:
(a) Gross incompetency or gross negligence.
(b) Unprofessional conduct or conduct tending to bring the profession into disrepute.
(c) Conviction of a felony.
(d) Fraudulent or dishonest architectural practice.
(e) Use of false evidence, or misrepresentation in an application for licensing.
(f) Signing or affixing his or her seal to any plans, prints, specifications for buildings, or reports which have not been prepared [by him] personally or by [his] employees under his or her supervision.
(2) The procedure for such action shall be in accordance with the provisions of KRS 323.130 and 323.140.

Section 2. Gross Incompetence and Gross Negligence Defined. The following acts or omissions by an architect shall be deemed to be gross incompetence or gross negligence within the meaning of the law [and be cause for denial, suspension or revocation of a license]:
(1) Willfully failing to use reasonable care and diligence in his or her professional practice, resulting in a building or structure being improperly constructed to the detriment of the occupants.
(2) Willfully failing to use reasonable care and diligence in preparing drawings, specifications, and other documents relating to the design and construction of buildings for the protection of a client in all relationships as agent of the client.

Section 3. Unprofessional Conduct Defined. Any of the following acts by an architect shall be deemed to be "unprofessional conduct" [and be cause for denial of registration, or suspension, revocation or refusal to renew a license to practice architecture]:
(1) Accepting compensation for architectural services from other than his or her client or employer.
(2) Offering or making any payment or gift to a government official (whether elected or appointed) with intent of influencing the official judgment in connection with a prospective or existing project in which the architect is interested.
(3) Offering or making any gifts, except gifts of nominal value (including, for example, reasonable entertainment and hospitality), with intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.
(4) Having a financial interest in the manufacture, sale or installation of any component or process used in a project for which he is the architect unless the [his] client has been so advised and has waived any objection they [he] may have had thereto.
(5) Publicly endorsing a product, system, or service, or permitting the use of their [his] name or photograph to imply such endorsement. However, they [he] may be identified with any product, system, or service designed or developed by him or her.
(6) Using paid advertising on behalf of themselves [himself], their [his] partner, associate, or any other architect affiliated with them [him] or their [his] firm, containing a statement or claim which is false or tends to be misleading, deceptive, or unfair, or which makes material claims of superiority which cannot be substantiated rather than being designed to inform the public.
(a) Advertising may include the name of the architect or firm, address, telephone number, a statement of the fields of practice, and a statement of the geographical area where services are rendered, and cost of services.
(b) An architect or architectural firm which advertises a fee for specific services and accepts such employment must perform such services for the amount stated, and a statement to that effect shall be included in every advertisement.

(c) Advertisements may be by newspaper or magazine advertisements, radio or television announcements, or display advertisements in the city or telephone directories.

Section 4. Conviction of a Felony. Any conviction of a felony within the United States of America or its possessions is prima facie evidence of misconduct.

Section 5. Fraudulent or Dishonest Practice Defined. The following practices [shall be an architect deemed to be "fraudulent or dishonest practice" within the meaning of the law [and be cause for denial, suspension or revocation of a license to practice architecture]:

(1) Making untrue or deceitful statements in an application for examination or registration, or in any other statements or representations to the board.

(2) Affixing his or her seal to any drawings other than those for which he or she is the author. All plans must be sealed by the author or authors thereof. "Authors" is defined as those in responsible charge of the preparation of plans which are made by them personally or under their supervision.

(3) Bribing any person or persons who may influence the selection of an architect.

(4) Willfully misleading or defrauding any person or persons employing him or her as an architect.

(5) Willfully violating the laws of Kentucky or any other state, where such are applicable, relating to the practice of architecture; or willfully violating any rule or regulation of this board made in pursuance to law.

(6) Using, or attempting to use, or practicing under, a license that has been suspended or revoked or which has not been renewed as required by law and the regulations of the board.

Section 6. Registration While Working for Others. (1) An architect may work as the employee of another architect without affecting the status of his or her registration.

(2) Or he or she may work as an employee for any firm in which their [his] duties are not those of any architect, without affecting the status of [his] registration. But if he or she works as an architect for, or with, an individual not an architect, or a firm or corporation not under the control of architects, then he or she must maintain free and unbiased judgment and unrestrained use of their [his] professional prerogatives and services to clients; and the terms of his or her employment or agreement shall be compatible therewith, and such as to permit full compliance with the "obligations of practice," and these regulations.

[(3) Violations of these requirements shall be cause for a license to be denied, suspended or revoked.]

Section 7. Office Staffing. [(1)] Each office maintained for the preparation of drawings, specifications, reports and other professional work shall have a regularly employed architect duly registered with this board, in full authority and responsible charge, having direct knowledge and supervisory control of such work.

[(2) Violations of this requirement shall be cause for a license to be denied, suspended or revoked.]

CURTIS E. FLANNERY, President

APPROVED BY AGENCY: October 11, 1990

FILED WITH LRC: October 15, 1990 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune

(1) Type and number of entities affected: 2000 ± registered architects.

(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: Costs to investigate and conduct hearing of possible violations indeterminate.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs: If no reported violations, no cost; if several investigations and hearings, costs up to $10,000.

(b) Reporting and paperwork requirements: None additional

(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. Standards equally apply to all architects.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:100. Individual seals; office titles.

RELATES TO: KRS 323.095
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To describe the required seal acceptable to the board.

Section 1. Individual Seals Required. Each architect registered for practice within the Commonwealth of Kentucky shall imprint with their [his] seal all documents prepared by themselves [him] or under their [his] supervision, and shall secure and use for this purpose a seal of the following design:

(1) To consist of two (2) concentric circles, the outer circle to be one and nine-sixteenths (1 9/16) inches in diameter and the inner circle to one (1) inch in diameter. The upper portion of the annular space between the two (2) circles shall bear the name of the registrant. The lower portion of the annular space shall bear the word "Architect." The space enclosed by the inner circle shall be divided into an upper and lower half. The upper portion shall consist of three (3) lines, the word "Registered," then the abbreviation "No.," and then the number of the certificate of the registrant. The lower portion shall contain, in three (3) lines, the words "Commonwealth of Kentucky."

(2) It shall be permissible to combine the names and registration numbers of two (2) or more registered architects from the same office on one (1) seal. It is not permissible to include the names of any persons who are not registered architects on any such combination.

(3) It shall be made clear, by proper use of seal [and wording of title blocks,] that only those who are licensed architects in Kentucky are in charge and fully responsible for the work involved.

(4) The seal used on a cover sheet or page should be embossing type. A duplicate, rubber stamp type, may be used on all other sheets or pages and added to the cover if desired.

Section 2. Office and Firm Names [Titles]. (1) Title blocks and firm [office] names used in connection with the practice of architecture [work] in this state shall not be misleading nor infer that unlicensed [clearly indicate what person or] persons are architects, and only those registered to practice in Kentucky shall be so designated as architects. [The names of deceased architects, formerly registered, may not be shown as architects.]

(2) A firm name may be used without all members being registered if [the title lists only] those architects who are licensed in Kentucky have [and] the title "architect" [is] applied only to them in subheadings or subtitles in defining the practice of the firm [only]. Examples:

(a) SMITH, JONES, MILLER & MOORE
Albert Smith, Architect

(Where Smith and Jones are both architects in their own state but only Albert Smith is licensed in Kentucky and is fully responsible for work in this state); or

(b) SMITH, JONES, MILLER & MOORE, Inc.
Architects and Engineers
Albert Smith, Architect Carl Miller, Mech. Engr.
Robert Jones, Architect John Moore, Struct. Engr.

(Where all are licensed in Kentucky in the professions indicated); or

(c) STATEWIDE STUDIOS, Inc.
Roy Jones, Architect John Davis, Mech. Engr.
Carl Smith, Architect Alan Moore, Manager

(Where Jones and Smith are both licensed in Kentucky and the firm has other members they wish to include in their office title).

Section 3. Sample forms of the prescribed seal are filed herein by reference and may be obtained from the State Board of Examiners and Registration of Architects, 3302 Brookhill Circle, [P. O. Box 7097,] Lexington, Kentucky 40502. Office hours 9 a.m. to 5 p.m.

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 2000 ± architects.
(a) Direct and indirect costs or savings to those affected:
1. First year: $50 ± cost to purchase seal.
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: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: 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. Same requirements, all architects.

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects
(Proposed Amendment)

201 KAR 19:105. Plans and specifications standards.

RELATES TO: KRS 323.020
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: To define minimum standards of documents prepared by architects.

Section 1. Standards Required. (1) All plans and specifications and other documents prepared for use within the Commonwealth of Kentucky shall be of a standard sufficient to safeguard the public against misrepresentations and shall show and describe all essential parts of the design, details and materials necessary [to assure safety in construction].
(2) Each project must meet the requirements of the city, county, state and federal agencies having jurisdiction, including, but not limited to, the following:
(a) Department of Housing, Buildings and Construction [(Office of the Fire Marshal)].
(b) City and County Building Departments.
(c) County Health Departments, and the Department for Human Resources.
(d) Department of Education (For tax supported schools, grades 1 - 12).
(e) Bureau of Environmental Quality, Department for Natural Resources and Environmental Protection (if impoundment, diversion or pollution is involved).
(f) Division of Air Pollution, Department for Natural Resources and Environmental Protection.

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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 unelss 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: 2000 ± architects.
(a) Direct and indirect costs or savings to those affected: No direct or indirect costs or savings involved.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(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 architects to follow same standards.

TOURISM CABINET
Department of Fish & Wildlife Resources
(Proposed Amendment)

301 KAR 1:015. Boats and outboard motors; <u>restrictions</u> [size limits].

RELATES TO: KRS 150.025, 150.090, 150.620, 150.625
STATUTORY AUTHORITY: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: It is necessary to regulate the size of outboard motors and boats on state-owned lakes to minimize the conflict with the primary purposes of the lakes which are the perpetuation of fish or game populations and the associated sports. <u>This amendment is necessary to regulate boating on Lake Reba.</u>

Section 1. No boat <u>shall</u> [will] be permitted on any of the herein named lakes with a centerline exceeding eighteen (18) feet six (6) inches in length as measured on deck or from bow to stern, except canoes which have no length limit and float boats which <u>shall</u> [may] have pontoons and decking no longer than twenty-two (22) feet. On Lake Malone and Lake Beshear only float boats can have pontoons and decking up to thirty (30) feet in length.

Section 2. No houseboats of any description <u>shall</u> [will] be permitted on any of the herein

named lakes.

Section 3. No motor of any type is permitted on the following lakes:
(1) Lake Chumley, Lincoln County;
(2) Dennie Gooch Lake, Pulaski County;
(3) Martin County Lake, Martin County; and
(4) Kingdom Come Lake, Harlan County.

Section 4. Electric motors only may be used on the following lakes:
(1) Carter Caves Lake, Carter County;
(2) Spurlington Lake, Taylor County;
(3) Marion County Lake, Marion County;
(4) Lake Washburn, Ohio County;
(5) Bert Combs Lake, Clay County;
(6) McNeely Lake, Jefferson County;
(7) Lake Mauzy, Union County;
(8) Carpenter Lake and Kingfisher Lakes, Daviess County;
(9) Metcalfe County Lake, Metcalfe County; [and]
(10) Briggs Lake, Logan County;
(11) Big Turner, Ballard County;
(12) Little Turner, Ballard County;
(13) Shelby, Ballard County;
(14) Mitchell, Ballard County;
(15) Happy Hollow, Ballard County;
(16) Burnt Slough, Ballard County;
(17) Butler, Ballard County;
(18) Sandy Slough, Ballard County;
(19) Long Pond, Ballard County;
(20) Cross Slough, Ballard County;
(21) Little Green Sea, Ballard County;
(22) Burnt Pond, Ballard County;
(23) Arrowhead Slough, Ballard County;
(24) Deep Slough, Ballard County;
(25) Beaver Dam Slough, Ballard County;
(26) Cypress Slough, Ballard County;
(27) Twin Pockets Slough, Ballard County;
(28) Lake Reba, Madison County.

[Section 5. Electric motors only may be used on the following lakes located in Ballard County. These lakes are closed 15 October to 15 March, annually:]
[(1) Big Turner;]
[(2) Little Turner;]
[(3) Shelby;]
[(4) Mitchell;]
[(5) Happy Hollow;]
[(6) Burnt Slough; and]
[(7) Butler.]

[Section 6. Motor restrictions for the lakes located on the Swan Lake Wildlife Management Area in Ballard County are as follows. These lakes are closed October 15 to March 15, annually.]
[(1) Maximum 10 horsepower: Swan Lake.]
[(2) Electric motors only:]
[(a) Sandy Slough.]
[(b) Long Pond.]
[(c) Cross Slough.]
[(d) Little Green Sea.]
[(e) Burnt Pond.]
[(f) Arrowhead Slough.]
[(g) Deep Slough.]
[(h) Beaver Dam Slough.]
[(i) Cypress Slough.]
[(j) Twin Pockets Slough.]

Section 5. [7.] No motor larger than ten (10) hp. (inboard or outboard) shall [may] be used on the following state-owned lakes; however, slow speeds which cause no disturbance or interference with fishing must be exercised at:
(1) Shanty Hollow Lake, Warren County;
(2) Bullock Pen Lake, Grant County;
(3) Lake Boltz, Grant County;
(4) Falmouth Lake, Pendleton County;
(5) Elmer Davis Lake, Owen County;
(6) Beaver Creek Lake, Anderson County,
(7) Herb Smith Lake, Harlan County;
(8) Corinth Lake, Grant County; [and]
(9) Wilgreen Lake, Madison County;
(10) Greenbo Lake, Greenup County;
(11) Swan Lake, Ballard County.

Section 6. [8.] No boat motor larger than 150 hp. shall [may] be used, and all boat motors used shall [must] have an underwater exhaust on the following state-owned lakes:
(1) Guist Creek Lake, Shelby County;
(2) Lake Malone, Todd, Muhlenberg and Logan Counties; and
(3) Lake Beshear, Christian and Caldwell Counties.

Section 7. [9.] Boat motors of any size may be used on Pan Bowl Lake, Breathitt County; however, boat speed is limited to idle speed only for the entire lake.

Section 8. [10. All officers and agents of the Department of Fish and Wildlife Resources shall have full authority to enforce the provisions of this regulation.] Failure to comply with the rules and specifications set forth in this regulation shall constitute grounds for revocation of the rights and privileges of any person to admittance to and to the use of these public waters.

DON R. McCORMICK, Commissioner
RON GENTRY, Secretary
DAVID GODBY, Chairman
APPROVED BY AGENCY: August 20, 1990
FILED WITH LRC: September 25, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation will be held on Tuesday, November 27, 1990 at 9 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick
(1) Type and number of entities affected: When Lake Reba is impounded in 1991 it is estimated that 2500 individual anglers will fish the lake annually.
(a) Direct and indirect costs or savings to those affected: No costs will be incurred.
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 reporting or paperwork required.
(2) Effects on the promulgating administrative body: Some increased responsibility will occur.
(a) Direct and indirect costs or savings: Some increased costs due to policing.
1. First year:

2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Some additional reporting and paperwork will occur as a result of policing.
(3) Assessment of anticipated effect on state and local revenues: No anticipated effects on state or local economies.
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative approaches acceptable. Allowing larger outboard motors on this lake would not be practical.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation or governmental policy that is 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

TOURISM CABINET
Department of Fish & Wildlife Resources
(Proposed Amendment)

301 KAR 1:075. Gigging, hand grabbing or snagging, tickling and noodling.

RELATES TO: KRS 150.010, 150.025, 150.170, 150.175, 150.235, 150.360, 150.440, 150.445, 150.470
STATUTORY AUTHORITY: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation is necessary to permit and govern methods of harvest to the benefit of the fishery resource. This amendment is necessary to <u>open the main stems of the North, Middle and South Forks of the Kentucky River to tickling and noodling.</u> [prohibit gigging in Line Fork.]

Section 1. As used in this regulation, the word "snagging" means an act of taking fish by using a single hook or one (1) treble hook (except in the Green River and its tributaries and Rolling Fork River and its tributaries where five (5) hooks, either single or treble hooks, may be used) which is attached by line to a pole and is used in a jerking and pulling manner.

Section 2. A person may gig or snag from the stream or lake banks, but cannot use these fishing methods from a boat or platform, except gigging is permitted from a boat in any lake with a surface acreage of 500 acres or larger during the daylight hours.

Section 3. The season during which gigging and snagging is permitted is February 1 through May 10, annually, except persons may gig rough fish through the ice in these same waters any time the surface is frozen thick enough to stand on, and gigger must gig while supported by the ice.

Section 4. Gigging and/or snagging for rough fish is permitted night and day in all lakes and streams, except where specifically prohibited in Sections 2 and 5 of this regulation.

Section 5. Gigging and/or snagging is specifically prohibited in the following streams and their tributaries. (Exceptions: See subsection (1)(b) and subsection (2)(b) of this section.
(1)(a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line, and in the Cumberland River in the area below Barkley Dam downstream to US 62 bridge.
(b) Those tributaries to the Cumberland River below Wolf Creek Dam downstream to the Tennessee line shall be open to gigging and snagging, in season, except that portion of each tributary which is within one-half (1/2) mile of its junction with the Cumberland River.
(2)(a) Within 200 yards of any dam on any stream;
(b) Snagging only is permitted in the Tennessee River below Kentucky Dam subject to restrictions in 301 KAR 1:020.
(3) Little Kentucky River - upstream from a point 200 yards below the low water dam at the Sulphur Road Bridge.
(4) Goose Creek - Russell and Casey.
(5) Casey Creek - Trigg.
(6) Rough River, below Rough River Dam downstream to where Ky. 54 crosses the stream, and above the first riffle on Rough River Lake.
(7) Middle Fork of the Kentucky River, from Buckhorn Dam downstream to Breathitt-Perry County line.
(8) Trammel Creek, upstream from the Butlersville Bridge where Ky. 1332 crosses the stream.
(9) Peters Creek - Barren and Monroe.
(10) Beaver Dam Creek - Edmonson.
(11) Canada Creek - Wayne.
(12) Shultz Creek - Greenup.
(13) Sulphur Spring Creek - Simpson.
(14) Lick Fork Creek - Simpson.
(15) Sinking Creek - Breckinridge.
(16) Beaver Creek - Barren.
(17) Big Brush Creek - Green.
(18) Rough Creek - Hardin.
(19) Claylick Creek - Crittenden.
(20) Lynn Camp Creek - Hart.
(21) Roundstone Creek - Hart.
(22) Ravens Creek - Harrison.
(23) Boone Creek - Fayette and Clark.
(24) Caney Creek - Elliott.
(25) Greasy Creek - Leslie.
(26) Laurel Fork Creek - Harlan.
(27) Beaver Creek - Wayne.
(28) Craney Creek - Rowan.
(29) Swift Camp Creek - Wolfe.
(30) Middle Fork - Powell and Wolfe.
(31) War Fork - Jackson.
(32) Indian Creek - Jackson.
(33) Clover Bottom Creek - Jackson.
(34) Cane Creek - Laurel.
(35) Hawk Creek - Laurel.
(36) Beaver Creek - McCreary.
(37) Little South Fork - McCreary and Wayne.
(38) Rock Creek - McCreary.
(39) Lick Creek - McCreary.
(40) Bark Camp Creek - Whitley.
(41) Dogslaughter Creek - Whitley.
(42) Laurel Creek - Elliott.
(43) Big Double Creek - Clay.
(44) Hood Creek - Johnson and Lawrence.
(45) Line Fork - Letcher.

Section 6. All game fish caught by gigging or snagging, except those taken below Kentucky Dam

in the Tennessee River, shall be returned to the water immediately, regardless of condition.

Section 7. The tickling and noodling (hand grabbing) season for rough fish only shall be June 10 to August 31 (all dates inclusive) during daylight hours only. Tickling and noodling shall be permitted in all waters except the tributaries to the North, Middle and South Forks of the Kentucky River [and their tributaries]. The daily creel limit for tickling and noodling shall be fifteen (15) rough fish of which not more than five (5) may be catfish.

DON R. McCORMICK, Commissioner
RON GENTRY, Secretary
DAVID GODBY, Chairman
APPROVED BY AGENCY: August 20, 1990
FILED WITH LRC: September 25, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation will be held on Tuesday, November 27, 1990 at 11 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick
(1) Type and number of entities affected: Tickling and noodling for fish is practiced in various parts of the state, however, less than one percent of Kentucky anglers use this method.
(a) Direct and indirect costs or savings to those affected: No direct or indirect costs will be involved.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: No reporting or paperwork required.
(2) Effects on the promulgating administrative body: No additional effort will be required. Policing is a part of routine patrol.
(a) Direct and indirect costs or savings: No changes in costs will occur.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No additional reporting or paperwork required.
(3) Assessment of anticipated effect on state and local revenues: No effect on state or local economies.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Evaluation of tickling and noodling in the upper forks of the Kentucky River indicated no adverse impacts on catfish populations. The removal of restriction on this method of fishing is the only way to carry out recommendations of the study.
(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? No. Only one entity, the sport fisherman is impacted by this regulation. There is no social or biological justification for the nonuniform application of angling regulations.

TOURISM CABINET
Department of Fish & Wildlife Resources
(Proposed Amendment)

301 KAR 1:122. Importation, possession; live fish.

RELATES TO: KRS 150.025, 150.175, 150.180, 150.190
STATUTORY AUTHORITY: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation sets forth conditions and provisions that prohibit the importation and possession of those fishes considered to be detrimental to Kentucky's resident fish population. It is necessary in order to protect Kentucky's fish population. This amendment is necessary to prohibit the importation and possession of the zebra mussel [allow the culture of selected nonnative fishes].

Section 1. No live fish, live minnow or live bait organisms (as defined in 301 KAR 1:130) or reproductive part thereof, not native or established in Kentucky waters shall be bought, sold, possessed, imported, or in any way used or released into the waters of this Commonwealth, except as specified in Sections 2 and 4 of this regulation.

Section 2. Exceptions. (1) Aquarium species except those in Section 3 of this regulation may be imported, sold, or possessed in aquaria, but shall not be released directly or indirectly into the waters of this Commonwealth.
(2) Triploid (sterile) grass carp (Ctenopharyngodon idella) may be imported, sold, or possessed provided the proper permit is obtained as provided in 301 KAR 1:170.
(3) Diploid (fertile) grass carp may be imported and possessed only by certified propagators for the exclusive purpose of producing triploid grass carp.
(4) Other nonnative fishes may be imported, possessed, and sold with the approval of the Division of Fisheries.

Section 3. The following live aquatic organism [living fish] shall not be imported, sold, or possessed in aquaria:
(1) Subfamily Serrasalmoniae - piranha, piraya, pirae, or tiger characins.
(2) Astyanax ficiatus mexicanus - Mexican banded tetra, Mexican minnow or Mexican tetra.
(3) Petromyzon marinum - sea lamprey.
(4) Genus Clarias - walking catfish.
(5) Genus Ophicaphalus or Channa - snakeheads of Asia and Africa.
(6) Dreissena polymorpha - zebra mussel.

DON R. McCORMICK, Commissioner
DAVID GODBY, Chairman
APPROVED BY AGENCY: August 20, 1990
FILED WITH LRC: September 25, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on Tuesday, November 27, 1990 at 1 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and 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: As a result of ballast water dumping by ocean going vessels from Europe, the zebra mussel was unknowingly introduced into the Great Lakes System in 1986. By 1988, the presence of the mussel was confirmed with specimens being found in water treatment systems, on beaches, and submerged substrates in Lake St. Clair and Lake Erie. It is now present in all of the Great Lakes and is expected to invade other inland waters including the Mississippi River System. Its potential range includes the midwestern and southeastern portions of the U.S.A. There is no doubt that we will eventually have to deal with this exotic here in Kentucky. Zebra mussels feed on plankton which places them in direct competition with larval fish and aquatic insects which also require plankton during the early stages of their life. An adult female (1.5 inches in length) is capable of producing about 40,000 young. Diving ducks, muskrats and freshwater drum eat zebra mussles; however, their numbers are not great enough to provide any appreciable control. There are still many unanswered questions about other possible impacts, including some that may be positive. Legislation is presently before both Houses of Congress that will eliminate introduction of exotic species through ballast water regulations and provide funding for research that will hopefully lead to a better understanding of the mussel's total impact and effective methods to control it.

(a) Direct and indirect costs or savings to those affected: Could prevent or delay costs with regard to water intake structure maintenance.

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 reporting or paperwork required.

(2) Effects on the promulgating administrative body: Some effects on promulgating body will occur.

(a) Direct and indirect costs or savings: No significant costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Informational brochures, news releases and articles will be developed and published.

(3) Assessment of anticipated effect on state and local revenues: Could result in delayed or reduced cost with regard to municipal and industrial water intake structures.

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

(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? No. There is no social or biological justification for the nonuniform application of this regulation.

TOURISM CABINET
Department of Fish & Wildlife Resources
(Proposed Amendment)

301 KAR 1:150. Waters open to commercial fishing.

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.445, 150.450, 150.990

STATUTORY AUTHORITY: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: It is necessary to regulate the places where commercial fishing is permitted to insure that the size of the water and fish population is large enough for this type of activity to better utilize and conserve those populations concerned. This amendment is necessary to close commercial fishing in Mud River and the tailwater areas below the highlift dams on the Ohio River. [the Big South Fork National River and Recreational Area in conformance with existing federal law.]

Section 1. Appropriately licensed commercial fishermen may fish with commercial fishing gear in the following designated waters subject to requirements as set forth in regulations designating commercial gear and manner of taking. Commercial gear shall be used in no other waters of the commonwealth except under specific permit.

Section 2. Commercial Fishing Waters. (1) Streams and rivers.

(a) Barren River from its junction with Green River upstream to Greencastle, Kentucky;

(b) Big Sandy River from its junction with Ohio River upstream to junction of Levisa and Tug Forks;

(c) Levisa Fork from its junction with Big Sandy River upstream to 200 yards below mouth of Paint Creek in Johnson County;

(d) Cumberland River from its junction with Ohio River upstream to Highway 62 bridge;

(e) Eagle Creek from its junction with Kentucky River upstream to Highway 22 bridge in Grant County;

(f) Green River from its junction with Ohio River upstream to 200 yards below Lock and Dam 6;

(g) Highland Creek from its junction with Ohio River upstream to Rock Ford Bridge in Union County;

(h) Kentucky River from its junction with Ohio River upstream to junction of North and Middle Forks of Kentucky River;

(i) North Fork of Kentucky River from its junction with Kentucky River upstream to mouth

of Walker's Creek;
(j) South Fork of Kentucky River from its junction with Kentucky River upstream to mouth of Cow Creek;
(k) Licking River from its junction with Ohio River upstream to a point directly adjacent to Highway 111 on the Bath and Fleming Counties line;
(l) Mississippi River from the mouth of Ohio River downstream to the Tennessee line;
[(m) Mud River from its junction with Green River upstream to McGee Landing in Butler and Muhlenberg Counties;]
(m) [(n)] Ohio River from its junction with Mississippi River upstream to West Virginia state line except those segments of the river that extend below the following locks and dams wherein slat baskets are the only piece of commercial gear allowed: [line except that segment of the river that extends from a point 200 yards below Smithland Dam to the end of the Smithland outer lock wall (a distance of some 625 yards) wherein slatbaskets will be the only piece of commercial gear allowed;]
1. Smithland Dam downstream to the end of the outer lock wall.
2. Uniontown Dam downstream to the end of the outer lock wall and that portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.
3. Newburgh Dam downstream to the end of the outer lock wall.
4. Cannelton Dam downstream to the end of the outer lock wall.
5. McAlpine Dam downstream to the K&I railroad bridge.
6. Markland Dam downstream to the end of the outer lock wall.
7. Meldahl Dam downstream to the end of the outer lock wall.
8. Greenup Dam downstream to the end of the outer lock wall.
(n) [(o)] Pond River from its junction with Green River upstream to Highway 62 bridge;
(o) [(p)] Panther Creek from its junction with Green River upstream to head of creek;
(p) [(q)] Rough River from its junction with Green River upstream to Highway 69 bridge at Dundee, Kentucky;
(q) [(r)] Tennessee River from its junction with Ohio River upstream to River Mile 17.8;
(r) [(s)] Tradewater River from its junction with Ohio River upstream to bridge; and
(s) [(t)] Salt River from its junction with the Ohio River upstream to the northwestern boundary of Ft. Knox.
(2) Lakes. The following lakes are open to commercial fishing, but not above the first shoal or riffle upstream from the impounded or standing pool of the lake in any main or tributary stream except as noted below:
(a) Barkley;
(b) Cumberland Lake is closed above the confluence of Koger Creek on the Big South Fork Tributary;
(c) Herrington;
(d) Kentucky;
(e) Nolin;
(f) Rough River;
(g) Overflow lakes directly connected to the Mississippi and Ohio Rivers;
(h) Dewey Lake is open uplake to Buffalo Bridge; and
(i) Barren Lake.

DON R. McCORMICK, Commissioner
RON GENTRY, Secretary
DAVID GODBY, Chairman
APPROVED BY AGENCY: June 11, 1990
FILED WITH LRC: September 25, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation will be held on Thursday, November 29, 1990 at 10 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, 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 1,000 licensed commercial fishermen fishing Kentucky waters. Less than 200 of these individuals fish the Ohio River and only two fish in the Mud River. A much greater number of sport fishermen also fish the tailwater areas below the Ohio River dam.
(a) Direct and indirect costs or savings to those affected: Commercial harvest of fish is expected to decrease somewhat since these tailwater areas are places where fish are most dense and more easily caught. The sport harvest of fish is expected to improve as a result of the noninterference of commercial gear.
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 change in reporting or paperwork requirements.
(2) Effects on the promulgating administrative body: No additional effort will be required. Policing will continue to be a part of routine patrol.
(a) Direct and indirect costs or savings: No change in costs will occur.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: No additional reporting or paperwork is required.
(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues will occur.
(4) Assessment of alternative methods; reasons why alternatives were rejected: No acceptable alternatives are available that would accomplish a reduction in the conflicts between sport and commercial fishermen.
(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? No. There is no sound social or biological justification for the nonuniform application of angling regulations.

TOURISM CABINET
Department of Fish & Wildlife Resources
(Proposed Amendment)

301 KAR 1:200. Seasons and limits for angling.

RELATES TO: KRS 150.010, 150.025, 150.470, 150.990
STATUTORY AUTHORITY: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: In order to insure the continuance of viable and desirable populations of fish, it is necessary to govern the size and numbers anglers can harvest. This amendment is necessary to establish a fifteen (15) inch size limit on largemouth and smallmouth bass at Fishtrap, Buckhorn, Yatesville, Paintsville, and Carr Fork Lakes, a ten (10) inch size limit on crappie at Barkley and Kentucky Lakes, special bass regulations on Lake Reba and close Lincoln Homestead State Park Lake to fishing. [trophy bass fishery at Carter Caves Lake and prevent the overharvest of crappie at Taylorsville Lake.]

Section 1. The statewide creel limits, size limits and possession limits for taking fish by angling shall be as follows, except as specified in Section 3 of this regulation and as provided in 301 KAR 1:180:

	Size Limit Inches	Daily Creel Limit	Possession Limit
Black bass:*			
Largemouth	12)	10	20
Smallmouth	12)	Singly	Singly
Kentucky (spotted)	None)	or in	or in
Coosa	12)	Aggregate	Aggregate
Rock bass (goggle eye or redeye)	None	15	30
Walleye and their hybrids	15	10	20
Sauger	None	10	20
Muskellunge and their hybrids	30	2	2
Northern pike	None	5	10
Chain pickerel	None	5	10
White bass and yellow bass	None	60	60
Striped bass (rockfish) and their hybrids	15	5	5
Crappie	None	60	60
Rainbow trout & brown trout	None	8	8
Brook trout	10	2	2

*For size limit purposes, any black bass, with the exception of the smallmouth, with a patch of teeth on its tongue is considered to be a Kentucky bass.

Section 2. Seasons for all species is year around.

Section 3. The following special limits apply. All other angling limits and seasons apply as set forth in Sections 1 and 2 of this regulation.
(1) The impounded waters of Grayson Lake. The size limit on largemouth bass and smallmouth bass is fifteen (15) inches. There are no daily creel or possession limits on crappie.
(2) The impounded and flowing waters of Dix River and its tributaries upstream from Herrington Lake Dam:

	Size Limit Inches	Daily Creel Limit	Possession Limit
White bass, striped bass (rockfish) and their hybrids	*	20	40

*No more than five (5) fish of a daily limit or ten (10) fish of a possession limit may be fifteen (15) inches or longer.
(3) Dix River from Herrington Lake Dam downstream a distance of two (2) miles. The size limit for brown trout is fifteen (15) inches. The daily creel and possession limits for brown trout is three (3) fish. The daily creel and possession limits for brown trout and rainbow trout combined is eight (8) fish of which no more than three (3) fish can be brown trout. Fishing is permitted only with artificial lures or flies. Possession of fish eggs, small bait fish, insects or worms or oüer similar organic bait or parts thereof while in the possession of fishing tackle in the above described two (2) mile section of Dix River is prohibited.
(4) The impounded waters of Taylorsville Lake. The size limit for largemouth bass and smallmouth bass is fifteen (15) inches. The daily creel and possession limits for crappie are fifteen (15) and thirty (30) respectively.
(5) The impounded waters of Kentucky and Barkley Lakes, including the connecting canal. The size limit for largemouth bass and smallmouth bass is fourteen (14) inches, except that the daily limit may include no more than one (1) and the possession limit no more than two (2) less than fourteen (14) inches in length. The size, creel and possession limits for crappie are ten (10) inches, thirty (30) and sixty (60) respectively.
(6) The impounded waters of Cave Run, Yatesville, Paintsville, Fishtrap, Carr Fork, Buckhorn and Dewey Lakes. The size limit for largemouth bass and smallmouth bass is fifteen (15) inches.
(7) The impounded and flowing waters of Barren River and its tributaries upstream from Barren River Lake Dam.

	Size Limit Inches	Daily Creel Limit	Possession Limit
Crappie	10	30	60
White bass, striped bass (rockfish) and their hybrids	*	20	40

*No more than five (5) fish of a daily limit or ten (10) fish of a possession limit may be fifteen (15) inches or longer.

(8) The impounded waters of Cumberland Lake. The size limit for largemouth and smallmouth bass is fifteen (15) inches. The creel and possession limits for striped bass (rockfish) are three (3) and three (3) respectively.
(9) In the following brook trout streams fishing is permitted only with artificial flies or lures with a single hook. Possession of fish eggs, small fish, insects, worms, or other similar organic bait or parts thereof while in the possession of fishing tackle is prohibited:
(a) Shillalah Creek, Bell County (outside boundary of Cumberland Gap National Park);

(b) Martins Fork and tributaries in Harlan County from Left Fork upstream 2.3 miles to the Cumberland Gap National Historical Park boundary;
(c) Bad Branch, Letcher County;
(d) Poor Fork and tributaries in Letcher County from the headwaters downstream to the first crossing of Highway 392;
(e) Parched Corn Creek, Wolfe County.
(10) The impounded waters of Carter Caves Lake. The size limit for largemouth bass is twenty (20) inches. The daily creel and possession limits for largemouth bass are one (1) and one (1) respectively. Fishing is permitted only during daylight hours.
(11) The impounded waters of Lake Reba. The size limit, creel limit and possession limit for largemouth and smallmouth bass collectively are fifteen (15) inches, five (5) and ten (10), respectively.
(12) The impounded waters of Lincoln Homestead State Park Lake: closed to fishing until January 1, 1993.

Section 4. Measure all fish from the end of the lower jaw to the tip of the tail with fish laid flat on rule, mouth closed and tail lobes squeezed together. All fish caught that are smaller than those prescribed minimum lengths shall be returned immediately to the waters from which they were taken in the best physical condition possible. Under no circumstances may a fisherman remove the head or the tail or part thereof of any of the above-named fish while in the field and before he has completed fishing for the day.

DON R. McCORMICK, Commissioner
RON GENTRY, Secretary
DAVID GODBY, Chairman
APPROVED BY AGENCY: August 20, 1990
FILED WITH LRC: September 25, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation will be held on Tuesday, November 27, 1990 at 3 p.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and 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 over one million sport anglers that fish Kentucky waters annually. Crappie anglers at Kentucky and Barkley Lakes and bass anglers at Fishtrap, Buckhorn, Yatesville, Paintsville and Carr Fork Lakes will be affected.
(a) Direct and indirect costs or savings to those affected: No direct or indirect costs will be incurred.
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 reporting or paperwork involved.
(2) Effects on the promulgating administrative body: No additional effort will be required. Monitoring and policing are a part of ongoing evaluations and routine patrol.
(a) Direct and indirect costs or savings: Small increases in cost could occur as a result of increased violations.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Slight increase in citations and associated law enforcement reports. Informational brochures will be expanded.
(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: The purpose of this regulation amendment is to improve the quality of bass fishing in certain eastern Kentucky lakes, protect undersize crappie from harvest and establish regulations for a new lake. This approach is the only effective means of achieving these objectives.
(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? No. Only one entity, the sport fisherman is impacted by this regulation. There is no social or biological justification for the nonuniform application of angling regulations.

TOURISM CABINET
Department of Fish and Wildlife Resources
(Proposed Amendment)

301 KAR 2:220. Hunting seasons for migratory birds.

RELATES TO: KRS 150.010, 150.015, 150.025, 150.170, 150.175, 150.235, 150.240, 150.305, 150.330, 150.340, 150.360, 150.600, 150.603, 150.630, 150.990
STATUTORY AUTHORITY: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation pertains to the seasons and limits for the taking of specified migratory birds, to the associated permitting and harvest reporting requirements, and to restrictions in the use of blinds and pits. It is necessary for the continued protection and conservation of the migratory birds listed herein, and to insure a permanent and continued supply of the wildlife resource. The framework of this regulation falls within the seasons and bag limits prescribed by the U.S. Fish and Wildlife Service. The function of this regulation is to provide for the prudent taking of migratory birds within reasonable limits based upon an adequate supply. This amendment is necessary to change season dates and hunting rules.

Section 1. Definitions. (1) "Blind" means any form of concealing enclosure, including a pit or

an anchored, stationary, or drifting boat from which hunting occurs.

(2) "Permanent blind" means any blind which is in place more than twenty-four (24) hours.

(3) "Commercial waterfowl hunting area" means any area of land or water used in whole or in part for the taking of migratory waterfowl where a monetary charge is made for hunting.

(4) "Noncommercial waterfowl hunting area" means any area used in whole or in part for the taking of migratory waterfowl where no monetary charge is made.

(5) "Waterfowl" means all species of ducks, coots, mergansers and geese.

Section 2. Seasons for Gun and Archery. (1) Sora rails, Virginia rails, common moorhens, and purple gallinules: November 22 [23] through January 20.

(2) Ducks, coots and mergansers: November 22 [23] through November 25 [26] and December 12 [13] through January 6 [7].

(3) Geese.

(a) Eastern Zone: November 22 through November 25 and December 1 through January 31 [November 23 through January 31], east of a boundary beginning at the Kentucky-Tennessee border at Fulton, Kentucky, extending north along the Purchase Parkway to I-24, East on I-24 to U.S. 641, north on U.S. 641 to U.S. 60, northeast on U.S. 60 to U.S. 41 and then north on U.S. 41 to the Kentucky-Indiana border.

(b) Western zone. This zone consists of the area to the west of the boundary described in paragraph (a) of this subsection. For the purpose of controlling the goose harvest, the Western Zone is subdivided into the Ballard Reporting Area and associated counties and the Henderson-Union Reporting Area and associated counties. Seasons within the Western Zone are specified as follows:

1. Canada goose season: November 22 through November 25 and December 1 through January 31 [December 2 through January 31], unless harvest quotas are met as described below.

a. Ballard reporting area. This reporting area lies within the following boundary: starting at the northwest city limits of Wickliffe in Ballard County to the middle of the Mississippi River, and thence north along the Mississippi to the low water mark of the Ohio River along the Illinois shore to the Ballard-McCracken County line; thence along the county line south to state road 358; thence south along state road 358 to its junction with U.S. Highway 60 at LaCenter; thence following U.S. 60 southwest to the northeast city limits of Wickliffe. Should it be determined that the quota of 28,000 [20,000] Canada geese will be filled prior to January 31, the goose hunting season shall close in the Ballard Reporting Area. Notice shall be given a minimum of twenty-four (24) hours in advance of the time and date of closing.

b. Counties associated with the Ballard reporting area. The counties associated with the Ballard reporting area are [,] those portions of Ballard (excluding Ballard Reporting Area), McCracken, Graves, Carlisle, Hickman, Fulton and Marshall counties in the Western Zone, shall remain open for seven (7) days after the closure of the Ballard reporting area or until January 31, whichever occurs first.

c. Henderson-Union reporting area. This reporting area includes those portions of Henderson and Union Counties within the Western Zone. Should it be determined that the quota of 8,200 [6,000] Canada geese will be filled prior to January 31, the goose hunting season shall close in the Henderson-Union reporting area. Notice shall be given a minimum of twenty-four (24) hours in advance of the time and date of closing.

d. Counties associated with the Henderson-Union reporting area. The counties associated with the Henderson-Union reporting area are [,] those portions of Lyon, Crittenden and Livingston counties in the Western Zone shall remain open for seven (7) days after the closure of the Henderson-Union reporting area or until January 31, whichever occurs first.

2. Season for goose species other than Canada geese (snow and blue geese, white-fronted geese, and brant): November 22 through November 25 and December 1 [23] through January 31, or whenever the Canada goose season closes, whichever occurs first.

Section 3. Limits for Gun and Archery. (1) Ducks. The daily bag limit is three (3) and shall include no more than two (2) mallards (no more than one (1) hen mallard or one (1) black duck) [of which shall be a female), and one (1) black duck], two (2) wood ducks, one (1) redhead, and one (1) pintail of either sex. No canvasbacks shall be taken. The possession limit is double the daily bag.

(2) Coots. The daily bag limit is fifteen (15) and the possession limit is thirty (30).

(3) Mergansers. The daily bag limit is five (5) of which no more than one (1) shall be a hooded merganser. Possession limit is double the daily bag limit.

(4) Geese.

(a) The bag limit is seven (7) [five (5)] with no more than three (3) Canada geese and two (2) white-fronted geese in the western zone or one (1) Canada goose and two (2) white-fronted geese in the eastern zone [two (2) Canada and two (2) white-fronted geese. During January in the Western Zone, the bag limit is five (5) with no more than three (3) Canada and two (2) white-fronted geese].

(b) The possession limit is double the daily bag limit.

(5) Sora and Virginia Rails. The bag and possession limits are twenty-five (25) singly or in the aggregate.

(6) Common Moorhens and Purple Gallinules. The bag and possession limits are fifteen (15) and thirty (30), respectively, singly or in the aggregate of the two (2) species.

Section 4. Shooting Hours. One-half (1/2) hour before sunrise to sunset for all species listed in this regulation except as specified in Section 8 of this regulation. Shooting hours for waterfowl in the Ballard reporting area are one-half (1/2) hour before sunrise to sunset November 22 through November 25 and January 27 through January 31 except hunting shall end at 3 p.m. daily from December 1 through January 26. [, and from one-half (1/2) hour before sunrise to 3 p.m. for waterfowl during the Canada goose season in the Ballard Reporting Area.]

Section 5. Shotshell Restrictions. The following restrictions apply to species listed in this regulation. Lead shot is prohibited for the taking of ducks, geese, coots and mergansers as listed in 301 KAR 3:080 and 301 KAR 2:044E.

[Shot Size Restrictions.] No lead shot larger than BB or steel shot larger than F shall be in possession while hunting the species listed in this regulation.

Section 6. Falconry Season. October 22 through January 31[, except the season for Canada geese in Fulton County shall not open until October 26]. All legal species listed in this regulation may be taken by falconry.

(1) Falconry limits. The bag and possession limits are three (3) and six (6), respectively, of any legal species listed in this regulation, singly or in the aggregate.

(2) Hunting hours for falconry. The hunting hours shall conform with the shooting hours stated in Sections 4 and 8 of this regulation.

Section 7. Wildlife Management Area Blind Regulations. The following restrictions apply to all wildlife management areas except those excluded in Section 8 of this regulation.

(1) Permanent blinds are not permitted. Decoys and temporary blinds shall be removed at the end of each hunting day.

(2) No blind shall be established less than 200 yards from any other blind or waterfowl refuge areas.

(3) No more than four (4) persons shall occupy a single blind at any one time.

(4) Designated recreation areas and access points are closed to hunting of all species listed in this regulation.

Section 8. Exceptions for Specified Wildlife Management Areas and Counties. Other sections or regulations apply unless specified below. Pit and blind restrictions described in this section and Section 11 of this regulation shall not apply to periods of the falconry season as described in Section 6 of this regulation that do not coincide with waterfowl gun hunting seasons.

(1) Ballard Wildlife Management Area, except the Miller Tract, located in Ballard County.

(a) Species, seasons and bag limits [and seasons].

1. Geese: December 4 [12] through January 31 or until the Ballard Reporting Area quota is reached.

2. Ducks, coots and mergansers: December 12 [13] through January 6 [7].

3. Daily bag limits.

a. Canada geese. The daily bag limit on Ballard Wildlife Management Area is two (2) per day.

b. Ducks, coots and mergansers. Same as state bag limits.

4. [3.] No hunting is permitted on Sundays or Mondays [during December, on Sundays during January] or on Christmas and New Year's Day.

5. [4.] No more than three (3) persons shall occupy a single blind at the same time.

(b) General rules. Waterfowl hunters shall have no more than ten (10) shells in their possession. Any hunter under the age of eighteen (18) years shall be accompanied by an adult. Any person whose transportation to and from blinds is furnished by the department shall have his gun encased. Hunting shall be by advanced application or as otherwise authorized.

(c) Shooting hours: one-half (1/2) hour before sunrise to 12 noon.

(2) Swan Lake Wildlife Management Area located in Ballard County. The Upper Blenderman Tract, located to the north of Holloway Landing Road and marked by signs, is open to hunting of all legal species listed in this regulation.

(3) Paintsville Lake Wildlife Management Area in Johnson and Morgan counties and Dewey Lake wildlife Management Area in Floyd County are open to hunting of all legal species listed in this regulation.

(4) [(3)] Land Between the Lakes Wildlife Management Area, located in Lyon and Trigg Counties.

(a) Closed areas. Long Creek Pond, the eastern one-third (1/3) of Smith Bay, and the eastern two-thirds (2/3) of Duncan Bay are closed to all activity November 1 through March 15 as indicated by signs and buoys. The Environmental Education Center and Energy Lake are closed to hunting of all species listed in this regulation. [Smith Bay, Energy Lake, and Long Creek Pond as indicated by signs are closed to hunting. The eastern two-thirds (2/3) of Duncan Bay on Kentucky Lake is closed to all activity November 1 through March 15, as indicated by signs and buoys. The Environmental Education Center is closed to hunting of all species listed in this regulation.]

(b) LBL permit. An annual LBL hunting permit is required for hunting of all legal species listed in this regulation on all shoreline areas along Kentucky and Barkley Lakes from the water's edge to twenty-five (25) yards above elevation 359' and inland areas. Waterfowl hunting from shoreline areas along Lake Barkley is allowed according to subsection (4) of this section. No hunting of any species listed in this regulation is permitted on inland areas during quota gun deer hunt days as listed in 301 KAR 2:111. Permanent blinds are not permitted on inland areas nor along the Kentucky Lake shoreline area. Decoys and temporary blinds shall be removed at the end of each hunting day.

(5) [(4)] Lake Barkley Wildlife Management Area located in Trigg, Lyon, and Livingston Counties.

(a) Closed areas. Refuge areas shall be closed to all hunting, fishing, boating and molesting of all species listed in this regulation during the dates designated in this subsection and on signs posted along the boundaries. Refuges and closing dates are as follows: November 1 through February 15 within an area including a row of islands on the west side of the main channel as marked by buoys and signs between river mile 51 (Hayes Landing Light) and river mile 57.3 (Crooked Creek Light), excluding Taylor and Jake Fork Bays as marked by buoys and signs. Within the refuge area, that area west of a line from the north point of the mouth of Fulton Bay to the south point of the mouth of Honker Bay will remain closed until March 15 as marked by buoys and signs. Boating is allowed but hunting is prohibited within 200 yards of the area surrounded by a levee and located between river mile 68.4 and river mile 70.4 during the period October 15 through March 15.

(b) Blinds. Permanent blinds shall remain within ten (10) yards of the assigned numbered blind marker within the two (2) areas described as follows:

1. Beginning at the mouth of Donaldson Creek and proceeding south along the east side of the old Cumberland River channel as marked by buoys, to a point due west of the boat ramp at Linton, then east to the Linton boat ramp, then north along the east shore of Barkley Lake to the

mouth of Donaldson Creek;

2. Beginning at the Pryor's Creek Light extending south along the western shore of Barkley Lake to the boat ramp at the end of Land Between the Lakes Road 204 thence to the west side of the Cumberland River Channel, marked with buoys, to river mile 73.5, thence north along the west side of the Cumberland River channel, marked with buoys, to the Pryor Creek Light. All other blinds within this described area shall be temporary.

(6) [(5)] Sloughs Wildlife Management Area located in Henderson and Union Counties.

(a) Grassy Pond-Powell's Lake Unit. Hunting is permitted only from permanent blinds constructed by the department. Hunters shall remove all personal property from blinds or the vicinity of blinds daily.

(b) Jenny Hole-Highland Creek Unit. Hunting shall be allowed from permanent blinds constructed by the department and at any other above ground site provided there is a minimum of 200 yards between hunters or hunting parties. Hunters shall remove all personal property from blinds or the vicinity of blinds daily.

(c) Shooting hours: one-half (1/2) hour before sunrise to 2 p.m.

(d) When the Ohio River reaches a level that requires boat access to the units, hunting shall be allowed from boats spaced 200 yards apart, without regard to the department blinds.

(e) Sauerheber Unit. On the Crenshaw and Duncan Tracts - waterfowl hunting shall be allowed only on Thursdays through Sundays and from permanent blinds constructed by the department. Use of the constructed blinds shall be by drawing unless the person(s) drawn do not occupy the blind by the opening of legal shooting hours. The remainder of the Sauerheber Unit, including the Wood Tract, located between mile marker 4 and 6 on state road 268 and bounded by the Ohio River on the north and Tram Road on the east is closed to all hunting, fishing, boating and trespassing between October 15 and March 15.

(f) Waterfowl hunting only shall be allowed on the Crenshaw and Duncan II tracts during the waterfowl season. The Crenshaw and Duncan II tracts shall be closed to all other hunting from October 15 through March 15.

(7) [(6)] Ohio River Waterfowl Refuge located in Livingston County shall be closed to all hunting from October 15 through March 15. This area includes the Kentucky portion of the Ohio River from Smithland Lock and Dam upstream to a power line crossing the river at approximately river mile 911.5 and including Stewart Island.

(8) [(7)] Hunting of all species listed in this regulation is not permitted on the following areas:

(a) Ohio River in the vicinity of the Ballard Wildlife Management Area located in Ballard County, from a point fifty (50) yards upstream from Dam 53, downstream to a point fifty (50) yards below the downstream boundary of the Ballard Wildlife Management Area.

(b) The portion of Grayson Wildlife Management Area located in Carter and Elliott counties: the Camp Webb Refuge Area, the area north of Rosedale Point, Deer Creek Fork west of 1496, and within fifty (50) yards of the state park shoreline. All other portions are open. [All portions of Grayson Lake Wildlife Management Area located in Carter and Elliott Counties, except the following:]

[1. That portion west of route 1496 and east of the boundary delineated by the following: Bruin Creek to the Bruin Creek Fork of Grayson Lake, the Bruin Creek Fork, the mainstem of Grayson Lake north of the Bruin Creek Fork;]

[2. Grayson Lake north of Rosedale Point;]

[3. Grayson Lake within fifty (50) yards of the state park shoreline.]

(c) Beaver Creek Wildlife Management Area located in Pulaski and McCreary Counties.

(d) Cane Creek Wildlife Management Area located in Laurel County.

(e) Robinson Forest Wildlife Management Area located in Breathitt, Perry and Knott Counties.

(f) Redbird Wildlife Management Area located in Leslie and Clay Counties.

(g) Mill Creek Wildlife Management Area located in Jackson County.

(h) Beech Creek Wildlife Management Area located in Clay County.

(9) [(8)] Bath, Rowan, Menifee and Morgan Counties, including Cave Run Lake, are closed to goose hunting. Breech and muzzle-loading shotguns may be used for duck hunting along the shore line portion of Cave Run Lake bordering the Pioneer Weapons Wildlife Management Area.

(10) [(9)] Ohio County south of Rough River, Muhlenburg County, except for the portion south of U.S. Highway 62 and west of State Route 181, Butler County west of State Route 79, Hopkins County north of State Route 70, south of U.S. Highway 41A and east of State Route 614 and State Route 109, south of the Western Kentucky Parkway, Christian County north of State Route 80, Bell County south of Route 119 and east of Route 25E, Pulaski and McCreary Counties east of U.S. Highway 27 and Laurel, Clay, Whitley, Perry, Knott and Breathitt Counties are closed to goose hunting. In addition all designated goose refuge lakes within the western Kentucky coalfields are closed to all waterfowl hunting.

(11) [(10)] Yellowbank Wildlife Management Area in Breckinridge County. A twenty-five (25) acre wetland designated by signs and painted boundary markers is closed to the public from October 15 through March 15.

(12) Lake Cumberland, Pulaski County.

(a) Wesley Bend, the area bounded to the north, west and south by Fishing Creek and to the east by Beech Grove Road and Fishing Creek Road is closed to the public from October 15 through March 15.

(b) Yellowhole, the area bounded to the east and north by Fishing Creek to the west by Fishing Creek Road and the south by Hickory Nut Road is closed to the public from October 15 through March 15.

(13) [(11)] Blind restrictions for Barkley Lake, Barren Lake, Green River Lake, Nolin River Lake, Rough River Lake, Buckhorn Lake and Taylorsville Lake Wildlife Management Areas.

(a) Permanent blinds shall be registered on a permit issued by the U.S. Army Corps of Engineers. Applicants may designate one (1) other person as a partner for registration. No more than two (2) nontransferable permits shall be issued for each permanent blind. Only one (1) permit shall be issued per hunter per area. Permittees who have not constructed a blind at the designated location by November 20 shall forfeit their permit.

(b) Blinds not occupied by permittees by the opening of shooting hours of any day shall be available for use by other hunters on a first come - first served basis for the remainder of

that day.

(c) Permittees shall not lock blinds so as to prevent use by other hunters in the absence of the permittee.

(d) Permanent blinds shall be removed within thirty (30) days of the close of waterfowl season unless extension of that period is approved.

(e) Permittees shall be selected by drawing at Barkley Lake, Barren Lake, Green River Lake, and Taylorsville Lake Wildlife Management Areas. Applicants for blind permits shall present a current Kentucky hunting license to the registration clerk at the time of the drawing. Sites which become available by forfeiture shall be assigned to another applicant according to the following procedure: five (5) additional names shall be drawn at each area (or the number of remaining names if less than five (5) are present) and any forfeited blinds shall be assigned to those people in the order they were drawn.

(14) [(12)] White City Wildlife Management Area located in Hopkins County. Waterfowl shooting hours are from one-half (1/2) hour before sunrise to 2 p.m.

(15) [(13)] Taylorsville Lake Wildlife Management Area, located in Anderson and Spencer Counties. That portion east of Van Buren Boat Ramp as marked by buoys and signs is closed to all hunting, fishing, boating, and trespassing during the period from November 24 through March 1.

(16) [(14)] Fulton County shall remain open to Canada goose hunting through February 4 [9], unless closed prior to this date under the provisions of Section 2 of this regulation.

Section 9. Ballard and Henderson-Union Reporting Area Waterfowl Hunting Permit Requirements. It is unlawful for any person to hunt waterfowl within the Ballard or Henderson-Union Reporting Areas without first obtaining the appropriate waterfowl hunting permit or waterfowl harvest register forms as specified in subsections (1), (2) and (3) of this section.

(1) Commercial waterfowl hunting areas.

(a) A commercial waterfowl hunting area permit issued by the department shall be obtained by any person operating a commercial waterfowl hunting area. An annual fee shall be charged for each commercial waterfowl hunting area permit. These permits shall expire at the end of waterfowl hunting season.

(b) Persons operating more than one (1) commercial waterfowl hunting area shall obtain a permit for each individual area. A land holding divided by a public road may be operated as a commercial waterfowl hunting area under one (1) permit. Whenever a farm unit is divided by land owned by others, a separate permit shall be required for each tract of land operated as a commercial waterfowl hunting area.

(2) Noncommercial waterfowl hunting areas.

(a) Any person controlling the waterfowl hunting rights and privileges on a noncommercial waterfowl hunting area shall obtain a free migratory goose hunting area permit which shall expire at the end of waterfowl hunting season.

(b) The holder of a free migratory goose hunting area permit may be the landowner, his tenant or any person to whom these individuals have assigned exclusive control of goose hunting rights or privileges, in writing, on forms provided by the department.

(c) The permittee shall display the permit openly on the property for which it was issued and provide the permit for inspection by agents of the department and the U.S. Fish and Wildlife Service.

(3) Ohio and Mississippi River waterfowl hunters. Persons hunting geese on the Ohio or Mississippi Rivers or their overflow areas within the Ballard and Henderson-Union Reporting Areas shall carry on their person a waterfowl harvest register form provided by the department. When hunting in a party, one (1) hunter of the party may possess the goose harvest reporting form provided the names of all members of the party are written on the form.

(4) Obtaining permits and harvest reporting forms.

[(a)] Persons desiring commercial waterfowl hunting area permits, migratory goose hunting area permits, or a season supply of waterfowl harvest register forms for the Ballard Reporting Area may apply by writing to the Ballard County Wildlife Management Area, Route 1, LaCenter, Kentucky 42056, and for the Henderson-Union Reporting Area shall apply by writing to the Sloughs Wildlife Management Area, RR 2, Box 183A, Corydon, Kentucky 42406.

[(b) Waterfowl harvest register forms for either reporting area are also available from conservation officers in each area and from the Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601.]

Section 10. Ballard and Henderson-Union Reporting Area Recordkeeping and Reporting Requirements. (1) Commercial waterfowl hunting area permit holders.

(a) The permittee shall maintain and keep an accurate and complete daily hunter register and waterfowl harvest record in duplicate on the hunting area on forms provided by the department.

(b) The permittee shall, during the waterfowl season, close the register at the end of shooting hours each Wednesday and deliver by the following Monday either through mail or hand delivery the original completed daily register and waterfowl harvest record [Sunday and mail or take the original of the completed daily register and waterfowl harvest record form on the subsequent Monday] to the address indicated on the form. The permittee shall hold duplicate copies of these completed forms at the place of registration and make these and current register and harvest records available for inspection by agents of the department and the U.S. Fish and Wildlife Service.

(c) A permittee is responsible for any violation of permit requirements or violations of other regulations committed on the premises under permit unless he immediately reports such violations to a conservation officer.

(2) Migratory goose hunting area permit holders.

(a) At all times during the waterfowl season, the permittee shall make available on the premises under permit the daily hunter registration forms as provided by the department.

(b) The permittee shall require all waterfowl hunters to enter their names and the date on the register and report form prior to each time they hunt on any permit area and to record, prior to leaving the permitted premises, the numbers and kinds of geese taken.

(c) The permittee shall, during the waterfowl season, close the register at the end of shooting hours each Wednesday and deliver by the following Monday either through mail or hand delivery the original completed daily register and waterfowl harvest record [Sunday and mail or take the original of the completed daily register and waterfowl harvest record form on the subsequent Monday] to the address indicated on the form. The permittee shall hold duplicate copies of the forms for a period of two (2) months after the end of the waterfowl season and make these and current register and harvest records available for inspection by agents of the department and the U.S. Fish and Wildlife Service.

(3) Hunter requirements.

(a) Persons hunting waterfowl on commercial or noncommercial waterfowl hunting areas in the Ballard or Henderson-Union Reporting Areas shall:

1. Prior to hunting, enter their name, address, and the date of the hunt on the daily register form made available by the waterfowl hunting area operator.

2. Before leaving the premises, enter on the waterfowl harvest register form the numbers and kinds of geese taken.

(b) Persons hunting geese on the Ohio or Mississippi Rivers or their overflow areas within the Ballard and Henderson-Union Reporting Areas shall:

1. Prior to hunting, enter on the waterfowl harvest register form their name and address, or the names and addresses of all hunting party members if only one (1) hunter is carrying the form for the party, and the date.

2. At the end of each day's hunting, enter on the waterfowl harvest register form the number and kinds of geese taken.

3. Mail or hand deliver the completed original waterfowl harvest register so it is received by no later than Monday of each week. [No later than Monday of each week, mail or take the completed original of the waterfowl harvest register] to the address indicated on the form.

Section 11. General Rules Concerning Waterfowl Hunting in the Ballard Reporting Area. (1) It is unlawful to hunt waterfowl except from a blind, unless waterfowl hunting is conducted in flooded, standing timber.

(2) It is unlawful to establish or use any blind within 100 yards of any other blind.

(3) It is unlawful to establish or locate any blind within fifty (50) yards of any property line.

(4) No more than five (5) persons shall occupy a single blind at the same time.

(5) A hunter shall possess only one (1) shotgun while occupying a blind.

Section 12. Waterfowl Stamp Requirements. Individuals hunting waterfowl shall possess appropriate state and federal waterfowl stamps as stipulated in KRS 150.330 and 150.603.

DON R. McCORMICK, Commissioner
RONALD E. GENTRY, Secretary
DAVID H. GODBY, Chairman

APPROVED BY AGENCY: October 11, 1990

FILED WITH LRC: October 12, 1990 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 28, 1990 at 2 p.m. at the Kentucky Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky in the commission room. Individuals interested in attending this hearing shall notify this agency in writing by November 24, 1990, five days prior to 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: Mr. Lauren E. Schaaf, Director of Wildlife, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Don R. McCormick

(1) Type and number of entities affected: Approximately 14,000 persons will participate in the migratory bird hunting proposed by this regulation.

(a) Direct and indirect costs or savings to those affected: Direct costs involve the purchase of a state hunting license, a federal migratory bird hunting and conservation stamp, and a state duck stamp. Approximately 25 commercial waterfowl hunting area operators will be required to purchase a permit. Indirect costs are determined by the individual hunter, depending upon his level of participation.

1. First year: Persons participating in the hunting proposed for authorization by this regulation would be required to possess a valid hunting license ($8.50 for residents) unless exempted by statute, a $12.50 migratory bird hunting and conservation stamp, and a $5.25 state duck stamp. Commercial waterfowl hunting operators will be required to purchase a $40 permit each.

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

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

(b) Reporting and paperwork requirements: Approximately 7,500 waterfowl hunters within the Ballard and Henderson-Union reporting areas will be required to register prior to hunting waterfowl and to report their harvest on forms provided by the department. The reporting frequency will be only half of what it has been due to a change requiring weekly rather than bi-weekly reporting.

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

(a) Direct and indirect costs or savings: Primary costs are associated with enforcing the regulation and administering the harvest registration zones.

1. First year: The estimated cost associated with establishing and carrying out the provisions of this regulation is $275,000.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Monitoring of harvest on registration forms will involve tabulation of forms submitted in the Ballard Henderson-Union reporting areas. Permits will be issued to approximately 500 individuals and landowners.

(3) Assessment of anticipated effect on state and local revenues: Approximately 14,000 waterfowl hunters may be expected to expend money for equipment, transportation, food and lodging. The average annual expenditure for these items is $110 per migratory bird hunter according to the National Hunting and Fishing Survey. State and local revenues can be expected to be positively affected due to necessary expenditures for the required licenses and taxes levied upon items purchased by hunters.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The U.S. Fish and Wildlife Service requires that any harvest of migratory birds occur through a regulated hunting season that is held within a specific time frame. Therefore, the only available alternative to regulated hunting is closure of the season. This alternative was rejected as contrary to the conservation ethic which is based upon the wise use of renewable resources and the fact that the involved species populations are at levels which can sustain a regulated harvest by Kentucky sportsmen. The regulated hunting alternative selected is that which will provide the most opportunity to Kentucky waterfowl hunters while affording necessary protection to the waterfowl resource.

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes X No___

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Hunting encourages spending by hunters for local goods and services. Local tax revenues will increase slightly.

3. State the aspect or service of local government to which this administrative regulation relates. This activity relates to KRS Chapter 150.

4. How does this administrative regulation affect the local government or any service it provides? Hunting encourages spending by hunters for local goods and services. State tax revenues will increase slightly. Activities involving hunting will not increase state or local expenditures beyond those necessary to enforce laws.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 50 CFR Part 20, Federal Register, Vol. 54, No. 180, Tuesday, September 19, 1989.

2. State compliance standards. State seasons and bag limits are within the federal frameworks.

3. Minimum or uniform standards contained in the federal mandate. Ducks, coots and mergansers: not more than a 30 day season between October 6, 1990 and January 6, 1991. Season may be split into no more than 2 segments. The daily bag limit of ducks is 3 and may include not more than 2 mallards (no more than 1 of which may be a a female), 1 black duck, 2 wood ducts, 1 redhead, and 1 pintail of either sex. There is a point system option in which hen mallard, black duck, pintail, redhead and hooded merganser are 100 point birds, mallard drake and wood duck are 50 point birds and all other species of ducks and mergansers are 35 points. The possession limit shall be twice the daily bag. the season canvasbacks is closed. The coot daily bag shall be 15 with the possession limit being 30. The merganser limit shall be 5 daily (of which only 1 may be a hooded merganser) and the possession limit being twice the daily bag. Both the coot and merganser bag shall be in addition to the duck limit, except when the point system is chosen. Then mergansers are part of the point system. Sora and Virginia rails, common moorhens and purple gallinules: season shall not exceed 70 days between September 1, 1990 and January 20, 1991, with the option to split into 2 segments. The daily bag limit for rails shall be 25 with the possession limit also being 25, singly or in the aggregate of the 2 species. The daily limit for common moorhens and purple gallinules shall be 15 with the possession limit being twice the daily bag, singly or in the aggregate of the 2 species. Geese: Western zone season may extend for 70 days between the Saturday nearest October 1, 1990 and January 31, 1991, or until the harvest of 43,200 birds is taken, whichever occurs first. The daily bag limit shall be 7 geese, to include no more than 2 white-fronted geese. Eastern zone season may extend for 70 days between the Saturday nearest October 1, 1990 and January 31, 1991. The daily bag limit shall be 1 Canada geese with the possession limit being 2. Shooting hours shall be 1/2 hour before sunrise until sunset daily for all species. Falconry season for migratory birds mentioned above shall fall between September 1, 1990 and March 10, 1991 and shall not exceed 107 days. Daily bag and possession limits shall not exceed 3 birds daily or 6 in possession, singly or in the aggregate of species. Hunting hours shall be same as for firearms hunting.

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

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Adjusting the mallard bag limit to allow only one hen mallard or one black duck will reduce mistakes in species identification which may occur when trying to fill a limit with mallard-size ducks. This adjustment would provide further protection for mallards which have been depressed by the prairie drought and for black ducks which a

species of concern in the North American Waterfowl Management Plan. Shooting hours for geese in the Ballard Reporting Area is from sunrise to 3 p.m. from December 1 through January 26 in order to allow birds to feed off of refuge areas and facilitate wider harvest patterns. This will also allow birds from adjoining states to enter Kentucky from their refuges and utilize our refuges undisturbed and allowing hunters a chance to harvest them on the succeeding day or days if they stay. The goose season runs for 66 rather than 70 days due to the paucity of birds utilizing Kentucky during early parts of the framework. Exerting hunting pressure on so few birds could jeopardize long term bird use in Kentucky. The Ballard Wildlife Area season is for 41 days or 25 days shorter than the Western Zone so that controlled hunts will not jeopardize goose and duck use. Scheduled resting periods during the framework is a good means of enhancing historic Rail, common moorhen and purple gallinule seasons are 60 days in length in order to coordinate opening with the duck, coot, merganser and goose seasons and extend them to the end of the allowable federal framework.

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 policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. 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 October 15 [July 13], 1990 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

1.1 Legal Assistance for Corrections Staff
1.2 News Media
1.4 The operation of Contracted Adult Correctional Facilities
1.6 Extraordinary Occurrence Reports
1.9 Institutional Duty Officer
1.11 Population Counts and Reporting Procedures [(Amended 7/13/90)]
1.12 Operation of Motor Vehicles by Corrections Cabinet Employees
2.1 Inmate Canteen [(Amended 7/13/90)]
2.2 Warden's Fund
2.10 Surplus Property
3.1 Code of Ethics
3.12 Institutional Staff Housing
4.2 Staff Training and Development
4.3 Firearms and Chemical Agents Training
6.1 Open Records Law
7.2 Asbestos Abatement [(Amended 7/13/90)]
8.4 Emergency Preparedness
9.1 Use of Force [(Amended 7/13/90)]
9.3 Transportation of Convicted Offenders
9.4 Transportation of Inmates to Funerals or Bedside Visits
9.6 Contraband [(Amended 7/13/90)]
9.7 Storage, Issue and Use of Weapons Including Chemical Agents [(Amended 7/13/90)]
9.8 Search Policy
9.9 Transportation of Inmates
9.10 Security Inspections
9.11 Tool Control
9.15 Institutional Entry and Exit Policy and Procedures
9.18 Informants
9.19 Found Lost or Abandoned Property
10.2 Special Management Inmates
10.3 Safekeepers
10.4 Special Needs Inmates
11.2 Nutritional Adequacy of the Diet for Inmates
11.3 Special Diet Procedures [(Amended 7/13/90)]
13.1 Pharmacy Policy and Formulary
13.2 Health Maintenance Services
13.3 Medical Alert System
13.4 Health Program Audits
13.5 Acquired Immune Deficiency Syndrome
13.6 Sex Offender Treatment Program
14.2 Personal Hygiene Items [(Amended 7/13/90)]
14.3 Marriage of Inmates [(Amended 7/13/90)]
14.4 Legal Services Program (Amended 10/15/90)
14.6 Inmate Grievance Procedures (Amended 10/15/90)
15.1 Hair and Grooming Standards
15.2 Offenses and Penalties
15.3 Meritorious Good Time [(Amended 7/13/90)]
15.5 Restoration of Forfeited Good Time [(Amended 7/13/90)]
15.6 Adjustment Procedures and Programs [(Amended 7/13/90)]
16.1 General Inmate Visiting Procedure
16.2 Inmate Correspondence
16.3 Telephone Calls
16.4 Inmate Packages
17.1 Inmate Personal Property [(Amended 7/13/90)]
17.2 Assessment Center Operations
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines [(Amended 7/13/90)]
18.6 Classification Document
18.7 Transfers
18.8 Guidelines for Transfers Between Institutions [(Amended 7/13/90)]
18.9 Out-of-state Transfers
18.10 Preparole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
18.15 Protective Custody [(Amended 7/13/90)]
19.1 Government Services Projects
19.2 Community Services Projects
20.6 Vocational Study Release
22.1 Privilege Trips
25.1 Gratuities [(Amended 7/13/90)]

25.2 Public Official Notification of Release of an Inmate
25.3 Prerelease Program
25.4 Inmate Furloughs
25.6 Community Center Program
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
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
27-08-01 Use of Force
27-09-01 Kentucky Community Resources Directory
27-10-01 Advanced Supervision
27-11-01 Intensive Supervision
27-12-01 Supervision: Case Classification
27-12-02 Risk/Needs Assessment
27-12-03 Initial Interview
27-12-04 Conditions of Regular Supervision/Request for Modification
27-12-05 Releasee's Report
27-12-06 Grievance Procedures for Offenders
27-12-07 Employment, Education/Vocational Referral
27-12-08 Supervision Plan
27-12-09 Casebook
27-12-10 Guidelines for Monitoring Supervision Fee
27-12-11 Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
27-12-12 Other Financial Obligations (Not Ordered by Releasing Authority)
27-12-13 Community Service Work
27-12-14 Client Travel Restrictions
27-13-02 Alcohol Detection
27-14-01 Interstate Compact Transfers
27-14-02 Interstate Compact Out-of-state Probation and Parole Violation
27-15-01 Supervision Report; Violations, Unusual Incidents
27-16-01 Search; Seizure; Chain of Custody; Disposal of Evidence
27-17-01 Absconder Procedures
27-18-01 Probation and Parole Issuance of Detainer/Warrant
27-19-01 Preliminary Revocation Hearing
27-20-01 Division of Probation and Parole Controlled Intake Program
27-20-02 Prisoner Intake Notification [(Amended 7/13/90)]
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
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)
28-01-02 Probation and Parole Investigation Reports (Administrative Responsibilities)
28-01-03 Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
28-01-04 Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
28-01-05 Probation and Parole Investigation Reports (Computation of Jail Custody Credit) [(Amended 7/13/90)]
28-01-06 Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)
28-01-07 Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
28-01-08 Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
28-01-09 Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
28-02-01 Expedient Release Program
28-03-01 Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release
28-04-01 Furlough Verifications
28-05-01 Out-of-state Investigations

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: October 15, 1990
FILED WITH LRC: October 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for November 21, 1990 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: 2,907 employees of the Corrections Cabinet, 8,809 inmates, 12,155 parolees 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 policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. 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 September 14, 1990, 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 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

KSR 01-00-09	Public Information and News Media Relations
KSR 01-00-10	Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-14	Extraordinary Occurrence Report (Amended 10/15/90)
KSR 01-00-15	Cooperation and Coordination with Oldham County Court (Amended 10/15/90)
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates
KSR 02-00-01	Inmate Canteen
KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts
KSR 02-00-12	Institutional Funds and Issuance of Checks
KSR 04-00-02	Staff Training and Development
KSR 05-00-01	Officers' Daily Housing Security and Safety Log
KSR 05-00-02	Research Activities
KSR 05-00-03	Management Information Systems (Amended 10/15/90)
KSR 06-00-01	Inmate Master File
KSR 06-00-02	Records Audit
KSR 06-00-03	Kentucky Open Records Law and Release of Psychological/ Psychiatric Information
KSR 07-00-02	Institutional Tower Room Regulations
KSR 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers
KSR 07-00-06	Asbestos Abatement
KSR 07-00-07	Discharge Monitoring Report (DMR)
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery
KSR 08-00-10	Hazardous Chemicals and Material Safety Data Sheet
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure
KSR 09-00-05	Gate I Entrance and Exit Procedure
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy
KSR 09-00-14	Use of Force
KSR 09-00-21	Crime Scene Camera
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23	Drug Abuse Testing
KSR 09-00-25	Inmate Motor Vehicle Operator's License
KSR 09-00-26	Contraband Outside Institutional Perimeter
KSR 09-00-27	Construction Crew Entry/Exit
KSR 09-00-28	Restricted Areas
KSR 09-00-29	Transportation of Inmates
KSR 09-00-30	Parole Board
KSR 09-00-31	Forced Cell Move in Medium or Maximum Area (Added 10/15/90)
KSR 10-00-01	Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records
KSR 10-00-02	Unit D - General Operational Procedures
KSR 10-00-03	Unit D - Inmate Tracking System and Records System
KSR 10-00-04	Unit D - Administrative Segregation
KSR 10-00-05	Unit D - Disciplinary Segregation
KSR 10-00-06	Unit D - Protective Custody
KSR 10-00-07	Unit D - Geriatrics
KSR 10-00-08	Unit D - Safekeepers
KSR 10-00-09	Unit D - Hold Ticket Residents
KSR 10-00-10	Unit D - Inmate Legal Access [(Amended 9/14/90)]
KSR 10-00-11	Unit D - Behavior Problem Control
KSR 10-00-12	Unit D - Designated Staff Visits
KSR 10-00-13	Unit D - Property Room Access
KSR 10-02-01	Corrections Cabinet Division of Mental Health, Unit E, Staffing Pattern, Staff Allocation, Position Descriptions, Staff Selection, Training and Evaluation, Time and Attendance and Unit Personnel Records (Added 10/15/90)
KSR 10-02-02	Unit E Designated Staff Visits (Added 10/15/90)
KSR 11-00-01	Meal Planning for the General Population

KSR 11-00-02	Special Diets
KSR 11-00-03	Food Service Inspections
KSR 11-00-04	Dining Room Dress Code for Inmates
KSR 11-00-06	Health Standards/Regulations for Food Service Employees
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01	Inmate Summer Dress Regulations
KSR 12-00-02	Sanitation and General Living Conditions
KSR 12-00-03	State Items Issued to Inmates
KSR 12-00-07	Regulations for Inmate Barbershop (Amended 10/15/90)
KSR 13-00-02	Hospital Operations, Rules and Regulations
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds
KSR 13-00-04	Medical and Dental Care (Amended 10/15/90)
KSR 13-00-05	Medical Records
KSR 13-00-08	Institutional Laboratory Procedures
KSR 13-00-09	Institutional Pharmacy Procedures
KSR 13-00-10	Requirements for Medical Personnel (Amended 10/15/90)
KSR 13-00-11	Health Evaluation
KSR 13-00-12	Vision Care/Optometry Services
KSR 13-00-14	Periodic Health Examinations for Inmates
KSR 13-00-15	Medical Alert System
KSR 13-00-16	Suicide Prevention and Intervention Program
KSR 13-00-17	Special Care
KSR 13-02-01	Mental Health Services [(Added 9/14/90)]
KSR 13-02-02	Mentally Retarded Inmates [(Added 9/14/90)]
KSR 13-02-03	Suicide Prevention and Intervention Program [(Added 9/14/90)]
KSR 13-02-04	Division of Mental Health's Residential Services [(Added 9/14/90)]
KSR 14-00-01	Inmate Rights
KSR 14-00-04	Inmate Grievance Procedure
KSR 15-00-02	Regulations Prohibiting Immate 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 15-00-10	Program Services for Special Housing Placement
KSR 15-01-01	Operational Procedures and Rules and Regulations for Unit A, B & C: Functions of Assigned Personnel
KSR 15-01-02	Operational Procedures and Rules and Regulations for Unit A, B, & C: Staff Operational Procedures
KSR 15-01-03	Inmate Rules and Regulations
KSR 15-01-04	Institutional Medical and Fire Safety Service: Unit Application
KSR 15-01-05	Institutional Inmate Services
KSR 15-01-06	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Housing Criteria and Regulations, Honor Status and General Population
KSR 16-00-01	Visiting Regulations [(Amended 9/14/90)]
KSR 16-00-02	Inmate Correspondence and Mailroom Operations (Amended 10/15/90)
KSR 16-00-03	Inmate Access to Telephones
KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 17-00-05	Dormitory 10 Operations [(Amended 9/14/90)]
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
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 [(Amended 9/14/90)]
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: October 15, 1990
FILED WITH LRC: October 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for November 21, 1990 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: 569 employees of the Kentucky State Reformatory, 1378 inmates, and all visitors to state correctional institutions.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:
1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.
2. Continuing costs or savings: Same as 2(a)1.
3. Additional factors increasing or decreasing costs: Same as 2(a)1.
(b) Reporting and paperwork requirements: Monthly submission of policy revisions.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

CORRECTIONS CABINET
(Proposed Amendment)

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

RELATES TO: KRS Chapters 196, 197, 439
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. <u>These policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association.</u> 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 <u>October 15</u> [April 13], 1990 and hereinafter should be referred to as Kentucky Correctional Institution for Women Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel on weekdays between 8 a.m. to 4:30 p.m.

KCIW 01-06-01	Legal Assistance for Corrections Staff
KCIW 01-08-01	News Media Access
KCIW 02-01-01	Comprehensive Insurance Coverage
KCIW 02-02-01	Fiscal Management: Audits
KCIW 02-02-03	Fiscal Management: Checks
KCIW 02-02-04	Institution Purchasing Procedures
KCIW 02-03-01	Inventory Control of Nonexpendable Personal Property
KCIW 02-03-03	Criteria for Selection of Bidders and Vendors
KCIW 02-04-01	Accounting Procedures
KCIW 02-05-01	Inmate Canteen/Staff Canteen
KCIW 02-07-01	Release of CETA Money Earned
KCIW 06-01-01	Inmate Records
KCIW 06-01-02	Transfers to Community Centers and the Minimum Security Unit
KCIW 06-01-03	Storage of Expunged Records
KCIW 10-01-01	Special Management Unit General Operation and Regulations
KCIW 10-01-02	Special Management Unit Programs, Placement and Review
KCIW 10-01-04	Special Security [Inmates] <u>(Amended 10/15/90)</u>
KCIW 11-01-01	Food Service Operation Inspections
KCIW 11-01-02	Budgeting, Accounting, and Purchasing Procedures for Food Products
KCIW 11-02-01	Menu Preparation/Special Diets
KCIW 11-03-01	General Guidelines for Food Service Workers
KCIW 11-03-02	General Guidelines for Food Service Workers
KCIW 11-04-01	Health Regulations and General Guidelines for the Food Service Area
KCIW 12-01-01	Control of Pests and Vermin
KCIW 12-02-01	Laundry Facilities/Clothing Issuance
KCIW 12-02-03	Donated Items
KCIW 12-04-01	Sanitation and General Living Conditions
KCIW 13-01-01	Provision of Medical and Dental Care
KCIW 13-01-02	Preliminary Health Screening and Appraisal
KCIW 13-01-03	Use of Pharmaceutical Products
KCIW 13-03-01	Emergency Care
KCIW 13-03-02	Infirmary Care and Outside Services
KCIW 13-03-03	Outside Hospital Security
KCIW 13-04-01	Medical Alert System
KCIW 13-04-02	Psychiatric/Psychological Services
KCIW 13-06-01	Informed Consent
KCIW 13-07-01	Detoxification and Alcohol or Chemical Dependency Guidelines
KCIW 13-08-01	Medical Exams for New Employees
KCIW 13-09-01	Suicide Prevention and Intervention Program
KCIW 13-11-01	Infection Control
KCIW 14-01-02	Inmate Rights
KCIW 14-02-01	Access to Attorneys and Designated Counsel Substitutes
KCIW 14-03-01	Inmates Are Not Subject to Discrimination Based on Race, Religion, National Origin, Sex, Handicap, or Political Beliefs
KCIW 14-04-01	Inmate Grievance Procedure
KCIW 15-01-01	Offenses and Penalties
KCIW 15-01-02	Adjustment Committee Procedures and Programs
KCIW 15-03-01	Inmate Rule Book
KCIW 15-04-01	<u>Honor Program (Amended 10/15/90)</u> [Incentive Levels System]
KCIW 15-06-01	Restriction Guidelines
KCIW 16-01-01	Inmate Correspondence [(Amended 4/13/90)]
KCIW 16-01-03	Staff Mail
KCIW 16-02-01	Inmate Access to Telephone [(Amended 4/13/90)]
KCIW 16-02-02	Intra-Institution Phone Calls
KCIW 16-03-01	Inmate Visiting Regulations
KCIW 16-03-02	Unauthorized Items for Picnic Lunches, Food Packages and Regular Packages
KCIW 16-04-01	Inmate Indigent Fund
KCIW 16-05-01	<u>Inmate Packages (Amended 10/15/90)</u> [Commercial Vendor Packages, Appliance and Drug Store Orders]

KCIW 17-01-01	Assessment Center Operation and Reception Programs
KCIW 17-01-02	Assessment/Classification Center Operations, Rules and Regulations
KCIW 17-01-03	Assessment and Classification Unit Property Guidelines
KCIW 17-02-01	Identification Department Admissions
KCIW 17-03-01	Notifying Inmates Families of Admission and Procedures for Mail and Visiting
KCIW 17-05-01	Inmate Personal Property Guidelines (Amended 10/15/90)
KCIW 18-01-02	Institutional Housing Assignments
KCIW 18-02-01	Classification Procedures
KCIW 18-05-01	Special Needs Inmates
KCIW 18-06-01	Institutional Status Codes
KCIW 19-01-01	Inmate Work/Program Assignments
KCIW 19-03-01	Landscape and Maintenance Work Details
KCIW 20-01-01	Education Programs
KCIW 20-01-03	Vocational Education: Curriculum Flexible Schedule, Upgrade Programs and Release Preparation Program
KCIW 20-01-04	Entry - Exit Vocational School
KCIW 20-01-05	Vocational Programs: Approved, Assessed and Contain Guidelines for Vocational Records
KCIW 20-01-06	Vocational Education: Staffing Patterns/Requirements
KCIW 20-01-07	Vocational Counselor
KCIW 20-01-08	Vocational Education: Community Resources and the Integration with Academic Progress
KCIW 20-01-09	Vocational Education: Support Equipment
KCIW 20-01-10	Control of Flammable, Hazardous, Toxic and Caustic Materials in the Vocational Area
KCIW 22-01-04	Inmate Club Activities
KCIW 23-01-01	Religious Services
KCIW 25-01-01	Preparole Progress Report
KCIW 25-02-01	Temporary Release/Community Center
KCIW 25-02-02	Furloughs
KCIW 25-03-01	Escorted Leave into the Community

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: October 15, 1990
FILED WITH LRC: October 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for November 21, 1990 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: 111 employees of the Kentucky Correctional Institution for Women, 279 inmates, and all visitors to state correctional institutions.
(a) Direct and indirect costs or savings to those affected:
1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.
2. Continuing costs or savings: Same as 2(a)1.
3. Additional factors increasing or decreasing costs: Same as 2(a)1.
(b) Reporting and paperwork requirements: Monthly submission of policy revisions.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: None
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: None
TIERING: Was tiering applied? No. All policies are administered in a uniform manner.

TRANSPORTATION CABINET
(Proposed Amendment)

600 KAR 3:010. Relocation assistance payments of the Transportation Cabinet.

RELATES TO: KRS 56.610 to 56.760, 49 CFR Part 24
STATUTORY AUTHORITY: KRS 56.690, 174.080, 183.024, 49 CFR Part 24
NECESSITY AND FUNCTION: The Transportation Cabinet is required to adopt administrative regulations and procedures to implement the provisions of KRS 56.610 to 56.760 with regard to providing for uniform relocation assistance services and compensation to persons displaced by the land acquisition programs of the Transportation Cabinet.

Section 1. Definitions. (1) "Average annual net earnings" means one-half (1/2) of the net earnings of the business or farm operation before federal, state, and local income taxes during the two (2) taxable years immediately prior to the taxable year in which it was displaced. If the business or farm operation was not in operation for the full two (2) taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two (2) taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when it is determined by the Transportation Cabinet to be more equitable.
(2) "Business" means any lawful activity, except a farm operation, conducted:
(a) Primarily for the purchase, sale, lease, or rental of personal or real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or
(b) Primarily for the sale of services to the public; or
(c) Primarily for outdoor advertising display purposes, when the display is required to be moved as a result of the project; or
(d) By a nonprofit organization.

(3) "Comparable replacement dwelling" means a dwelling which is:

(a) Decent, safe and sanitary;

(b) Functionally equivalent to the displacement dwelling;

(c) Adequate in size to accommodate the occupants;

(d) In an area not subject to unreasonable adverse environmental conditions, and is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities and reasonably accessible to the person's place of employment;

(e) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses;

(f) Currently available to the displaced person on the private market; and

(g) Within the financial means of the displaced person.

(4) "Contributes materially" means that during the two (2) taxable years prior to the taxable year in which displacement occurs the business or farm operation:

(a) Had average annual gross receipts of not less than $5,000; or

(b) Had average annual net earnings of not less than $1,000; or

(c) Contributed at least one-third (1/3) of the owner's or operator's average annual gross income from all sources.

(5) "Control of the property" means that the Transportation Cabinet has paid the owner for the property to be acquired or if acquisition is by condemnation, the Transportation Cabinet has posted the purchase price of the property with the circuit court.

(6) "Decent, safe and sanitary dwelling" means a dwelling which meets local housing and occupancy codes, but at a minimum shall:

(a) Be structurally sound, weathertight and in good repair;

(b) Contain a safe, electrical wiring system adequate for lights and other electrical devices;

(c) Contain a heating system capable of sustaining a healthful temperature of approximately seventy (70) degrees for a displaced person;

(d) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink and a toilet, all in good working order and properly connected to a source of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system and adequate space and utility service connections for a stove and refrigerator;

(e) Contain unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor shall have at least two (2) means of egress; and

(f) If the displaced person is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by the displaced person.

(7) "Displaced person" means a person who moves from the real property or moves his personal property from the real property, including a person who occupies the real property prior to its acquisition but who does not meet the length of occupancy requirements:

(a) As a direct result of a written notice of intent of the Transportation Cabinet to acquire, or the initiation of negotiations for, or the acquisition of, the real property in whole or in part; or

(b) As a direct result of a written notice of intent of the Transportation Cabinet to acquire, or the acquisition of, in whole or in part, other real property on which the person conducts a business or farm operation. However, eligibility under this subsection applies only for the purpose of obtaining relocation assistance advisory services and moving expenses.

(8) "Dwelling" means the place of permanent or customary and usual residence of a person including a single-family house; a single-family unit in a two (2) family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other residential unit.

(9) "Fair market value" means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts.

(10) "Family" means two (2) or more individuals living together in a single-family dwelling unit who:

(a) Are related by blood, adoption, marriage, or legal guardianship who live together as a family unit, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit; or

(b) Are not related by blood or legal ties but live together by mutual consent.

(11) "Farm operation" means any activity conducted solely or primarily for the production of one (1) or more agricultural products or commodities, including timber, for sale or home use, and customarily producing the products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(12) "Furnished dwelling unit" means a unit in which the furnishings are owned by someone other than the displaced person.

(13) "Initiation of negotiations" means the delivery of the initial written offer of compensation to purchase the real property by the Transportation Cabinet to the owner or the owner's representative. If the Transportation Cabinet issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the date of "initiation of negotiations" is the date of the actual move of the person from the property.

(14) "Mortgage" means the classes of liens that are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the Commonwealth of Kentucky together with the credit instrument, if any, secured thereby.

(15) "Net earnings" means any compensation obtained from the business or farm operation by its owner or the owner's spouse and dependents.

(16) "No duplication of payment" means that no person shall receive any payment under this administrative regulation if that person receives a payment under federal, state or local law which is determined to have the same purpose and effect as the payment under this administrative regulation.

(17) "Nonprofit organization" means an organization incorporated in the Commonwealth of Kentucky as a nonprofit organization under the provisions of KRS Chapter 273 and which is exempt from paying federal income taxes under the Internal Revenue Code (26 U.S.C. 501).

(18) "Notice of intent to acquire" or "notice of eligibility for relocation assistance" means written notice furnished to a person who is to be displaced, which establishes eligibility for relocation benefits prior to initiation of negotiations.

(19) "Owner of a dwelling" means a person who has purchased or holds any of the following interest in the real property:

(a) Fee title, a life estate, a ninety-nine (99) year lease, or a lease including any options, for extension with at least fifty (50) years to run from the date of acquisition; or

(b) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(c) A contract to purchase any of the interests or estates described in paragraph (a) or (b) of this subsection; or

(d) Any other interest, including a partial interest, which warrants consideration as ownership.

(20) "Person" means any individual, family, partnership, corporation, or association.

(21) "Persons not displaced" means but is not limited to the following:

(a) One who moves before the initiation of negotiations, unless the Transportation Cabinet determines that the person was displaced as a direct result of the project; or

(b) One who initially occupies the property after the date of its acquisition by the Transportation Cabinet; or

(c) One who occupies the property for the purpose of obtaining assistance under this administrative regulation; or

(d) One who the Transportation Cabinet determines is not displaced as a direct result of partial acquisition of the property; or

(e) An owner-occupant who voluntarily conveys his property, after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Transportation Cabinet does not intend to acquire the property. In these cases, however, any resulting displacement of a tenant is subject to the provisions of this administrative regulation; or

(f) A person who is determined to be in unlawful occupancy prior to the initiation of negotiations, or a person who has been evicted for cause, under applicable law; or

(g) A person determined by the Transportation Cabinet to not be displaced because of another special condition.

(22) "Purchases a dwelling" means, in addition to actually buying a dwelling, the following:

(a) Purchases and rehabilitates a substandard dwelling; or

(b) Relocates a dwelling which he owns or purchases; or

(c) Constructs a dwelling on a site he owns or purchases; or

(d) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or

(e) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.

(23) "Real property" means land, and generally whatever is erected or growing upon or affixed to land.

(24) "Salvage value" means the probable sale price of an item if offered for sale on the condition that it is to be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which the item is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

(25) "Small business" means a business having at least one (1) but not more than 500 employees working at the site being acquired or displaced by the project.

(26) "Subsequent occupant" means any person who did not occupy the property at the time negotiations began for acquisition of the property and who is in occupancy at the time the property is acquired and who subsequently moves from the real property. Relocation assistance payments made to a subsequent occupant shall be through the provisions of Last Resort Housing in Section 29 of this regulation.

(27) "Tenant" means a person who has the temporary use and occupancy of real property owned by another.

(28) "Uneconomic remnant" means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the Transportation Cabinet has determined has little or no value or utility to the owner.

(29) "Unlawful occupancy" means that a person has been ordered to move by a court of competent jurisdiction prior to the initiation of negotiations or is determined by the Transportation Cabinet to be a squatter who is occupying the real property without the permission of the owner and otherwise has no legal right to occupy the property. The Transportation Cabinet may, at its discretion, consider a squatter to be in lawful occupancy.

(30) "Utility costs" means expenses for heat, light, water, and sewer.

Section 2. Applicability. The payments and services set forth in this administrative regulation which involve a Transportation Cabinet project in which a person, business, farm operation or nonprofit organization is required to relocate or discontinue operation shall be made regardless of whether federal funds are used or not used in the project. If the Transportation Cabinet acquires real property on behalf of another agency that agency may authorize the cabinet to follow the provisions of this administrative regulation.

Section 3. Relocation Notices - General. (1) Each relocation notice provided by the Transportation Cabinet shall be personally delivered or sent by certified or registered mail, return receipt requested.

(2) As soon as feasible, a person scheduled to

be displaced shall be notified of the possibility of his displacement. He shall also be furnished with a general written description of the relocation program which gives at least the following information:

(a) Informs the person that he may be displaced because of the project and generally describes any relocation payment for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment;

(b) Indicates that any person displaced shall be given reasonable relocation advisory services to help the person relocate successfully including housing referrals, help in filing payment claims and other necessary assistance;

(c) Informs any displaced person lawfully occupying the property that he shall not be required to move without at least ninety (90) days advance notice except under the most unusual of circumstances;

(d) Describes the person's right to appeal the determination of eligibility for, or the amount of, any relocation payment for which the person may be eligible;

(e) Informs the person that in order to be eligible for benefits he is required to occupy the property at the time of initiation of negotiations and includes a definition of initiation of negotiations; and

(f) Informs the displaced person that he cannot be required to move permanently unless at least one (1) comparable replacement dwelling has been made available.

(3) Eligibility for relocation assistance shall begin on the date of initiation of negotiations for acquisition of the occupied property. At this time the Transportation Cabinet shall notify each occupant or family to be displaced in writing of his eligibility for relocation assistance.

(4) No lawful occupant shall be required to move unless he has received at least ninety (90) days advance written notice of the earliest date by which he may be required to move. Only in unusual circumstances, such as a substantial danger to the person's health or safety, shall an occupant be required to vacate the property on less than ninety (90) days advance written notice.

(5) At the initiation of negotiations the Transportation Cabinet shall give the displaced person a ninety (90) day notice. Included in that notice shall be either a specific date which is the earliest date by which he shall be required to move or a statement that before the displaced person is required to move from the property, he shall be given a thirty (30) day written notice specifying the date by which the property shall be vacated.

(6) After the Transportation Cabinet gains control of the property to be acquired and after sixty (60) or more days have passed since the issuance of a ninety (90) day notice and if comparable replacement housing has been made available to the displaced person, the cabinet may issue a notice to the displaced person specifying the date by which he is required to vacate the acquired property. The required vacation date shall be at least thirty (30) days after this notice is issued.

Section 4. Notice at Initiation of Negotiations. (1) The Transportation Cabinet shall furnish an owner-occupant of 180 days or more no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The maximum amount of replacement housing computation and eligibility requirements to receive the payment;

(b) The address of comparable housing used to compute the replacement housing payment;

(c) The possibility of his eligibility to receive an increased interest payment, or payment of incidental expenses incurred in the purchase of replacement housing;

(d) His option to rent rather than purchase replacement housing;

(e) The availability of relocation assistance advisory services and how they may be obtained;

(f) A ninety (90) day notice; and

(g) His right to appeal.

(2) The Transportation Cabinet shall furnish an owner-occupant of less than 180 days no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The maximum amount of a rental replacement housing payment and the maximum amount of a down payment for the purchase of replacement housing, as well as the requirements to receive these payments;

(b) The address of comparable housing used to compute the replacement housing payment;

(c) The requirements to receive reimbursement for incidental expenses;

(d) The availability of relocation assistance advisory services and how they may be obtained;

(e) A ninety (90) day notice; and

(f) His right to appeal.

(3) The Transportation Cabinet shall furnish a tenant-occupant of ninety (90) days or more no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The amount of rental and purchase replacement housing payments and the eligibility requirements to receive these payments;

(b) The address of the comparable housing used to compute the rental and replacement housing payments;

(c) The requirements to receive reimbursement for incidental expenses;

(d) The availability of relocation assistance advisory services and how they may be obtained;

(e) A ninety (90) day notice;

(f) His right to appeal; and

(g) The date of the initiation of negotiations for the property.

(4) The Transportation Cabinet shall furnish in writing to a subsequent tenant-occupant within seven (7) working days from the date the cabinet acquires the property the following information:

(a) His eligibility to receive moving expense payments;

(b) The availability of relocation advisory services and how they may be obtained;

(c) Assurance that comparable replacement housing is available within his financial means; and

(d) The ninety (90) day notice to vacate. This notice shall specify the date by which the property shall be vacated, and shall not be issued until comparable housing is available.

Section 5. Alternate Notices. (1) In some rare and unusual cases, an alternate method may be used in issuing the ninety (90) day or thirty

(30) day notices. This is most likely to occur if the property has many tenant-occupied units and there are not sufficient rental units available to compute their replacement housing payments. In these cases, the requirement to make the replacement housing payment offer to the tenants within seven (7) working days could not be met. The alternate procedure used by the Transportation Cabinet shall be as follows:

(a) Contact the owner and make the fair market value offer for the property;

(b) Within seven (7) working days, contact the tenants and give each a written statement which shall include:

1. The date of initiation of negotiations for the parcel; and

2. An explanation of the eligibility requirements to receive a rental replacement housing payment, or a down payment.

(c) At the time the replacement housing payment is computed and the written statement required in paragraph (b) of this subsection is given the tenant, the ninety (90) day notice shall be included. The cabinet shall use the procedure in issuing the thirty (30) day vacation written notice that is used in normal type displacements.

(d) The thirty (30) day notice to vacate shall not be required if an occupant moves of his own volition prior to the date the Transportation Cabinet would have issued the notice.

(2) A notice of intent to acquire the property shall be furnished to an owner or tenant only if it becomes necessary to establish eligibility requirements prior to negotiations on the parcel. This notice shall not be issued until acquisition has been authorized for the project. The notice of intent to acquire the property shall contain the following:

(a) Statement of eligibility and any restrictions on eligibility;

(b) The anticipated date of the initiation of negotiations for acquisition of the property; and

(c) How additional information regarding relocation payments and services can be obtained.

(3) If a notice of intent to acquire the property is given to an owner, the tenant shall be issued the notice within fifteen (15) days. The owner shall be given a copy of the notice issued to the tenant.

(4) If no property is acquired and the occupant becomes eligible for relocation assistance because of landlocking, a ninety (90) day notice shall not be issued. In this case, the occupant shall have one (1) year from the date the Transportation Cabinet makes payment for damages to the property, either by successful negotiations with the owner, or posting the money in court, in which to obtain and occupy decent, safe and sanitary replacement housing. A letter outlining the eligibility requirements to receive relocation assistance payments shall be given to the displaced person when the damage payment is made to the nonresident owner of the property.

Section 6. Availability of Comparable Replacement Dwelling Prior to Displacement. (1) No person to be displaced shall be required to move from his dwelling unless at least one (1) comparable replacement dwelling has been made available to the person. When possible, three (3) or more comparable replacement dwellings shall be made available. A comparable replacement dwelling shall be considered to have been made available to a person if:

(a) The person is informed of its location;

(b) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(c) The person is assured of receiving the relocation assistance and acquisition compensation, subject to reasonable safeguards, to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(2) The requirements of subsection (1) of this section may be waived if the person is required to move in an emergency situation such as a major disaster as described in Section 102(c) of the National Disaster Relief Act of 1974, a presidentially declared national emergency, highway slides or floods or when continued occupancy would constitute a substantial danger to the health or safety or the occupants or the public.

(3) If a person is required by the Transportation Cabinet to relocate for a temporary period due to an emergency, the Transportation Cabinet shall do the following:

(a) Take the necessary steps to assure the person is temporarily relocated to decent, safe and sanitary housing;

(b) Pay actual reasonable out-of-pocket moving expenses and any reasonable increases in rent and utility costs incurred in connection with the temporary relocation; and

(c) Make available to the displaced person as soon as feasible at least one (1) comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily occupied dwelling).

Section 7. Relocation Advisory Services. (1) The Transportation Cabinet Advisory Services Program shall include the measures, facilities, and services that may be necessary or appropriate in order to:

(a) Personally interview each family or person to be displaced, determine the person's relocation needs and preferences, and explain the relocation payments and other assistance for which the person may be eligible, including requirements for obtaining the assistance;

(b) Provide current and continuing information on the availability, price and rental cost of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one (1) comparable replacement dwelling is made available;

(c) Inform the displaced person, in writing, of the specific comparable replacement dwelling and the price and rent used as a basis for establishing the upper limit of the replacement housing payment and the basis for the determination in order that the displaced person is made aware of the amount of the replacement housing payment to which he may be entitled;

(d) If feasible, inspect the comparable housing prior to its being made available to assure that it is decent, safe and sanitary;

(e) If possible, give a minority displaced person an opportunity to relocate to a decent, safe and sanitary replacement dwelling which is not located in an area of minority concentration and that is within his financial means. This policy, however, shall not mandate that the Transportation Cabinet provide a person a larger

payment than is required to enable him to relocate to a comparable replacement dwelling;

(f) Offer the displaced person transportation to inspect housing to which he is referred;

(g) Provide current and continuing information on the availability, location purchase price, and rental cost of comparable and suitable commercial and farm properties. Assist any person displaced from a business, farm operation, or nonprofit organization to obtain and become established in a suitable replacement location;

(h) Minimize hardships to persons in adjusting to relocation by providing counseling, advice about other sources of assistance that may be available, and other help that may be appropriate;

(i) Supply persons to be displaced with information concerning federal and state housing programs, disaster loans and other programs administered by the Small Business Administration, and other federal and state programs offering assistance to persons to be displaced;

(j) Advise a displaced person that no payments received under the relocation assistance program shall be considered as income for the purposes of the federal Internal Revenue Code or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal or state law; and

(k) Maintain contact with other governmental agencies to determine the extent of other programs which might affect the Transportation Cabinet relocation program and the availability of housing resources.

(2) The amount and extent of the relocation advisory services rendered shall be determined by the needs of the displaced person.

(3) The Transportation Cabinet may offer relocation advisory services to a person occupying property adjacent to the real property acquired if that person is caused substantial economic injury because of the cabinet's acquisition of the real property.

(4) The Transportation Cabinet shall coordinate relocation activities with project work and other displacement-causing activities to ensure that persons displaced receive consistent treatment and duplication of functions is minimized.

Section 8. Claims for Relocation Assistance Payments. (1) Any claim for relocation assistance payment shall be accompanied by documentation to support expenses incurred. A displaced person shall be provided reasonable assistance in completing and filing a claim for payment. The Transportation Cabinet shall review claims in an expeditious manner and promptly notify the claimant if additional documentation is required. Payment for a relocation assistance claim shall ordinarily be made only after the displaced person has moved or after closing and as soon as feasible following receipt of sufficient documentation to support the claim. The payment for a claim may be processed in advance of a move or closing but shall not be made until it can be reasonably expected that the objective of the payment has been or is to be accomplished.

(2) All claims for a relocation payment shall be filed based on the following unless the time limits have been waived for good cause by the Transportation Cabinet:

(a) For tenants, within eighteen (18) months after the date of displacement; or

(b) For owners, within eighteen (18) months of the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

(3) If two (2) or more occupants of one (1) household of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a prorated share of all relocation payments that would have been made if the occupants had moved together to a comparable replacement dwelling. However, if it is determined that two (2) or more occupants maintained separate households within the same dwelling, the occupants shall have separate entitlements to relocation payments.

(4) If a person to be displaced owes rent to the Transportation Cabinet, the amount owed may be deducted from his relocation assistance payment unless the deduction would prevent the displaced person from obtaining comparable replacement housing. The Transportation Cabinet shall not withhold any part of a relocation assistance payment to a displaced person to satisfy an obligation to any other creditor.

(5) By written agreement between the displaced person, the mover and the Transportation Cabinet, the displaced person may present an unpaid moving bill to the Transportation Cabinet for direct payment to the mover. The displaced person shall initially make this request on forms prescribed and furnished by the Transportation Cabinet.

(6) If the Transportation Cabinet denies a claim of eligibility for or the amount of a payment, the claimant shall be promptly notified in writing of the reason for denying the claim and his right to appeal.

Section 9. Moving and Related Expense Payments-General. Moving and related expense payments are types of relocation assistance payments. Any eligible individual, family, business, farm operation or nonprofit organization displaced by a Transportation Cabinet project and who qualifies as a displaced person is entitled to payment of his actual moving and related expenses as the Transportation Cabinet determines to be reasonable and necessary.

(1) To be eligible for moving and related expense payments the displaced person shall:

(a) Be in legal occupancy at the initiation of negotiations for the real property or at the time the property is acquired, in whole or in part by the Transportation Cabinet or at the time he is given a written notice by the Transportation Cabinet of intent to acquire the real property; and

(b) Move from the real property, or move his personal property from the real property subsequent to the dates established in paragraph (a) of this subsection.

(2) If the acquisition of real property used for a business, farm operation, or nonprofit organization causes a person to vacate a dwelling or other real property not acquired by the Transportation Cabinet, the additional moving cost shall be eligible for reimbursement. Also, if it is necessary to move personal property that is legally located within the acquired property, the cost shall be eligible for reimbursement.

(3) A second move for a displaced person shall not be automatically authorized, nor generally eligible for payment. However, under exceptional circumstances, a second moving payment may be made. Prior to authorizing a second move, the Transportation Cabinet shall consider all special circumstances.

(4) The displaced person shall be informed in writing as soon as possible after the initiation of negotiations of the following requirements:

(a) The displaced person shall provide the Transportation Cabinet reasonable advance notice of the approximate date of the start of the move or disposition of his personal property and a list of the items to be moved; and

(b) The displaced person shall allow the Transportation Cabinet to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and allow the cabinet to monitor the move.

Section 10. Moving and Related Expense Payments for Residential Moves. A displaced person, owner-occupant or tenant of a dwelling who qualifies as a displaced person is entitled to receive payment for the actual, reasonable and necessary moving expenses of his personal property, himself, and his family. He has the option to receive reimbursement on the basis of actual, reasonable expenses, or from the fixed-rate schedule listed in subsection (5) of this section which is based on the number of rooms of personal property. An owner-occupant of a multiple-family dwelling may be entitled to a moving payment for a residential move for himself and moving payments for his personal property located in other units.

(1) In order to determine that more than one (1) household exists in a single dwelling unit, each family unit shall have separate baths, kitchen areas and bedrooms.

(a) Two (2) or more families occupying the same dwelling unit, who are required to relocate into separate dwelling units because a single comparable dwelling unit is not available, may elect to be reimbursed either on an actual cost basis or from the fixed-rate schedule.

(b) Two (2) or more families occupying the same dwelling unit, who relocate into separate dwelling units on a voluntary basis when a single comparable dwelling unit is available, may elect to be reimbursed either on an actual cost basis or from the fixed-rate schedule. A fixed-rate schedule move payment shall be based on the number of rooms actually occupied by each family, plus community rooms utilized by each family.

(c) Two (2) or more individuals who occupy the same dwelling unit are considered to be a single family and payments shall be made accordingly.

(2) When an owner retains his dwelling, the cost of moving it onto a different site is not eligible for reimbursement as a part of the cost of moving personal property. However, if he chooses to use his dwelling as a means of moving personal property, the cost of moving the personal property may be considered eligible for reimbursement. Payments in these cases shall be from the fixed-rate schedule.

(3) If the displaced person elects to move on an actual cost basis, the following expenses are eligible for payment:

(a) Transportation of the displaced person and personal property. Transportation costs for a distance beyond fifty (50) miles are not eligible, unless it is determined by the Transportation Cabinet that relocation beyond fifty (50) miles is justified;

(b) Packing, crating, unpacking, and uncrating of the personal property;

(c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances and other personal property;

(d) Storage of the personal property for a period not to exceed twelve (12) months, unless it is determined by the Transportation Cabinet that a longer period of time is necessary. For the storage costs to be eligible the Transportation Cabinet shall determine that storage is reasonable and necessary and that the personal property is not stored on property being acquired or property owned or leased by the displaced person;

(e) Insurance for the replacement value of the property in connection with the move and necessary storage;

(f) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available; and

(g) Other moving related expenses not listed as ineligible in Section 13 of this regulation but which are determined by the Transportation Cabinet to be reasonable and necessary.

(4) The displaced person may elect to move by the use of a licensed commercial mover and receive reimbursement for the actual, reasonable expenses. These expenses shall be supported by receipted bills. The Transportation Cabinet may furnish the displaced person a list of licensed movers in the area. The displaced person shall select one (1) mover and the Transportation Cabinet shall select one (1). The Transportation Cabinet shall obtain from both movers an estimate of the moving costs. The estimates shall include any necessary utility service connections. The Transportation Cabinet shall base payment on the lower estimate. However, the displaced person may hire either company.

(5) The displaced person, including a person displaced from a seasonal residence, may elect to move his personal property according to the fixed-rate schedule. The separate items authorized under commercial and self moves have been included in establishing the fixed-rate schedule and no additional moving payments shall be authorized. The room count of furniture shall be based on the actual number of furnished rooms, plus basements, attics, garages and out buildings if such spaces contain sufficient personality as to constitute a room. Payment shall be based on the following schedule:

1 Room = $250	5 Rooms = $ 750
2 Rooms = $400	6 Rooms = $ 850
3 Rooms = $550	7 Rooms = $ 950
4 Rooms = $650	8 Rooms = $1050

Each Additional Room = $100

(6) If the displaced person lives in a furnished dwelling unit, he shall be paid moving costs for moving his personal property according to the following schedule:

First Room = $225

Each Additional Room = $35

(7) The moving expenses of a person with minimal personal possessions who occupies a dormitory style room shared by two (2) or more other unrelated persons or a person whose residential move is performed by an agency at no

cost to the person shall be limited to fifty (50) dollars.

Section 11. Moving and Related Expense Payments for Business, Farm Operations or Nonprofit Organizations. The owner of a displaced business, farm operation or nonprofit organization is entitled to receive a payment for moving and related expenses.

(1) Any business, farm operation or nonprofit organization which qualifies as a displaced person is entitled to payment for the actual moving and related expenses as the Transportation Cabinet determines to be reasonable and necessary, including expenses for the following:

(a) Transportation of personal property. Transportation costs for a distance beyond fifty (50) miles are ineligible, unless it is determined by the Transportation Cabinet that the relocation beyond fifty (50) miles is justified;

(b) Packing, crating, unpacking and uncrating of the personal property;

(c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment and other personal property including substitute personal property and including connection to utilities available nearby. Also, included are modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded);

(d) Storage of the personal property for a period not to exceed twelve (12) months unless it is determined by the Transportation Cabinet that a longer period of time is necessary. For the storage costs to be eligible the Transportation Cabinet shall determine that storage is reasonable and necessary and that the personal property is not stored on property being acquired or property owned or leased by the displaced person;

(e) Insurance for the replacement value of the personal property in connection with the move and necessary storage;

(f) Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be prorated, based on the remaining useful life of the existing license, permit or certification;

(g) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his agent, or employee), where insurance covering the loss, theft, or damage is not reasonably available; and

(h) Professional services necessary for planning the move of the personal property; moving the personal property; and installing the relocated personal property at the replacement location.

(2) The owner of a business, farm operation or nonprofit organization, may be paid the actual reasonable cost of moving his personal property as determined to be reasonable and necessary by using a qualified commercial mover. These expenses shall be supported by receipted bills. Prior to authorizing the move, the Transportation Cabinet shall:

(a) Obtain a certified inventory of the personal property to be moved. The displaced person shall certify that the items are to actually be moved to the replacement site. If there is any significant deviation from the list of items actually relocated the amount to be paid shall be revised accordingly. If the business, farm operation or nonprofit organization has a fluctuating inventory, the cabinet may require a reinventory just prior to authorizing the move; and

(b) Obtain two (2) bids from qualified movers when a replacement property has been found. The payment of moving expenses shall be authorized only on the basis of the lower of the bids.

(3) The owner of the business, farm operation or nonprofit organization, may elect to move himself. Under this circumstance the Transportation Cabinet shall:

(a) Obtain a certified inventory of the personal property to be moved. The displaced person shall certify that the items actually are to be moved to the replacement site. If there is any significant deviation from the list of items actually relocated the amount to be paid shall be revised accordingly. If the business, farm operation or nonprofit organization has a fluctuating inventory, the cabinet may require a reinventory just prior to authorizing the move; and

(b) Obtain two (2) bids from qualified movers after a replacement property has been found. The move may be authorized only on the basis of the lower of the bids. The Transportation Cabinet shall pay to the displaced person the amount of the lower bid once it is determined that all property was moved to the new location.

(4) If the cost of the move is not likely to exceed $5,000, a single estimate may be prepared by a qualified staff employee of the Transportation Cabinet other than the person preparing the claim.

(5) When the Transportation Cabinet obtains bids for a business, farm operation or nonprofit organization move, the bidder shall be instructed in writing that the amount of his bid shall be the property of the Transportation Cabinet and shall be considered confidential information. The bidder shall state in his letter transmitting his bid to the cabinet that he shall not divulge the amount of his bid to any other person, including the displaced person. Any bidder who does not adhere to these requirements shall not be permitted to submit future bids.

(6) If it is necessary to reprint available stationery because the business, farm operation or nonprofit organization, has been relocated, the Transportation Cabinet shall pay the actual cost for reprinting the number and type of item to be replaced. Payment shall be made for only the number of each item approved in advance of the reprinting by the Transportation Cabinet. The claim for payment shall be documented by receipted bills from the provider.

(7) If it is necessary to reletter a sign that has been made obsolete as a result of the move, if possible, only that portion of the sign which changes shall be eligible to be relettered. However, if necessary, the cost of relettering the complete sign shall be an eligible expense. The payment request shall be documented by receipted bills from the provider. Approval of the relettering shall be obtained from the Transportation Cabinet in advance of work being

performed.

(8) The Transportation Cabinet shall reimburse the displaced business, farm operation, or nonprofit organization actual and reasonable expenses in searching for a new location. Payment shall be limited to $1,000. The items for which an invoice may be submitted are transportation; lodging and meals away from home; time spent in searching, based on reasonable salary or earnings, of the person conducting the search; and fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site. The claim for payment shall be documented by receipted bills for meals and lodging when away from home and an affidavit shall be required for mileage and time. The affidavit shall show persons contacted, places visited, activity involved and basis for the hourly rate charged for time.

(9)(a) Payment of actual direct losses of tangible personal property may be made when the business, farm operation or nonprofit organization owner moves or discontinues his operation. Payment for actual direct losses of tangible personal property may be made only after a bona fide effort has been made by the owner to sell the items involved. The payment shall consist of the lesser of:

1. The fair market value of the item for continued use at the displacement site less the proceeds from its sale. (The claimant shall make a good faith effort to sell the personal property, unless the Transportation Cabinet determines that the effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price); or

2. The estimated cost of moving the item, with no allowance for storage. If the business, farm operation, or nonprofit organization is discontinued, the estimate shall be based on a move of fifty (50) miles;

(b) The prompt purchase of substitute personal property to replace an item not to be moved in a business, farm operation or nonprofit organization move, yet which performs a comparable function at the replacement site. Payment shall be the lesser of:

1. The cost of the substitute item, including installation costs at the replacement site, less any proceeds from the sale or trade-in of the replaced item; or

2. The estimated cost of moving and reinstalling the replaced item, with no allowance for storage. If the estimated cost for the move is $5,000 or less, the estimated cost may be based on a single estimate prepared by a qualified Transportation Cabinet employee.

(c) If no offers are received for the property at the sale and the property is abandoned, payment for the actual direct loss of that item shall not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item fifty (50) miles, whichever is less, plus the reasonable costs of the attempted sale, irrespective of the cost to the Transportation Cabinet of removing the item.

(d) If personal property is abandoned with no effort made by the owner to dispose of the property by sale, the owner shall not be entitled to moving expenses, or losses, for the item involved.

(e) The cost of removal by the Transportation Cabinet of personal property shall not be considered as an offsetting charge against other payments to the displaced person.

(f) The sale price, if any, and the actual reasonable costs of advertising and conducting the sale shall be supported by a copy of the bill of sale or similar documents, and by copies of any advertisements, offers to sell, auction records, and other data which support the sale.

(g) The direct loss payment for an advertising sign which is personal property shall be the lesser of the depreciated reproduction cost of the sign less the proceeds from its sale; or the estimated cost of moving the sign as determined by the Transportation Cabinet but with no allowance for storage.

(10) An owner of a discontinued or relocated business otherwise eligible for payment of moving expenses may choose to receive a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses.

(a) The fixed payment shall not be less than $1,000 nor more than $20,000.

(b) For an owner of a business to be entitled to this payment, it shall be determined that:

1. The business owns or rents personal property which has to be moved in connection with the displacement and for which an expense would be incurred in the move and the business vacates or relocates from the displacement site;

2. The business cannot be relocated without a substantial loss of patronage (clientele or net earnings). A business is assumed to meet this test unless it is determined by the Transportation Cabinet that it will not suffer a substantial loss of its existing patronage;

3. The business is not part of a commercial enterprise having more than three (3) other entitles which are not being acquired, and which are under the same ownership and engaged in the same or similar business activities;

4. The business is not operated at a displacement dwelling solely for the purpose of renting the dwelling to others; and

5. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement. The displaced person shall furnish the Transportation Cabinet copies of his income tax returns and other proof of net earnings.

(c) In determining whether two (2) or more displaced legal entitles constitute a single business which is entitled to only one (1) fixed payment, all pertinent factors shall be considered, including the extent to which:

1. The same premises and equipment are shared;

2. Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

3. The entities are held out to the public, to those customarily dealing with them, as one (1) business; and

4. The same person or closely related persons own, control, or manage the affairs of the entities.

(11) An owner of a displaced farm operation may choose to apply for a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses. This payment shall not be less than $1,000 nor more than $20,000. In the case of partial acquisition of land which was a farm operation before the acquisition, a fixed

payment may be made only if the Transportation Cabinet determines that:

(a) The farm operation contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement;

(b) Acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(c) The partial acquisition caused a substantial change in the nature of the farm operation.

(12) A displaced nonprofit organization may choose to apply for a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses. The payment shall not be less than $1,000 nor more than $20,000. Any request for payment in excess of $1,000 shall be supported with financial statements for the two (2) twelve (12) month periods prior to the acquisition. The amount to be used in determining the payment is the average of two (2) years annual gross revenues less administrative expenses. Gross revenues may include membership fees, class fees, cash donations, tithes, receipts from sales or other fund raising activities. Administrative expenses include rent, utilities, salaries, advertising and fund raising expenses. Operating expenses for carrying out the purpose of the nonprofit organization are not included in administrative expenses. Monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

Section 12. Miscellaneous Moves. There are entities to be relocated that meet none of the definitions of a business, a farm operation or a nonprofit organization. The moving expenses in these instances shall usually be paid as a self-move. Examples of moves of this type are:

(1) Partial taking of a farm or residential lot on which only a shed, barn or garage contains personal property;

(2) Acquisition of a tenant-occupied residence if the owner has some personal property in the building; or

(3) Acquisition of a tenant-occupied service station where the owner or distributor has personal property to be moved.

Section 13. Ineligible Moving and Related Expenses. A displaced person shall not be entitled to payment for the following:

(1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership;

(2) Interest on a loan to cover moving expenses;

(3) Loss of good will;

(4) Loss of profits;

(5) Loss of trained employees;

(6) Any additional operating expenses of a business or farm operation incurred because of operating in a new location (except as provided for under reestablishment expenses);

(7) Personal injury;

(8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Transportation Cabinet;

(9) Expenses for searching for a replacement dwelling;

(10) Physical changes to the real property at the replacement location of a business, farm, or nonprofit organization except as provided for under actual reasonable moving expenses and reestablishment expenses; or

(11) Costs for storage of personal property on real property already owned or leased by the displaced person.

Section 14. Reestablishment Expenses of Businesses, Farm Operations or Nonprofit Organizations. A small business, farm or nonprofit organization may be eligible to receive a payment not to exceed $10,000 for expenses actually incurred in relocating and reestablishing the small business, farm operation or nonprofit organization at the replacement site.

(1) Eligible expenses shall be reasonable and necessary as determined by the Transportation Cabinet and may include, but are not limited to the following:

(a) Repairs or improvements to the replacement real property as required by federal, state, or local law, code, regulation or ordinance;

(b) Modification to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;

(c) Construction and installation costs not to exceed $1,500 for exterior signing to advertise the business;

(d) Provision of utilities from the right-of-way to improvements on the replacement site;

(e) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling, or carpeting;

(f) Licenses, fees and permits when not paid as a part of moving expenses;

(g) Feasibility surveys, soil testing and marketing studies;

(h) Advertisement of the replacement location not to exceed $1,500;

(i) Professional services in connection with the purchase or lease of a replacement site;

(j) Increased cost of operation during the first two (2) years at the replacement site not to exceed $5,000 for items such as lease or rental charges, personal or real property taxes, insurance premiums, and utility charges, excluding impact fees;

(k) Impact fees or one (1) time assessments for anticipated heavy utility usage; and

(l) Other items determined by the Transportation Cabinet to be essential to the reestablishment of the business.

(2) Expenses in excess of the maximums set forth in subsection (1)(c), (h) and (j) of this section may be considered eligible if large and legitimate disparities exist between the cost of operation at the displacement site and cost of operation at an otherwise similar replacement site. In these cases, the limitations for reimbursement of the cost may be waived by the Transportation Cabinet, but in no case shall the total costs payable for reestablishment expenses exceed the $10,000 maximum.

(3) A representative of the Transportation Cabinet and the displaced person shall meet at the replacement site prior to any work being done in order to determine what repair or changes are necessary. After the move has been completed, the displaced person shall submit to the Transportation Cabinet the itemized paid receipts for those reestablishment expenses he has incurred.

(4) The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(a) Purchase of capital assets, such as, office furniture, filing cabinets, machinery or trade fixtures;

(b) Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operations;

(c) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in subsection (1)(e) of this section;

(d) Interest on money borrowed to make the move or purchase the replacement property;

(e) Payment to a part-time business in the home which does not contribute materially to the household income; or

(f) Payment to a person whose sole business at a displacement dwelling is the rental of the dwelling to others.

Section 15. Replacement Housing Payments - General. (1) In addition to other payments authorized by this administrative regulation, individuals and families displaced from dwellings, including condominium or cooperative apartments, acquired by the Transportation Cabinet are eligible for replacement housing payments. Recognizing that it is impossible to foresee every possible replacement housing situation which may arise, the Transportation Cabinet shall strive for consistency with the provisions of this administrative regulation when a situation not specifically set forth is encountered.

(2) The displaced individual or family shall not be required to relocate to the same occupancy (owner or tenant) status in order to receive the replacement housing payment, but has other options based on his ownership status and tenure of occupancy.

(3) The Transportation Cabinet shall not participate in more than one (1) replacement housing payment for each dwelling unit, except in the case of multifamily occupancy of a single family dwelling as described in Section 17 of this regulation. The claim for payment shall be filed with the cabinet no more than eighteen (18) months after the date of displacement for tenants. For owners, the claim for payment shall be filed no more than eighteen (18) months after the date of displacement or the date of the final payment for the acquisition of real property, whichever is later. Before the payment is made to the displaced person, the Transportation Cabinet shall determine that the replacement dwelling is decent, safe and sanitary.

(5) If a displaced person otherwise qualifies for a replacement housing payment, except that he has not yet purchased or occupied a suitable replacement dwelling, the Transportation Cabinet after inspecting the proposed dwelling and finding that it is a decent, safe and sanitary dwelling shall, upon request of the displaced person who is purchasing the dwelling, state to any interested party, financial institution or lending agency that the displaced person is eligible for the payment of a specific amount, provided he purchases and occupies the inspected dwelling within the one (1) year time limit. This statement shall include the address of the property inspected and the amount of money the displaced person is required to spend for the replacement property in order to receive the full amount of his replacement housing payment.

(6) Replacement housing payments may be made directly to the relocated individual or family, or upon written instructions from the displaced person, directly to the lessor for rent or the seller for use toward the purchase of a dwelling. This written instruction from the displaced person shall be submitted with the application for payment. In cases where an applicant otherwise qualifies for a replacement housing payment, and upon his specific request in the application, the Transportation Cabinet may make the payment into escrow prior to the displaced person's moving.

(7) The Transportation Cabinet shall determine the probable selling price of a comparable dwelling by analyzing at least three (3) comparable dwellings representative of the dwelling unit to be acquired which are available on the private market. Less than three (3) comparable dwellings may only be used for this determination when sufficient comparable dwellings are not available. Selection of comparable dwellings and computation of payment shall be made by a qualified Transportation Cabinet employee other than the appraiser or review appraiser on the parcel involved. The selected comparable dwellings shall be the most nearly comparable available and equal to or better than the subject property.

(8) If the lapse of time between obtaining a listing of an available dwelling which is used to compute a replacement housing payment and the offer of the replacement housing payment amount to the displaced person exceeds thirty (30) days, the Transportation Cabinet shall determine that the property is still on the market. If a check of the market reveals the comparable dwelling relied upon is not available, a new comparable dwelling shall be selected and a new replacement housing payment computed.

(9) An adjustment shall be made to the asking price of the selected comparable dwelling only when the market reflects a substantial difference in the asking price and the sale price of comparable housing in the area. To determine whether an adjustment to the asking price is needed the Transportation Cabinet may contact realtors or use multiple listings books for recent sales.

(10) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (for example, the site is significantly smaller or does not contain a swimming pool), the value of the attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment. If an uneconomic remnant of land remains after the Transportation Cabinet acquired only a portion of a tract of property and the owner of the remaining property refuses to sell it to the Transportation Cabinet, the fair market value of the uneconomic remnant shall be deducted from the before value of the displacement dwelling for purposes of computing the replacement housing payment.

(11) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

(12) A person who occupies a property for less than ninety (90) days before initiation of negotiations or who occupies the property subsequent to the initiation of negotiations but before the property is acquired is entitled to moving expenses and advisory services. Any replacement housing payment if applicable shall be made under the provisions of Section 29 of this regulation.

(13) No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this administrative regulation for a reason beyond his control, such as a disaster, an emergency, or an imminent threat to the public health or welfare as determined by the President, the federal agency funding the project, or the Transportation Cabinet; or a delay in the construction of the replacement dwelling, military reserve duty, or a hospital stay.

(14) A displaced tenant who initially rents a replacement dwelling and receives a rental assistance payment is eligible to receive a purchase or down payment assistance payment if he meets the eligibility criteria for the payments, including purchase and occupancy within the prescribed one (1) year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment. A displaced owner-occupant who originally rents a replacement dwelling and receives a rent supplement payment is eligible to receive a replacement housing payment, if he purchases and occupies a dwelling within the prescribed one (1) year.

(15) A replacement housing payment is personal to the displaced person and upon his death, the undisbursed portion of any payment shall not be paid to the heirs or assigns, except that the amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid. The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family members continue to occupy a decent, safe and sanitary replacement dwelling. Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

(16) In order to avoid duplicate compensation, the amount of any insurance proceeds received by a displaced person in connection with a loss to the displacement dwelling shall be included in the acquisition cost of the displacement dwelling when the Transportation Cabinet computes the replacement housing payment.

Section 16. Replacement Housing Payments - Partial Tract Acquisition. (1) If the acquired dwelling is located on a tract typical in size for residential use in the area and if only a portion of the tract is acquired by the Transportation Cabinet, the maximum replacement housing payment shall be the probable selling price of a comparable replacement dwelling on a tract typical in size for the area, less the difference in the before and after values of the residential property. This difference represents the acquisition price and shall include any damages to the portion of the tract not acquired by the Transportation Cabinet.

(2) If the acquired dwelling is located on a tract larger in size than typical for residential use in the area and if only a portion of the tract is acquired by the Transportation Cabinet, the cabinet shall only consider that portion of the tract which is a typical size for computation of the maximum replacement housing payment. The maximum housing payment shall be the probable selling price of a comparable replacement dwelling and tract typical in size for residential use in the area, less the difference in the before and after value of the typical size residential property which was carved out of the total tract.

(3) If the acquired dwelling is located on a farm and if only a portion of the farm is acquired by the Transportation Cabinet, the cabinet shall only consider that portion of the farm which is a typical size tract for a residential property in the area for computation of the maximum replacement housing payment. The maximum replacement housing payment shall be the probable selling price of a comparable replacement dwelling and tract typical in size for residential use in the area, less the difference in the before and after value of the typical size residential property which was carved out of the total farm.

(4) If an outbuilding is located on the tract to be acquired and if the outbuilding is used for nonresidential purposes such as corncribs or implement storage, its value shall not be included in the computation of the replacement housing payment.

(5) If the acquired dwelling is located on a tract where the fair market value is established on a use higher and better than residential and if only a portion of the tract is acquired by the Transportation Cabinet, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical in size for residential use in the area, less the difference in the before and after value of the typical size homesite using the value indicated by the higher and better use, or if larger than typical, the difference in the value before and after a portion is carved out. This difference shall represent the acquisition price.

Section 17. Replacement Housing Payments - Multiple Occupancy of Same Dwelling Unit. (1) If two (2) or more eligible families occupy the same single-family dwelling unit, and a comparable replacement dwelling is available, the occupants are entitled to only one (1) replacement housing or rent supplement payment. If a comparable replacement dwelling is not available, a replacement housing or rent supplement payment for each family shall be based on housing which is comparable to the quarters privately occupied by each family plus community rooms which have been shared with other occupants. For owner-occupants the acquisition price to be used as the basis for replacement housing payment computations is that amount each owner received from the total payment for the property to be acquired.

(2) If two (2) or more eligible individuals occupy the same single-family dwelling unit, they are considered one (1) family for replacement housing payment or rent supplement purposes. If all individuals do not relocate to decent, safe and sanitary housing, the Transportation Cabinet shall determine and pay those individuals who do relocate into decent,

safe and sanitary housing a proportional share of the payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

(3) If a displaced individual or family occupies living quarters on the same premises as a displaced business, farm or nonprofit organization, the individual or family is a separate displaced person for purposes of determining entitlement to relocation payments. The Transportation Cabinet shall compute the replacement housing payment for joint residential and business use properties as follows:

(a) If the owner occupies living quarters in the building the replacement housing payment shall be determined by establishing the difference in the before and after value of the land using the appraised value (if acquiring the entire tract the cabinet shall use the total land value) adding the value of the living quarters portion of the building and then subtracting the total from the most comparable property to the living quarters available for sale on the market.

(b) If a tenant occupies living quarters in the building to be acquired, the replacement housing payment shall be determined by subtracting the base monthly rent of the displaced tenant in the acquired dwelling as determined in Section 23(2) of this regulation from the amount the displaced person actually pays per month for a rental replacement dwelling including the estimated average monthly utilities or, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities. That amount shall be multiplied by forty-two (42) to establish the replacement housing payment.

(c) A displaced person eligible for a rental replacement housing payment under Section 23(1) of this regulation may receive a down payment assistance payment not to exceed $5,250. In order to receive this payment, the full amount of the payment shall be applied toward the purchase price of the replacement dwelling and related incidental expenses.

(4) The procedure for computing replacement housing payment amounts to an owner of a multifamily dwelling who occupies one (1) unit is as follows:

(a) The comparable dwellings considered in the computation shall be the same as that acquired, that is, if the property is a triplex, then the comparable dwellings shall be triplexes. If comparable dwellings are not available, structures of the next lowest density shall be used. If there are not any available comparable multifamily structures to be found, the comparison of the owner's living unit shall be to a single-family residence. A higher density structure shall never be used as a comparable structure.

(b) The value of the owner's unit shall be used as the basis for the replacement housing payment determination, not the entire fair market value of the property being acquired. The replacement housing payment determination is that difference, if any, between the value of the owner's living unit and the value of a living unit on the most comparable available property. If the comparable housing is a triplex, the replacement housing payment is based on the value of only one (1) of the three (3) units; if a duplex, the payment is based on the value of only one (1) of the two (2) units; if a single-family dwelling, the payment is based on the entire value of the dwelling. The other living units of a multifamily dwelling shall not be included in the value of a comparable unit because these are considered as income producing and not part of the owner's personal living area.

Section 18. Replacement Housing Payments - Owner-Occupants of 180 Days or More. (1) A displaced owner-occupant may receive replacement housing payments if the displaced person has actually owned and occupied the displacement dwelling for 180 days or more immediately prior to the initiation of negotiations and if he purchases and occupies a decent, safe and sanitary replacement dwelling within a one (1) year period, beginning on the later of the following dates:

(a) The date the person receives final payment from the Transportation Cabinet for the displacement dwelling; or

(b) In the case of condemnation, the date the full amount of the estimate of just compensation is deposited in court; or

(c) The date the person is advised by the Transportation Cabinet of the availability of comparable housing.

(2) The owner-occupant is eligible for a replacement housing payment when:

(a) He is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or part;

(b) He is in occupancy at the time he is given a written notice by the Transportation Cabinet of intent to acquire the property by a given date;

(c) His occupancy of the property has been for at least 180 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier; and

(d) He purchased and occupied a decent, safe and sanitary dwelling within the time period specified in subsection (1) of this section;

(3) The combined total of the replacement housing payments for an owner-occupant of 180 days shall not exceed $22,500 for the additional costs necessary to purchase replacement housing; for compensation to the owner for the loss of favorable financing on his existing mortgage in the financing of replacement housing; and to reimburse the owner for expenses incidental to the purchase of replacement housing which are incurred.

(4) The amount of the replacement housing payment for the sole owner of a dwelling is the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his dwelling, equals the actual cost which the owner is required to pay for a decent, safe and sanitary replacement dwelling, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable dwelling, whichever is less. When the displaced person obtains his decent, safe and sanitary replacement dwelling (not necessarily comparable to the dwelling from which he was displaced), his replacement housing payment shall be based on the amount spent for the replacement dwelling. If the replacement dwelling is not decent, safe and sanitary, he may be paid to correct the deficiencies if he maintains

documented receipts. Any payment to correct a decent, safe and sanitary deficiency shall be counted toward the actual cost that the owner is required to pay for decent, safe and sanitary replacement dwelling.

(5) If a single-family dwelling is owned by several persons, and occupied by only part of the owners, the replacement housing payment shall be the lesser of:

(a) The difference between the owner-occupants' share of the acquisition cost of the acquired dwelling and the actual cost of the replacement dwelling; or

(b) The difference between the total acquisition cost of the acquired dwelling and the amount determined by the Transportation Cabinet as necessary to purchase a comparable dwelling.

(6) If the displaced owner-occupant of 180 days or more does not purchase and occupy a decent, safe and sanitary dwelling, he shall be entitled to receive a rent supplement payment if he rents and occupies a decent, safe and sanitary dwelling.

(7) It shall be the Transportation Cabinet's responsibility to make available a comparable replacement dwelling unit and to relocate the displaced person to his original ownership status if this is his desire. If the displaced owner-occupant desires to rent, the Transportation Cabinet shall make a reasonable effort to accomplish the request.

(8) When an owner-occupant of 180 days or more retains and moves his dwelling to another location, the Transportation Cabinet shall determine if he is eligible for a replacement housing payment. If the dwelling meets the decent, safe and sanitary standards, improvements such as room additions or remodeling shall not be allowed in determining the amount of the replacement housing payment. If the dwelling retained and moved is not decent, safe and sanitary, the cost to improve it so that it complies with adequate standards shall be allowed if documented receipts are maintained. Any payment to correct a decent, safe and sanitary deficiency shall be counted toward the actual cost that the owner is required to pay for a decent, safe and sanitary replacement dwelling.

(9) If an owner-occupant of 180 days or more has received a rental replacement housing payment and subsequently chooses to purchase a replacement dwelling, the amount of the rental replacement housing payment shall be deducted from the amount he would have been entitled to receive if he had purchased a replacement dwelling immediately. The combined payments shall not exceed $22,500.

(10) If the owner is allowed the option of retaining his dwelling, the replacement housing payment shall be computed in accordance with the appropriate paragraph below. The payments computed under paragraphs (a) through (c) of this subsection shall not exceed the amount the displaced person would have received if he had purchased a replacement dwelling.

(a) If the dwelling is decent, safe and sanitary, the payment, if any, shall be the amount by which the cost to relocate the retained dwelling exceeds the acquisition price of the dwelling and homesite. The cost to relocate may include the reasonable costs of acquiring a new site and other expenses incidental to retaining and moving the dwelling, and restoring it to a condition comparable to that before the move. Payment shall not exceed $22,500;

(b) If the owner chooses to move his dwelling to a part of the tract not acquired by the Transportation Cabinet, the current fair market value for purchase of a residential site, not to exceed a typical size homesite, may be included as a cost to relocate the dwelling; or

(c) If the retained dwelling is not decent, safe and sanitary, the payment shall be computed as shown above, except the costs to correct deficiencies shall be included in the costs to relocate.

(11) An owner-occupant of 180 days or more eligible for a purchase replacement housing payment who elects to rent a replacement dwelling is eligible for a rental replacement housing payment <u>which shall</u> not [to] exceed $5,250 <u>unless the conditions of subsection (12) of this section exist</u>. To compute the eligible payment, from the amount the displaced person actually pays for a rental replacement dwelling, including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the fair market rent including monthly utilities of the acquired dwelling as determined by the cabinet, then multiply that amount by forty-two (42).

<u>(12) The rental payment authorized by subsection (11) of this section may only exceed $5,250 if the payment to purchase for an owner-occupant of 180 days could have been authorized as a last resort housing payment under Section 29 of this regulation and therefore, could have exceeded $22,500.</u>

Section 19. Replacement Housing Payments - Owner-Occupants of Less Than 180 Days. (1) A displaced owner-occupant who has owned and occupied the dwelling for less than 180 days and who elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed $5,250. To compute the rental payment, from the amount the displaced person actually pays for a rental replacement dwelling including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the monthly fair market rent of the acquired dwelling as determined by the cabinet, then multiply that amount by forty-two (42).

(2) A displaced owner-occupant who has owned and occupied the dwelling for less than 180 days, may elect to receive an amount to enable him to make a down payment on the purchase of a replacement dwelling including the actual expenses incidental to the purchase, not to exceed $5,250, or for additional costs to relocate his retained dwelling in accordance with the following:

(a) The full amount of the payment shall be applied toward the purchase of the replacement dwelling and related incidental expenses and the displaced person shall purchase and occupy the dwelling within the time frame specified in Section 23(1) of this regulation;

(b) The displaced person may be eligible for the entire $5,250 for a down payment including incidental expenses, when the amount of the

rental replacement housing computation is less than $5,250 or is zero, except either payment shall not exceed the amount the displaced person would receive if he were an owner-occupant of 180 days or more.

(3) If an owner-occupant of less than 180 days retains his dwelling, then the replacement housing payment, if any, shall be determined in accordance with the provisions of Section 18 (10) of this regulation, but the payment shall not exceed $5,250. If an owner-occupant of less than 180 days has received a rental replacement housing payment, the amount of the rental payment shall be deducted from the amount to which he is entitled. The combined payments shall not exceed $5,250.

Section 20. Revisions to Replacement Housing Payment. (1) If the comparable housing used in the Transportation Cabinet's computation is not available at the time of the relocation offer, a new replacement housing payment shall be computed cased on available housing which is equal to or better than the dwelling acquired and meets the other comparable criteria. However, the new replacement housing payment amount shall not be less than the original computed amount.

(2) When an adjustment is made in the fair market value offer to the owner-occupant because of an administrative settlement, an appeal from the commissioners' award, jury award or similar reason the replacement housing payment shall be recomputed based on the new acquisition price.

Section 21. Replacement Housing Payments - Increased Interest Payments. Increased interest payments are provided to compensate a displaced person for the increased interest costs he is required to pay for financing a replacement dwelling.

(1) The increased interest payment shall be allowed only when the dwelling acquired by the Transportation Cabinet was encumbered by a mortgage which was made in good faith without fraud or deceit and which was a valid lien on the dwelling for not less than 180 days prior to initiation of negotiations for the acquisition of the real property, in whole or in part, or at the time a written notice is given of the Transportation Cabinet's intent to acquire the property and the displaced person obtains a mortgage on his replacement dwelling at a higher interest rate than the mortgage rate on the dwelling acquired by the Transportation Cabinet. All mortgages on the dwelling acquired by the Transportation Cabinet shall be considered in computing the increased interest cost portion of the replacement housing payment. In the case of a home equity loan, the unpaid balance shall be that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.

(2) In determining the amount of the increased interest payment, the computation shall be based on the monthly payment of the old mortgage, the remaining term of the old mortgage or term of new mortgage, whichever is shorter, and the old and new interest rates. Most increased interest payments shall also be based on the unpaid mortgage balance on the displacement dwelling. However, if the new mortgage amount is less, the payment shall be reduced accordingly.

(3) Documentation of the terms, amount and interest rate for the existing and new mortgages shall be submitted on a form prescribed and furnished by the Transportation Cabinet. This form shall be completed for the existing and new mortgages and signed by a representative of the lending agency. When a loan is included in a land contract, a copy of the contract may be used for documentation.

(4) Payment for purchaser's points, loan origination fees or assumption fees but not seller's points, shall be paid to the extent that:

(a) They are not paid as incidental expenses;

(b) They do not exceed rates normal to real estate transactions in the area; and

(c) They are determined to be necessary; and

(d) The points and fees are based on the unpaid mortgage balance on the displacement dwelling, less the amount of the mortgage payment computed in this section. To document these charges, the Transportation Cabinet shall be provided a copy of the lending agency's closing statement.

(5) The interest rate on the mortgage for the replacement dwelling to be used in the computation shall be the actual interest rate but shall not exceed the prevailing fixed interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(6) Increased interest payments normally shall be made directly to the displaced person. However, upon written request from the displaced person the payment may be made directly to the mortgagee of the replacement dwelling or may be paid into escrow prior to the displaced person's moving.

(7)(a) If the dwelling acquired is located on a tract normal for residential use in the area and only a portion of the tract is acquired by the Transportation Cabinet, the mortgage balance shall be reduced by the percentage ratio the acquisition price bears to the before value of the total tract. The reduction shall not apply when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.

(b) If a dwelling is located on a tract larger than normal for residential use in the area and only a portion of the tract is acquired by the Transportation Cabinet, the total mortgage balance shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.

(8) The interest payment on multiuse properties shall be reduced to the percentage ratio the residential value of the multiuse property bears to the before value.

(9)(a) If a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as shown in subsection (7)(b) of this section.

(b) If the mortgage interest rate is obviously based on the higher use, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value of the parcel.

Section 22. Replacement Housing Payments-Incidental Relocation Expenses. The incidental expenses which may be paid are those necessary and reasonable costs actually incurred by the

displaced person incidental to the purchase of a replacement dwelling and customarily paid by the buyer.

(1) The type of incidental expenses eligible for payment include, but shall not be limited to, the following:

(a) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats and recording fees;

(b) Lender, Federal Housing Administration, or Veteran's Administration application and apprising fees;

(c) Loan origination or assumption fees that do not represent prepaid interest;

(d) Certification of structural soundness and termite inspection when required;

(e) Credit report;

(f) Owner's and mortgagee's evidence of title, e.g., title insurance, not to exceed the costs for preparation of title insurance of a comparable replacement dwelling;

(g) Escrow agent's fee;

(h) State revenue or documentary stamps, sales on transfer taxes (not to exceed the costs for a comparable replacement dwelling); and

(i) Other costs as determined by the Transportation Cabinet to be incidental to the purchase.

(2)(a) An owner-occupant of 180 days or more who has a mortgage on the dwelling acquired and who places a mortgage on his replacement dwelling shall be reimbursed for the necessary and reasonable incidental expenses incurred when obtaining a mortgage on his replacement dwelling.

(b) An owner-occupant of 180 days or more who has no mortgage on the acquired dwelling, but who places a mortgage on his replacement dwelling shall not be reimbursed for the incidental expenses of obtaining his loan.

(c) An owner-occupant of less than 180 days, or a tenant-occupant of more than ninety (90) days who chooses to purchase a replacement dwelling may be reimbursed for eligible incidental expenses if they are included in the down payment. However, the total of the down payment and incidental expenses is limited to a maximum of $5,250.

Section 23. Replacement Housing Payments - Rental Payments. (1) A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed $5,250 for rental assistance, if the displaced person:

(a) Actually and lawfully occupied the displacement dwelling for at least ninety (90) days immediately prior to the initiation of negotiations; and

(b) Has rented or purchased and occupied a decent, safe and sanitary replacement dwelling within one (1) year after the date he moves from the displacement dwelling if he is a tenant; or

(c) In the case of an owner-occupant, has rented or purchased and occupied decent, safe and sanitary dwelling within one (1) year of the later of the date he received final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or the date he moved from the displacement dwelling.

(2) The base monthly rental for the displacement dwelling shall be the least of the three (3) computations below:

(a) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement using either actual or fair market rent. For a tenant who paid little or no rent for the displacement dwelling, fair market rent shall be used unless it would result in a hardship due to his personal income or other circumstances; or

(b) Thirty (30) percent of the person's average monthly gross household income. If a person refuses to provide evidence of income or is a dependent, the base monthly rent shall be the average monthly cost for rent or utilities. A full-time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or

(c) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amount for shelter and utilities. The base monthly rental shall include any rent supplement supplied by others unless the supplement is to be discontinued upon vacation of the property.

(3) To compute the rental assistance payment, from the amount the displaced person actually pays for a rental replacement dwelling including the estimated average monthly utilities or, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the base monthly rent of the acquired dwelling as determined in subsection (2) of this section. Then the cabinet shall multiply that amount by forty-two (42) to determine the actual payment. However, for owner-occupants the cabinet shall use the actual or fair market rent instead of the base monthly rent when computing the payment amount. In determining the amount necessary to rent a comparable dwelling the Transportation Cabinet shall examine, if available, three (3) comparable rental properties. Only when the local housing market does not contain three (3) comparable rental properties may the Transportation Cabinet determine the payment based on less than three (3).

(4) The disbursement of rental replacement housing payments may be in a lump sum payment, or in installments. The full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

Section 24. Replacement Housing Payments - Down Payment Assistance. Down payment assistance may be given to a tenant-occupant of ninety (90) days or more who purchases a replacement dwelling. A displaced person eligible for rental replacement housing payment under Section 23 of this regulation may receive a down payment assistance payment not to exceed $5,250. In order to receive this payment, the full amount of the payment shall be applied toward the purchase price of the replacement dwelling and related incidental expenses. If the rental assistance payment computed under Section 23 of this regulation would be zero dollars, the displaced person is entitled to receive the $5,250 for a down payment. A displaced person eligible to receive a replacement housing payment as a 180 or more day owner-occupant is not eligible for this payment.

Section 25. Replacement Housing Payment - Sleeping Room Tenant. A displaced person who has occupied a sleeping room for ninety (90) days or more and who is eligible to receive a replacement housing payment, may receive an amount not to exceed $5,250 as a rent supplement, or to enable him to make a down payment on a replacement dwelling. The provisions of Sections 23 or 24 of this regulation shall be followed.

Section 26. Mobile Homes - General. (1) The general provisions for moving expense payments to owners and tenants of conventional dwellings shall be applicable to owners or tenants of mobile homes.

(2) If it is determined that a sufficient portion of a mobile home park is taken that the remainder is not sufficient to continue the operation, and a mobile home in the remaining part of the park is required to be moved as a result of the project, the owner and any tenant shall each be considered a displaced person. A mobile home may be considered a replacement dwelling provided it is substantially a decent, safe and sanitary dwelling.

(3) The ownership or tenancy of the mobile home (not the land on which it is located) shall determine the occupant's status as an owner or a tenant. The length of ownership and occupancy of the mobile home or the mobile home site shall determine the occupant's status as a 180 day or ninety (90) day owner or tenant. The mobile home shall have been occupied on the same site (or in the same mobile home park) for the requisite 180 days or ninety (90) days to make the occupant eligible for a replacement housing payment or rent supplement.

(4) A nonoccupant-owner of a mobile home is eligible for an actual cost moving expense payment.

(5) If the person is displaced from a mobile home park, a nonreturnable mobile home park entrance fee is reimbursable provided it does not exceed the fee at a comparable park or if the Transportation Cabinet determines that it is necessary to pay the fee to effect relocation.

(6) There is no limit to the distance of the move of the displaced person. However, a relocation assistance moving expense payment shall be computed on a move of a distance of no more than fifty (50) miles, except when it is determined that the relocation cannot be accomplished within a fifty (50) mile radius. Beyond the fifty (50) mile radius, approval for a distance payment shall be limited to the nearest available mobile home site.

(7) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a comparable conventional dwelling. If it is determined that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the cost of a comparable replacement dwelling shall be assumed to be the sum of the value of the mobile home, the cost of any necessary repairs or modifications, and the estimated cost of moving the mobile home to a replacement site. If a mobile home is not actually acquired, but the occupant is considered displaced under this administrative regulation, the initiation of negotiations shall be the date of the initiation of negotiations to acquire the land, or, if the land is not acquired, the date the occupant is notified in writing that he is a displaced person for the purpose of these procedures. If the owner is reimbursed for the cost of moving the mobile home under this administrative regulation, he is not eligible for a replacement housing payment to assist in purchasing or renting a replacement mobile home. The person may, however, be eligible for assistance in purchasing or renting a replacement site.

(8) There may be other combinations of ownership of occupancy relating to mobile homes not covered in these procedures. In these cases, the Transportation Cabinet shall make every effort to treat the displaced person in a manner consistent with the other provisions of this section.

Section 27. Mobile Home Moving Expense Payments. (1) The general provisions for moving expense payments to owners and tenants of conventional dwellings shall also be applicable to owners and tenants of mobile homes. Displaced individuals or families occupying a mobile home may receive payment for the actual, reasonable expense of moving their personal property. If an owner-occupied mobile home is considered personal property, the cost of moving the mobile home is reimbursable. If the owner chooses to move the mobile home, it shall be moved by a commercial mobile home carrier licensed by the Department of Vehicle Regulation. The owner may choose the mover, and receive reimbursement for the actual, reasonable expenses. Request for payment of moving expenses shall be supported by receipted bills. Prior to authorizing a move of a mobile home, the Transportation Cabinet shall determine the items of personal property to be moved, including the mobile home and any items stored in accessory buildings, and determine that the mobile home mover is a licensed commercial mobile home carrier and obtain from him an estimate of the moving costs. This estimate shall include any necessary utility service connections. If this estimate is not reasonable, the cabinet may approach another mobile home mover or renegotiate the price.

(2) If the mobile home is not acquired, but the mobile home owner-occupant obtains a replacement housing payment under one (1) of the circumstances described in Section 28 (2)(c) of this regulation, the owner shall not be eligible for payment for moving the mobile home, but may be eligible for payment for moving personal property from the mobile home.

(3) However, the following expenses shall be eligible for an actual cost moving expense payment:

(a) The reasonable cost of disassembling, moving, and reassembling any attached appurtenance, such as a porch, deck, skirting, or awning; anchoring of the unit; and utility hook-up charges; and

(b) The reasonable cost of repairs or modifications if a mobile home requires repairs or modifications so that it can be moved or made decent, safe and sanitary, and it is determined that it would be economically feasible to incur the additional expense.

(3) Arrangements may be made between the Transportation Cabinet, the displaced person, and the mover so that the displaced person may present an unpaid moving bill to the Transportation Cabinet for direct payment to the mover.

(4) An application for moving expense payments

may be submitted in advance of the move so that payment is made available immediately upon completion of the move. In some unusual circumstances, and with prior approval of the Transportation Cabinet, moving expense payments may be made prior to the actual move.

(5) If a mobile home is considered real property, acquired by the Transportation Cabinet and included in the appraised value of the site, and if the owner repurchases the mobile home from the Transportation Cabinet, the cost of moving the mobile home shall not be eligible for moving expense payments.

(6) If the landowner occupies the mobile home and the mobile home is acquired by the Transportation Cabinet or if a tenant-occupant of a mobile home is displaced, the displaced person shall move his personal property from his mobile home by one (1) of the following methods:

(a) The displaced person may elect to move his personal belongings by the use of a commercial mover as prescribed in Section 10(4) of this regulation.

(b) The displaced person may elect to move his personal property from the mobile home according to the fixed-rate schedule set out in Section 10(5) of this regulation. The room count of furniture shall be based on the actual number of furnished rooms. A small detached shed or building used to store such things as lawn mowers, lawn chairs, hoses, etc., shall be considered as an additional room, if the shed or building contains sufficient personality as to constitute a room.

Section 28. Mobile Home Replacement Housing and Rent Supplement Payments. (1) The replacement housing or rent supplement payment for a mobile home shall be computed in two (2) parts:

(a) The replacement housing or rent supplement payment for the mobile home shall be computed in accordance with the procedures set forth in Sections 15 and 18 through 25 of this regulation.

(b) The replacement housing or rent supplement payment for the mobile home site shall be computed based on comparable sites, but the total payment shall be limited to the maximums established in this administrative regulation according to the displaced person's ownership or tenancy of the land.

(c) The sum of these two (2) parts cannot exceed the $5,250 or $22,500 limit set for rent supplement or replacement housing payments. The total of these two (2) parts cannot exceed $22,500.

(2) A mobile home owner-occupant who has owned and occupied the mobile home for 180 days or more shall be eligible for a replacement housing payment not to exceed $22,500 provided:

(a) The displaced person owns the displacement mobile home and occupied it on the displacement site at least 180 days immediately prior to the initiation of negotiations;

(b) The displaced person meets the other basic eligibility requirements in Section 18 of this regulation; and

(c) The Transportation Cabinet acquired the mobile home as real property, or the mobile home is not acquired by the Transportation Cabinet but the owner is displaced because it is determined that the mobile home:

1. Is not and cannot economically be made decent, safe and sanitary; or

2. Cannot be relocated without substantial damage or unreasonable cost; or

3. Cannot be moved because there is no available comparable replacement site; or

4. Cannot be relocated because it does not meet mobile home park entrance requirements.

If the mobile home is not actually acquired, the acquisition cost of the displacement dwelling used for the purpose of computing the price differential amount, shall include the salvage value or trade-in value of the mobile home, whichever is higher.

(3) A displaced owner-occupant of 180 days or more of a mobile home and site who meets the provisions of subsection (2) of this section:

(a) Shall be eligible for replacement housing payments for the following specific items:

1. The additional costs necessary to purchase replacement housing in accordance with Section 18 of this regulation;

2. The amount necessary to compensate him for the loss of favorable financing on his existing mortgage in the financing of replacement housing under the provisions of Section 21 of this regulation; and

3. An amount to reimburse the owner for incidental expenses incurred in the purchase of replacement housing in accordance with Section 22 of this regulation.

(b) Who is eligible for a replacement housing payment and who elects to rent is eligible for a rental replacement housing payment, not to exceed $5,250.

(4) If the Transportation Cabinet acquires both the mobile home and site from the owner-occupant of 180 days described in subsection (2) of this section, the replacement housing payment shall be computed as follows:

(a) If the owner purchases replacement housing the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his mobile home and site equals the lesser of the amount the owner is required to pay for a decent, safe and sanitary replacement mobile home and site, or if a mobile home and site are not available, the cost of a conventional dwelling, and the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home and site or conventional dwelling in accordance with the provisions of Section 18 of this regulation.

(b) If the owner elects to rent, the Transportation Cabinet shall compute the rental replacement housing payment by subtracting the fair market rent, including utilities as determined by the Transportation Cabinet from the amount the displaced person actually pays for a rental replacement dwelling, including estimated average monthly utilities, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and mobile home site or conventional dwelling, including the estimated average monthly utilities multiplied by forty-two (42).

(5) If the Transportation Cabinet from the owner-occupant of 180 days or more described in subsection (2) of this section acquires the site, but not the mobile home situated upon the site, and the mobile home is required to be moved, the replacement housing payment shall be computed as follows:

(a) If the owner purchases a replacement site, the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his mobile home site equals the lesser of the amount the owner is required to pay for a

comparable site, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home site;

(b) If the owner elects to rent a replacement site, the rental replacement housing payment shall be computed by subtracting the fair market rent including utilities as determined by the Transportation Cabinet from the amount the displaced person actually pays for a rental site, including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home site, including the estimated average monthly utilities. To compute the actual payment the cabinet shall multiply that amount by forty-two (42).

(6) If an owner-occupied mobile home situated on a rental site is acquired from the owner-occupant of 180 days described in subsection (2) of this section, the replacement housing payment shall be computed as follows:

(a) If the owner purchases a replacement mobile home, the amount, if any, which when added to the amount for which the Transportation Cabinet acquired the mobile home equals the lesser of the actual amount the owner is required to pay for a replacement dwelling, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home, plus a site rental payment computed by subtracting the actual or fair market rent, including utilities as determined by the Transportation Cabinet from the amount the owner pays for a rental site including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home site, including the estimated average monthly utilities. To determine the actual payment the Transportation Cabinet shall multiply that amount by forty-two (42). The owner of the mobile home may choose to purchase a comparable mobile home site as an alternative to renting a site. If so, to receive the replacement housing payment, the full amount of the payment shall be applied toward the purchase price of the replacement lot and related incidental expenses. Also, the displaced person shall purchase the lot and place his mobile home on the replacement lot. This payment shall be limited to $5,250.

(b) If the owner elects to rent a replacement mobile home, the rent supplement payment shall be computed by subtracting the actual or fair market rent, including utilities as determined by the Transportation Cabinet from the amount the displaced person pays for a rental mobile home and site, including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and site including the estimated average monthly utilities. The Transportation Cabinet shall then multiply that amount by forty-two (42) to compute the actual payment.

(7) If the Transportation Cabinet acquires the site where the owner-occupant of 180 days of a mobile home described in subsection (2) of this section rents the site but the cabinet does not acquire the mobile home, the replacement housing payment shall be determined as follows:

(a) If the owner of the mobile home elects to purchase a replacement site, the replacement housing payment shall be a down payment assistance payment not to exceed $5,250 if the owner of the mobile home purchases and occupies the replacement site within one (1) year. The full amount of the payment shall be applied to the purchase of a replacement mobile home site and related expenses.

(b) If the owner of the mobile home elects to rent a replacement site, the rental replacement housing payment shall be determined by subtracting the actual or fair market rent including utilities as determined by the Transportation Cabinet from the amount the owner pays for a rental mobile home site including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable mobile home site including utilities. The Transportation Cabinet shall then multiply that amount by forty-two (42).

(8) A displaced owner-occupant of a mobile home who has occupied for less than 180 days the mobile home on the site from which he is being displaced, and who is otherwise eligible under the provisions of Section 18 of this regulation is eligible for a replacement housing payment not to exceed $5,250. The replacement housing payment may enable him to make a down payment on the purchase of replacement housing in accordance with the provisions of paragraph (a) of this subsection and reimburse him for the actual expenses incidental to the purchase. If he elects to rent, a rental replacement housing payment shall be determined as provided in paragraph (b) of this subsection. The payment is to be computed and disbursed in accordance with the provisions of Section 23 of this regulation.

(a) When the cabinet is acquiring both the mobile home and site from the owner-occupant, the displaced person eligible for a rental replacement housing payment may receive a down payment assistance payment not to exceed $5,250 only if the full amount of the payment is applied to the purchase price of the replacement dwelling and related incidental expenses. The amount for which he is eligible shall be limited to the amount he would receive if he were an owner-occupant of 180 days or more.

(b) If the Transportation Cabinet acquires the mobile home and site from the less than 180 days owner-occupant, a rental replacement housing payment shall be computed by subtracting the monthly fair market rent of the mobile home and site including utilities as determined in by the cabinet from the amount the owner actually pays for a rental mobile home and site including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and site, including the estimated average monthly utilities. To compute the actual payment the Transportation Cabinet shall multiply this amount by forty-two (42).

(9) If the Transportation Cabinet acquires the site but not the mobile home from the owner-occupant described in subsection (2) of this section except that he had occupied the mobile home for less than 180 days, the replacement housing payment shall be determined as follows:

(a) If the owner purchases conventional replacement housing or purchases a site to which the mobile home is moved, the replacement housing payment shall be determined as in subsection 8(a) of this section.

(b) If the owner elects to rent replacement housing, a rental replacement housing payment shall be computed by subtracting the monthly

fair market rent of the acquired site, including utilities as determined by the cabinet from the amount the displaced person actually pays for a rental replacement mobile home site, including the estimated average monthly utilities, or if less, the amount determined by the Transportation Cabinet as necessary to rent comparable mobile home site including the estimated average monthly utilities. To compute the actual payment the Transportation Cabinet shall then multiply this amount by forty-two (42).

(10) A displaced tenant of a mobile home who has occupied for at least ninety (90) days the mobile home on the site from which he has been displaced and who is otherwise eligible under the provisions of Section 23(1) of this regulation, is eligible for a replacement housing payment, not to exceed $5,250. The rental replacement housing payment shall be determined in accordance with the provisions of Section 23 of this regulation. If the displaced person elects to purchase a replacement dwelling, he shall receive a payment in accordance with Section 24 of this regulation.

Section 29. Last Resort Housing. The last resort housing procedures of this section shall be implemented when it is determined that a Transportation Cabinet project cannot proceed to actual construction because comparable replacement sale or rental housing, within the monetary limits is not available and the housing cannot otherwise be made available. A person cannot be required to move from his dwelling unless at least one (1) comparable replacement dwelling is made available to the person.

(1) If comparable decent, safe and sanitary housing is not available, any decision to provide last resort housing assistance shall be justified either:

(a) On a case-by-case basis, during which consideration has been given to:

1. Availability of comparable housing in the area of the project;

2. Resources available to provide comparable housing; and

3. Individual circumstances of the displaced person; or

(b) It is determined that:

1. There is little, if any, comparable replacement housing available to a displaced person within an entire project area. Therefore, a case-by-case justification for last resort housing assistance is not necessary;

2. A project cannot be advanced to completion in a timely manner without last resort housing assistance; and

3. The method selected for providing last resort housing assistance is cost effective, considering all elements which contribute to total project costs.

(2) No displaced person shall be deprived of any rights the person may have under KRS 56.610 to 56.760. No displaced person shall be required, without the person's written consent, to accept a dwelling provided by the Transportation Cabinet under the procedures described in subsection (3) of this section in lieu of any acquisition payment or any relocation payment for which the person may be eligible;

(3) The methods of providing last resort housing include, but are not limited to:

(a) A replacement housing payment in excess of the limits set forth in Sections 18 and 23 of this regulation. Rental assistance subsidy in last resort housing may be provided in installments or in a lump sum as determined by the Transportation Cabinet;

(b) Rehabilitation of or addition to an existing replacement dwelling;

(c) Construction of a new replacement dwelling;

(d) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may or may not be secured by the real property. The loan may or may not be interest free;

(e) The relocation and, if necessary, rehabilitation of a dwelling;

(f) The purchase of land or a replacement dwelling by the Transportation Cabinet and subsequent sale or lease to or exchange with a displaced person;

(g) Removal of barriers to the handicapped; and

(h) The change in status of the displaced person from tenant to homeowner when it is more cost effective to do so, as in cases where a down payment may be less expensive than a last resort rental assistance payment.

(4) Under special circumstances, modified methods of providing housing of last resort permit consideration of:

(a) Replacement housing based on space and physical characteristics different from those in the displacement dwelling;

(b) Upgraded, but smaller replacement housing that is decent, safe and sanitary and adequate to accommodate the individuals or families displaced from marginal or substandard housing with probable functional obsolescence; or

(c) For the displaced person who is ineligible for a rent supplement or a replacement housing payment (for example, a tenant of less than ninety (90) days or a person who occupies the property subsequent to the initiation of negotiation) when comparable rental replacement housing is not available at rental rates within the person's financial means. The housing provided shall be comparable housing. To determine if a tenant in this category is entitled to a replacement housing payment, the Transportation Cabinet shall subtract thirty (30) percent of the person's gross monthly household income from the cost of a comparable replacement dwelling and multiply the difference by forty-two (42). There shall be no prohibition against making direct payments to a displaced person under last resort housing. Each case shall be reviewed to determine if it is the best interest of the person or family. The payment may be made to a third party or in installments.

Section 30. Appeals. (1) A person may file a written appeal and request for hearing with the Transportation Cabinet in any case in which the person believes that the cabinet has failed to properly determine his eligibility for, or the amount of the payment required under the provisions of this administrative regulation. The Transportation Cabinet shall consider a written appeal regardless of form. The appeal shall be filed within sixty (60) days of the date of his written notice from the Transportation Cabinet of the Cabinet's determination on the person's claim.

(2) A person may be represented by legal counsel or other representative in connection with his appeal, but solely at his own expense.

(3) The Secretary of the Transportation

Cabinet shall appoint a hearing officer for the purpose of conducting the hearing and making a recommendation to the secretary with reference to the appeal. At the hearing, technical rules of evidence shall not apply. However, the hearing officer shall be authorized to issue rulings regarding the competency, relevancy and materiality of the evidence to be presented at the hearing. A record of all evidence introduced at the hearing shall be made by the Transportation Cabinet.

(4) The hearing officer shall make findings of facts, conclusions of law and a recommended decision on the disposition of the appeal. A copy of this shall be made available to all parties concerned, including the person requesting the hearing and the attorney representing the Transportation Cabinet in this appeal procedure. They shall have twenty (20) days in which to comment on or object to the hearing officer's recommended decision. These comments or objections shall be presented in writing.

(5) The Transportation Secretary or his representative, who shall not have been directly involved in the action appealed, shall consider not only the hearing officer's recommended decision but also any written comments received from the involved parties in making his final ruling.

(6) If the full relief requested in the appeal is not granted, the Transportation Cabinet shall advise the person of his right to seek judicial review.

O. GILBERT NEWMAN, State Highway Engineer
B.G. BODNER, Executive Director
MILO D. BRYANT, Secretary/Commissioner
APPROVED BY AGENCY: September 26, 1990
FILED WITH LRC: September 28, 1990 at 2 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on November 26, 1990 at 9:30 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by November 21, 1990 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until November 21, 1990. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: The change to this administrative regulation will affect only 3-6 families per year.

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

1. First year: The actual relocation payment may exceed the $5,250 limit for an owner-occupant of 180 days or more eligible for a purchase replacement housing payment who elects to rent a replacement dwelling if the owner-occupant was eligible for a last resort housing payment. The average increase per family is $1,000.

2. Continuing costs or savings: The actual relocation payment may exceed the $5,250 limit for an owner-occupant of 180 days or more eligible for a purchase replacement housing payment who elects to rent a replacement dwelling if the owner-occupant was eligible for a last resort housing payment. The average increase per family is $1,000.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Not applicable.

(b) Reporting and paperwork requirements: None as a result of the amendment.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The payments to owner-occupant could increase by $3,000-$6,000 per year. However, much of that cost is eligible for federal participation.

2. Continuing costs or savings: The payments to owner-occupant could increase by $3,000-$6,000 per year. However, much of that cost is eligible for federal participation.

3. Additional factors increasing or decreasing costs: Not applicable.

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected because FHWA pointed out that there was an instance when the $5,250 limit could be exceeded.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None.

TIERING: Was tiering applied? Yes. The amendment further tiers the level of payments to relocated persons.

TRANSPORTATION CABINET
Department of Highways
Divisions of Maintenance and Traffic
(Proposed Amendment)

603 KAR 5:025. Fully controlled access highways.

RELATES TO: KRS 177.220, 177.230, 177.300, 189.190, 189.340, 433.750, 433.753

STATUTORY AUTHORITY: KRS 174.080, 175.450(7), 177.230, 177.410(6), 189.231

NECESSITY AND FUNCTION: This regulation promulgates prescriptions and proscriptions deemed necessary for the safe, orderly regulation of traffic for all Kentucky Toll

Roads, Interstate Highways and other Fully Controlled Access Highways.

Section 1. Definitions. (1) "Farm implement" means machinery, equipment or vehicle used exclusively in a farm operation and which is not required by KRS Chapter 186 to be registered.

(2) "Fully controlled access highway" means a highway which gives preference to through traffic and which shall have access only at selected public roads or streets, and which shall have no highway grade crossing or intersection.

(3) "Hitchhiking" means the solicitation of a ride in a motor vehicle.

(4) "Motor scooter" means a motor vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels with a motor which produces five (5) horsepower or less.

(5) "Toll road" means any turnpike project constructed under the provisions of KRS Chapter 175 or KRS 177.390 through 177.570 on which a toll is collected or was in the past collected by the Transportation Cabinet.

Section 2. [1.] Unidirectional Nature of Traffic Lanes and Ramps. (1) On multilane (four (4) or more lanes) divided toll roads, interstate highways, and other fully controlled access highways, no vehicle shall be operated or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane, deceleration lane, acceleration lane, ramp, shoulder or other traveled way of the [such] highway.

(2) On two (2) lane, two (2) way undivided toll roads, interstate highways, and other fully controlled access highways, no vehicle shall be operated or otherwise caused to move in a direction which is against the normal flow of traffic on any traffic lane where passing is prohibited by signs or markings or on any deceleration lane, acceleration lane, ramp, shoulder or other traveled way of such highway.

Section 3. [2.] Prohibition of U-turns and Left Turns. The making of a U-turn at any point on toll roads, interstate highways, and other fully controlled access highways is prohibited. Excepted from this provision are maintenance, emergency, and police vehicles. The making of a left turn on these [such] roads, except where permitted by official signs, is prohibited.

Section 4. [3.] Prohibition of Standing, Stopping, or Parking on Shoulders. No vehicle shall be parked, stopped, or allowed to stand on the shoulders of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto, except that in the case of emergency, vehicles shall be permitted to stop on the shoulders to the right of the traveled way with all wheels and projecting parts of the [such] vehicle, including the load, completely clear of the traveled way. Parking of any vehicle which is disabled on the shoulders of a toll road, interstate highway, or other fully controlled access highway, including ramps thereto, for more than six (6) hours continuously is prohibited and vehicles violating this provision may be towed away at the cost of the owner.

Section 5. [4.] Waste and Rubbish. Littering of the right-of-way of any toll road, interstate highway, or other fully controlled access highway with bottles, cans, paper, garbage, rubbish or other material of any kind or description is prohibited.

Section 6. [5.] Damaging of Shrubs or Plants. No unauthorized person shall cut, mutilate, or remove any trees, shrubs, or plants located within the right-of-way of any toll road, interstate highway, or other fully controlled access highway.

Section 7. [6.] Limitations on Use. Use of toll roads, interstate highways, and other fully controlled access highways by the following is prohibited at all times:

(1) Bicycles or motor scooters; [. Motor scooters are hereby defined as motor vehicles having a seat or saddle for the use of the driver and designed to travel on not more than three (3) wheels with a motor which produces five (5) horsepower or less.]

(2) Vehicles drawn by animals;

(3) Animals led, ridden, or driven on hoof;

(4) Vehicles with improperly secured loads or loaded with animals not properly confined;

(5) Vehicles with metal treads and vehicles with caterpillar treads;

(6) Farm implements which are not being transported on a straight truck or truck trailer combination or a semitrailer; [and farm machinery, whether propelled or towed (does not include farm trucks).]

(7) Construction equipment other than motor trucks, except by special permit; and [.]

(8) Moped as defined in KRS 186.010(5).

Section 8. [7.] Prohibition of Hitchhiking. No person shall solicit a ride in a vehicle while [The soliciting of rides in vehicles, commonly known as hitchhiking,] on any portion of the right-of-way of a toll road, interstate highway, or other fully controlled access highway [is prohibited].

Section 9. [8.] Passing and Following Vehicles; Traffic Lanes (Applicable only to two (2) lane, two (2) way undivided toll roads, interstate highways, and other fully controlled access highways).

(1) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left of them and shall not again drive to the right until reasonably clear of those vehicles. No vehicle shall be driven to the left side of the roadway in overtaking and passing another vehicle proceeding in the same direction unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(2) Drivers shall obey the instructions of all signs and markings placed to assign traffic lanes, to specify directions or to designate slow moving traffic lanes in all areas where climbing lanes have been added.

(3) The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having regard for the speed of the vehicle and the traffic upon and the condition of the highway. The operator of any truck, bus,

or heavy equipment unit shall not follow within 250 feet of another vehicle; this shall not prevent overtaking and passing, nor shall it apply to any lane designated for use of slow moving traffic.

Section 10. [9.] Prohibition of Vending on Shoulders and Right-of-way. No vehicle shall be parked, stopped, or allowed to stand on the shoulders or right-of-way of any toll road, interstate highway, or other fully controlled access highway, including ramps thereto for the purpose of displaying, selling or offering for sale any merchandise, wares, produce, services or other items. Nor shall any person be allowed to engage in the above activities on the above mentioned shoulders or right-of-ways.

[Section 10. (1) "Fully controlled access highways" as used in this regulation shall mean highways which give preference to through traffic and which shall have access only at selected public roads or streets, and which shall have no highway grade crossing or intersection. Such term includes, but is not limited to, interstate highways and toll roads.]

[(2) "Toll roads" as used in this regulation shall mean any turnpike project constructed under the provisions of KRS Chapter 175 or KRS 177.390 to 177.570.]

O. GILBERT NEWMAN, State Highway Engineer
MILO D. BRYANT, Secretary/Commissioner
APPROVED BY AGENCY: September 25, 1990
FILED WITH LRC: October 11, 1990 at 2 p.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on November 26, 1990 at 10:30 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by Novembeer 21, 1990 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until November 21, 1990. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: Transporters of farm implements in Kentucky.
(a) Direct and indirect costs or savings to those affected: The only substantive change to the administrative regulation allows farm implements to be transported on a toll road, interstate highway or other fully controlled limited access highways if on another vehicle. While most people assumed that was possible under the administrative regulation, there was confusion. There will be a small savings to those farm implement transporters who thought they could not move the farm implements on a tractor-trailer or other truck unit.
1. First year: Minimal savings.
2. Continuing costs or savings: Minimal 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: Eliminates confusion in this administrative regulation and 603 KAR 5:075.
(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: Not clarifying the meaning of the administrative regulation was rejected because once the cabinet understood that there was some confusion, we were obligated to clarify the issue.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is small amount of overlap with 603 KAR 5:075, but 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:
TIERING: Was tiering applied? Yes. The entire administrative regulation is tiered because these are additional safety requirements imposed on higher speed roads.

TRANSPORTATION CABINET
Department of Highways
Division of Planning
(Proposed Amendment)

603 KAR 5:070. Motor vehicle [Truck] dimension limits.

RELATES TO: KRS 189.222
STATUTORY AUTHORITY: KRS 189.222(1)
NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable size limits for motor vehicles [trucks] using the State Primary Road System. The State Primary Road System consists of those roads maintained by the Department of Highways. This regulation is adopted to set [fix] the maximum motor vehicle dimensions for all classes of highways. However, bus dimension limits are set forth in 603 KAR 5:071.

Section 1. Except as provided in Section 2 of this regulation, the maximum dimensions for all motor vehicles except buses [trucks] using all classes of highways shall be as follows:
(1) Height: including body and load, not to exceed thirteen (13) feet and six (6) inches.
(2) Width: including body and load, not to exceed eight (8) feet.
(3) Length.

(a) Single unit motor vehicle [Motor truck (single unit)], including any part of the body or load, not to exceed forty-five (45) feet. However, if the front or rear overhang exceeds five (5) feet, an overdimensional permit shall be obtained prior to the operation of the vehicle. However, single unit motor vehicles transporting utility poles or pipes in which the vehicle and load do not exceed forty-five (45) feet shall not be required to obtain an overdimensional permit.

(b) Motor vehicle and trailer or semitrailer cominations [Truck tractors and semitrailers], including any part of the body or load, not to exceed fifty-five (55) feet, except for truck tractor and semitrailer units exclusively engaged in the transportation of motor vehicles or boats, a three (3) foot front and four (4) foot rear [the usual and ordinary bumper] overhang of the transported vehicles or boats is excluded in the measurement of the fifty-five (55) feet.

(c) If the front or rear overhang of a motor vehicle and trailer or semitrailer combination exceeds five (5) feet, an overdimensional permit shall be obtained prior to the operation of the vehicle. In truck tractor and semitrailer units exclusively engaged in the transprotation of motor vehicles or boats, a three (3) foot front and four (4) foot rear overhang of the transported vehicles or boats shall be excluded from this measurement.

(d) [(4)] A tolerance of not more than five (5) percent shall be permitted on overall length before a motor carrier is deemed to be in violation of this section.

Section 2. (1) Motor vehicles except buses with [increased] dimensions greater than those [from that] specified in Section 1 of this regulation but which do not exceed the dimensions set forth in subsection (2) of this section may be operated without an overdimensional permit only on the [on certain] highways listed in Section 3(1) of this regulation and on the five (5) mile local access authorized in Section 3(2) of this regulation. [These specific highways will be referred to as the IDTT (increased dimension-twin trailer) system.]

(2) [(1)] Motor vehicles shall [may] not exceed, without an overdimensional permit, the following width and length dimensions when operating on those highways listed in Section 3(1) [subsection (2)] of this administrative regulation [section]:

(a) Width - 102 inches including any part of the body or load.

(b) Length.

1. [-] Semitrailers - fifty-three (53) feet including body and load when operated in tractor semitrailer combination.

2. [;] Trailers - twenty-eight (28) feet including body and load when operated in a tractor-semitrailer-trailer combination, not to exceed two (2) trailers per truck tractor.

3. If the load overhangs the body of the trailer or semitrailer by more than five (5) feet an overdimensional permit shall be required regardless of the overall length of the unit, except in truck tractor and semitrailer units exclusively engaged in the transportation of motor vehicles or boats, a three (3) foot front and four (4) foot rear overhang of the transported vehicles or boats shall be excluded in the measurement.

4. There shall be no overall length limitation on motor vehicles operating on highways listed in Section 3(1) of this regulation or on the five (5) mile local access authorized in Section 3(2) of this regulation as [subsection (2) of this section so] long as the requirements set forth in this subsection are met.

5. In a tractor semitrailer-[semi]trailer combination vehicle in which the two (2) trailing units are connected with a rigid frame extension attached to the rear frame of the first semitrailer which allows for a fifth wheel connection point for the second semitrailer, the length of the extension shall be excluded from the measurement of semitrailer length; however, when there is no second semitrailer mounted to the fifth wheel, the length of the extension shall be included in the length measurement for the semitrailer.

(3) No dimension specified in this section shall be subject to any enforcement tolerances provided in any other section.

Section 3. (1) [(2)] The following highways are designated to permit the operation of motor vehicles with increased dimensions but which do not exceed the limitations stated in Section 2(2) of this regulation [subsection (1) of this section]:

[(a)] The Interstate and National Defense Highway System.

[(b) And the following:]

Audubon Parkway - from Pennyrile Parkway at Henderson to US 60 Bypass in Owensboro.

Bluegrass Parkway - from I-65 in Elizabethtown to US 60 near Versailles.

Cumberland Parkway - from I-65 at Warren County line to US 27 west of Somerset.

Daniel Boone Parkway - from US 25 north of London to KY 15 north of Hazard.

Green River Parkway - From I-65 in Bowling Green to US 60 Bypass in Owensboro,.

Jackson Purchase Parkway - from Tennessee state line to I-24 in Marshall County.

Mountain Parkway and Extension - from I-64 at Winchester to US 460 at Salyersville.

Pennyrile Parkway - From US 41A in Hopkinsville to US 41 near Henderson.

Western Kentucky Parkway - from I-24 south of Eddyville to US 31W in Hardin County.

[Jackson Purchase Parkway - from Tennessee state line west of Fulton to US 45 Bypass.]

[US 45 Bypass - from Jackson Purchase Parkway west of Mayfield to Jackson Purchase Parkway north of Mayfield.]

[Jackson Purchase Parkway - from US 45 Bypass to I-24 in Marshall County.]

[Western Kentucky Parkway - from I-24 south of Eddyville to US 31W in Hardin County.]

[Blue Grass Parkway - from I-65 at Elizabethtown to US 60 near Versailles.]

[Green River Parkway - from I-65 at Bowling Green to US 60 Bypass in Owensboro.]

[Mountain Parkway - from I-64 east of Winchester to KY 15 north of Campton.]

[Mountain Parkway Extension - from end of Mountain Parkway at Campton to US 460 at Salyersville.]

[Daniel Boone Parkway - from US 25 north of London to KY 15 north of Hazard.]

[Pennyrile Parkway - from US 41A at south city limits of Hopkinsville to US 41 south of Nortonville.]

[Pennyrile Parkway - concurrent with US 41

from south of Nortonville to north of Madisonville.]

[Pennyrile Parkway - from north of Madisonville to US 41 in Henderson.]

[Audubon Parkway - from Pennyrile Parkway at Henderson to US 60 Bypass in Owensboro.]

[Cumberland Parkway - from I-65 at Warren County line to US 27 west of Somerset.]

[I-471 Connector - from US 27 in Campbell County to I-471.]

KY 4 - The entire circle of Lexington.

[KY 10 - from new construction 4.21 miles east of Bracken County line to US 62-68 at Maysville.]

KY 11 - from the junction with KY 32 in Fleming County [KY 3170 at Lewisburg] to US 62-68 in Maysville.

KY 15 - from [Mountain Parkway at Campton to] US 119 in Whitesburg to the Mountain Parkway at Campton.

KY 18 - from KY 338 at Burlington to KY 1017 [US 25] in Florence.

KY 21 - from I-75 near Berea to US 25 south in Berea.

US 23 - from KY 1426 south [Ohio state line to US 119 north] of Pikeville to the Ohio state line.

US 23 - from the [US 119 near Jenkins to] Virginia state line to US 119 near Jenkins.

US 23 Spur - from US 23/60 in Ashland to the Ohio state line [River Bridge at Ashland].

US 25 - from US 421 south of Richmond to KY 876 in Richmond.

US 25 - from KY 418 southeast [west] of Lexington to Nandino Boulevard in Lexington (via KY 4).

US 25 - from US 42 in Florence to Ohio state line.

US 25E - from Virginia state line to I-75 north of Corbin.

US 27 - from Tennessee state line to Ohio state line (via KY 4 in Lexington).

US 31E - from Tennessee state line to KY 90 at Glasgow (via the Scottsville Bypass and the Glasgow Bypass).

US 31W - from Tennessee state line to KY 73 north of Franklin [255 at Park City (via US 31W Bypass in Bowling Green)].

US 31W - from the Green River Parkway to US 68 north of Bowling Green.

US 31W - from US 31W Bypass in Elizabethtown to I-264 in Shively.

US 31W Bypass - from Western Kentucky Parkway to US 31W in Elizabethtown.

KY 32 - from KY 11 in Fleming County [I-64 west of Morehead] to US 60 at Morehead.

KY 35 - from US 127 at Bromley to I-71 north of Sparta.

KY 36 - from I-64 south of Owingsville to US 60 at Owingsville.

KY 36 - from US 42 in Carrollton to KY 227.

US 41 - from US 68 (Main Street) in Hopkinsville to US 68 (McLean Avenue) in Hopkinsville.

US 41 - concurrent with Pennyrile Parkway from south of Nortonville to north of Madisonville.

US 41 - from Pennyrile Parkway at Henderson to Indiana state line.

US 41A - from Tennessee state line to Pennyrile Parkway at south city limits of Hopkinsville.

US [KY] 41A - from KY 112 in Earlington to KY 281 and KY 1751 in Madisonville.

US 42 - from I-264 northeast of Louisville to Oldham County line.

US 42 - from I-75 in Florence to US 25 in Florence.

US 42 - from KY 55 at Carrollton to KY 47 at Ghent.

US 45 - from the Jackson Purchase Parkway [US 45 Bypass] north of Mayfield to US 60 [62] in Paducah.

US 45 Bypass - concurrent with the Jackson Purchase Parkway from southwest of Mayfield to US 45 north of Mayfield.

US 51 - from Jackson Purchase Parkway in Fulton County [KY 121 in Wickliffe] to Illinois state line.

KY 52 - from KY 876 in Richmond to KY 499 at Irvine.

KY 55 - from Cumberland Parkway in Columbia to US 150 at Springfield, via US 68 and KY 49.

US 60 - from US 51 in Wickliffe to US 62 east of Paducah [I-24 in McCracken County].

US 60 - from East O'Banion Avenue in Morganfield to KY 425, the Henderson Bypass.

US 60 - from US 60 Bypass west of Owensboro to KY 69 at Hawesville.

US 60 - from KY 144 in Meade County to US 31W at Tip Top.

US 60 - from I-264 east of Louisville to KY 1531 at Eastwood.

US 60 - from US 421/460 at Frankfort to I-75 near Lexington (via Versailles and KY 4 in Lexington).

US 60 - from junction of KY 180 near Cannonsburg to US 23 in Ashland.

[US 60 - from KY 144 in Meade County to US 31W at Ft. Knox.]

US 60 Bypass - from US 60 west of Owensboro to US 60 east of Owensboro.

US 61 - from Tennessee state line to KY 90 at Burkesville.

US 62 - from US 60 east of [I-24 at] Paducah to Western Kentucky Parkway east of Eddyville.

US 62 - from [KY 245 at Bardstown to] US 150 at Bardstown to KY 245 at Bardstown.

US 62 - from US 421 west of Midway to US 421 in Scott County, concurrent with US 421.

US 62 - from KY 353 southwest of Cynthiana to US 27 at Cynthiana.

US 62 - from US 68 at Washington to the Ohio state line at Maysville.

US 68 - from US 62 at Reidland to KY 284 in McCracken County.

US 68 - from I-24 in Trigg County to Green River Parkway at Bowling Green via US 41 in Hopkinsville.

US 68 - from KY 55 southwest of Campbellsville to KY 55 in Lebanon.

US 68 - from its east intersection with US 150 in Perryville to its west intersection with US 150 in Perryville.

US 68 - from US 127 south in Harrodsburg to US 127 north in Harrodsburg.

US 68 - from US 27 at Paris to US 62 [Ohio state line] at Washington [Maysville] (via Paris Bypass).

KY 69 - from US 60 at Hawesville to Indiana state line.

KY 70 - from I-65 west of Cave City to KY 90 southeast of Cave City.

KY 79 - from KY 1051 in Brandenburg to Indiana state line.

KY 80 - from KY 80B [US 27] at Somerset to US 25 north of London.

KY 80 - from KY 15 at Hazard to US 23 at Watergap [Allen].

KY 80B - From US 27 at Somerset to KY 80 east of Somerset.

KY 90 - from KY 70 [I-65] at Cave City to

Cumberland Parkway at Glasgow.

KY 90 - from KY 61 at Burkesville to US 27 at Burnside.

KY 114 - from US 460 east of Salyersville to US 23/460 at Prestonsburg.

KY 118 - from [Daniel Boone Parkway to] US 421 and KY 80 northwest of Hyden to the Daniel Boone Parkway.

US 119 - from KY 15 at Whitesburg to US 23 at Jenkins.

US 119 - from US 25E south of Pineville to US 421 at Harlan.

US 119 - from US 23 at Pikeville to KY 1441 [1141] northeast of Pikeville.

KY 121 - from the Jackson Purchase Parkway [US 45 Bypass] at Mayfield to US 51 in Wickliffe.

US 127 - from KY 90 west to KY 90 east in Clinton County (concurrent with KY 90).

US 127 - from US 127 Bypass north of Danville to US 127 Bypass south of Lawrenceburg.

US 127 - from I-64 west of Frankfort to US 421 in Frankfort.

US 127 - from KY 22 in Owenton to KY 35 at Bromley.

US 127 Bypass - from US 127 south of Danville to US 127 north of Danville.

US 127 Bypass - from US 127 south of Lawrenceburg to US 127 [- KY 151] north of Lawrenceburg.

[US 127 - from KY 22 in Owenton to KY 35 at Bromley.]

KY 144 - from KY 448 south of Brandenburg to US 60.

US 150 - from US 62 [31E] at Bardstown to US 27 at north city limits of Stanford (via the US 150 Bypass in Danville).

US 150B - from US 127 south of Danville to US 150 east of Danville.

KY 151 - from US 127 near Lawrenceburg to I-64 near Graefenburg.

KY 180 - from I-64 [Interchange] near Cannonsburg to US 60 [and KY 180] at Cannonsburg.

KY 191 - from KY 205 north to KY 205 south in Wolfe County, concurrent with KY 205.

KY 192 - from I-75 south of London to Daniel Boone Parkway east of London.

KY 205 - from Mountain Parkway at Helechawa to US 460 west in Morgan County, concurrent with KY 191 [of Index].

KY 212 - from KY 20 to Greater Cincinnati Airport (Boone County).

KY 227 - from KY 355 near Worthville to KY 36 at Carrollton.

US 231 - from US 60 Bypass in Owensboro to Indiana state line.

US 231 - from I-65 east [south] of Bowling Green to US 31W [Bypass] in Bowling Green.

KY 236 - from [KY 212 near airport to] US 25 at Erlanger to KY 212 near the Greater Cincinnati Airport.

KY 237 - from KY 18 east of Burlington to I-275 in Boone County.

KY 245 - from I-65 south of Shepherdsville to US 62 at Bardstown.

[KY 255 - from US 31W at Park City to I-65.]

KY 259 - from Western Kentucky Parkway to US 62 in Leitchfield.

KY 281 - from US 41A in Madisonville to the Pennyrile Parkway, concurrent with US 41.

KY 341 - from US 62/421 near Midway north to I-64 [near Midway].

KY 348 - from Jackson Purchase Parkway west of Benton to US 641 in Benton.

KY 418 - from US 25 south of Lexington to I-75 [south of Lexington].

US 421 - from [US 119 north of Harlan to] 0.1 mile south of Harlan Appalachian Regional Hospital.

US 421 & KY 80 - from Daniel Boone Parkway to 2nd Street in Manchester.

US 421 - from KY 4 in Lexington to US 62 east in Scott County [KY 341 near Midway].

US 421 - from US 460 in Frankfort to US 127 north [Broadway at railroad bridge].

KY 425 - from US 60 at Henderson to the Pennyrile Parkway.

US 431 - from US 60 Bypass in Owensboro to US 60 (4th Street) in Owensboro.

KY 446 - from US 31W northeast [west] of Bowling Green to I-65.

KY 448 - from [KY 1051 at Brandenburg to] KY 144 to KY 1051 at Brandenburg.

US 460 - from I-64 north of Mt. Sterling to KY 686 [north of Mt. Sterling].

US 460 - from Mountain Parkway Extension to US 23 near Paintsville.

KY 471 - from US 27 in Campbell County to the I-275/471 junction.

KY 546 - from KY 19 in Bracken County to KY 11 south of Maysville [10 east of Germantown] in Mason County.

KY 555 - from US 150 at Springfield to Bluegrass Parkway.

US 641 - from Tennessee state line to US 641A south of [KY 348 in] Benton.

US 641A - from US 641 south of Benton to the Jackson Purchase Parkway.

KY 645 - from US 23 south of Ulysses to KY 40 west of Inez.

KY 676 - from US 127 in Frankfort to US 60.

KY 686 - from [KY 11 south of Mt. Sterling to] US 460 north of Mt. Sterling to KY 11 south of Mt. Sterling.

KY 841 - from I-71 in Jefferson County [KY 155 near Jeffersontown] to US 42 northeast of Louisville.

KY 841 - from US 31W (Dixie Highway) in southwestern Jefferson County to I-65.

KY 859/KY 57 - from I-64 east of Lexington to Lexington - Bluegrass Army Depot.

KY 876 - from I-75 at Richmond to KY 52 east of Richmond.

KY 922 - from KY 4 in Lexington north to [junction of] I-64 and I-75.

KY 1017 - from US 25 in Florence to I-75.

KY 1051 - from [KY 448 south of Brandenburg to] KY 79 to KY 448 south of Brandenburg.

KY 1682 - from US 68 west of Hopkinsville to Pennyrile Parkway.

KY 1958 - from KY 627 south of Winchester to I-64 at Winchester.

KY 1998 - from US 27 at Cold Springs to KY 8 at Silver Grove.

[(3) All dimensions specified in this section shall not be subject to any enforcement tolerances provided in any other section.]

(2) [(4)] Motor vehicles with the increased dimensions specified in Section 2 of this regulation [subsection (1) of this section] shall be allowed five (5) driving miles on state maintained highways from the highway segments specified in Section 3(1) of this regulation [Interstate and the designated route network] for the purpose of attaining reasonable access to terminals; facilities for food, fuel, repairs and rest; and points of loading and unloading for household goods carriers.

JEROME L. LENTZ, Acting Commissioner
O. GILBERT NEWMAN, State Highway Engineer

MILO D. BRYANT, Secretary
APPROVED BY AGENCY: September 20, 1990
FILED WITH LRC: October 11, 1990 at 2 p.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on November 26, 1990 at 10 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by Novembeer 21, 1990 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until November 21, 1990. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: All operators of larger vehicles or motor vehicles carrying larger loads in Kentucky.
(a) Direct and indirect costs or savings to those affected: The changes to this administrative regulation are primarily cleanup and therefore have no costs or savings to those affected. The primary change is in the explicit spelling out of the overhang allowed before an overdimensional permit is required. The permits cost $60 for each issued. However, it is unlikely that there will be more than 20-30 more issued each year.
1. First year: $1200-$1800.
2. Continuing costs or savings: $1200-$1800.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Those persons who are explicitly required to purchase an overdimensional permit shall have to complete a permit application or apply for the permit by telephone.
(2) Effects on the promulgating administrative body: The Transportation Cabinet will no longer have confusion between offices about when an overdimensional permit is required for overhang.
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The do-nothing alternative was rejected because there was confusion about when an overdimensional permit was required and different cabinet personnel were passing out different advice.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The administrative regulation spells out when an overdimensaionl permit is required. The administrative regulation 603 KAR 5:075 spells out the procedure for obtaining a permit. There is a small amount of overlap.
(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. Different size vehicles are allowed on roads depending on their ability to safely handle the traffic.

TRANSPORTATION CABINET
Department of Highways
Division of Planning
(Proposed Amendment)

603 KAR 5:071. Bus dimension limits.

RELATES TO: KRS 189.221, 189.222, 189.265, 281.735
STATUTORY AUTHORITY: KRS 189.221, 189.222, 189.265, 281.735
NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to increase the dimension limits prescribed in KRS 189.221 for vehicles operated on designated state maintained highways or portions thereof up to specified limits if the increase is justified by the safety of the designated highways. KRS 189.222(6)(b) authorizes the Secretary of Transportation to increase the width limit for vehicles on the Federal Aid Highway System and the State Parkway System when authorized by federal law or laws or regulations up to a specified limit. KRS 189.265 establishes length and width limits for buses and authorizes the Secretary of Transportation to increase the width limits of motor buses, except for those operated by transit authorities created pursuant to KRS Chapter 96A, on state maintained highways if the increase is justified by the width of the designated highways. KRS 281.735(3) establishes a width limit for city and suburban buses and authorizes the Secretary of Transportation to increase the width limit on state maintained highways for all other buses only as provided by law. This regulation is adopted to <u>set</u> [fix] the maximum dimension limits for buses.

Section 1. Except as provided in Sections 2 through 4 of this regulation the maximum dimensions for buses having a seating capacity of ten (10) or more, including the driver, operated on any state maintained highway shall be as follows:
(1) Height: not to exceed eleven (11) feet and six (6) inches.
(2) Length: not to exceed forty (40) feet.
(3) Width: not to exceed ninety-six (96) inches exclusive of any required safety equipment. The width of a city or suburban bus shall not exceed 102 inches.

Section 2. Buses operated by a transit authority created pursuant to KRS Chapter 96A are exempt from the length provision of Section 1 of this regulation.

Section 3. Buses which do not exceed a width of 102 inches, exclusive of any required safety equipment and tire bulge due to load, may be operated on those highways designated for the operation of motor vehicle [trucks] with increased dimensions by Section 3 [2] of 603 KAR 5:070.

Section 4. Buses which are allowed the increased width under the authority of Section 3 of this regulation shall be allowed to operate within five (5) driving miles on state maintained highways from the designated routes for the purpose of attaining reasonable access to terminals; facilities for food, lodging, and rest; facilities for fuel and repairs; and points of loading and unloading of passengers and freight.

JEROME L. LENTZ, Acting Commissioner
MILO D. BRYANT, Secretary
O. GILBERT NEWMAN, State Highway Engineer
APPROVED BY AGENCY: October 5, 1990
FILED WITH LRC: October 11, 1990 at 2 p.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on November 26, 1990 at 11 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by November 21, 1990 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until November 21, 1990. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: None
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: This change to the admiistrative regulation was necessary to ensure there is no conflict with 603 KAR 5:070 which is also being amended.
(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 alternative since this regulation referes to 603 KAR 5:070 which is being amended.
(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. There are different requirements for different size buses.

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

603 KAR 5:075. Overweight and overdimensional permits.

RELATES TO: KRS 189.222, 189.270
STATUTORY AUTHORITY: KRS 174.080, 189.270
NECESSITY AND FUNCTION: KRS 189.270 authorizes the Secretary of the Transportation Cabinet to issue permits for the movement of motor vehicles with loads exceeding legal weights and dimensions. This regulation establishes the procedures and requirements necessary in the interest of highway safety for the issuance of an overweight or overdimensional permit.

Section 1. Definitions. (1) "Daylight hours" means the period of a day from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset, but it does not include any time when atmospheric conditions render visibility lower than is ordinarily the case during this period of the day.
(2) "National holiday" means New Year's Day, Memorial Day (as observed on the last Monday in May), Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
(3) "Base fee" means the initial fee of sixty (60) dollars charged for the issuance of an overweight or overdimensional permit to cover the cost of processing the permit application, including but not limited to, a qualification check of the applicant, a statutory compliance check, and an initial bridge and weight analysis.
(4) "Additional fee" means the additional charge for overweight or overdimensional permits imposed by KRS 189.270. Vehicles with six (6) or more axles or with a width of ten (10) or more feet shall be charged the base fee as well as the additional fee as provided for by statute. This additional fee is to cover the additional administrative costs for processing the permit application, including specific bridge computer analysis, unique routing needs, axle spacing needs, additional enforcement and other necessary and incidental departmental costs.
(5) "Farm implement" means machinery, equipment or vehicle used exclusively in a farm operation and which is not required by KRS Chapter 186 to be registered.
(6) "Fully controlled access highway" means a highway which gives preference to through traffic and which shall have access only at selected public roads or streets and which shall

have no highway grade crossing or intersection.
(7) "Toll road" means any turnpike project constructed under the provisions of KRS Chapter 175 or KRS 177.390 through 177.570 on which a toll is collected or was in the past collected by the Transportation Cabinet.

Section 2. Issuance of the Permit. (1) Special permits to allow the movement of motor vehicles with gross weights or gross dimensions in excess of the weights and dimensions specified by statutes and regulations shall be issued by the Department of Vehicle Regulation, Division of Motor Carriers when, in the discretion of the department, this movement is necessary to provide transportation for specified cargo in the interest of the health, welfare and economy of the people.
(2) Each special permit issued shall be limited to designated portions of the state primary road system and stated periods of time.
(3) A separate permit shall be required for each vehicle involved in a movement.
(4) A permit shall not be issued for a divisible load which when reasonably divided, dismantled, disassembled or rearranged would no longer be overweight or overdimensional.
(5) An overweight permit shall not be issued to a Kentucky licensed vehicle, for a gross weight exceeding that for which the truck is registered, unless registered for 80,000 pounds.
(6) No overweight permit shall be issued to a tractor-trailer combination of less than five (5) axles.
(7) No overweight permit shall be issued to a vehicle whose axle weight would exceed the product of 600 pounds times the aggregate width in inches established from the manufacturer's stamped tire measurement for all tires on the axle.

Section 3. Application for Permit. Applications for overweight or overdimensional permits shall be made to the Department of Vehicle Regulation, Division of Motor Carriers, Frankfort, Kentucky 40622. The application shall state name and address of the applicant, the purpose of the movement for which a permit is requested, the portion of the state primary road system to be used, the cargo to be hauled, the period of time needed to complete the movement, and description and the identity of the vehicle to be used and any other information required by the Department of Vehicle Regulation.

Section 4. Permit Fee. The base fee for the issuance of a special permit to a vehicle which is both overweight and overdimensional shall be sixty (60) dollars. The base fee for the issuance of a special permit to a vehicle which is either overweight or overdimensional shall be sixty (60) dollars. An additional fee shall be assessed if the vehicle for which the overweight permit is applied is six (6) axles or more or if the vehicle for which an overdimensional permit is applied has a width of ten (10) feet or more.

Section 5. Movement Time Allowed. (1) A single trip permit shall be valid for a period not to exceed ten (10) days. A time extension shall only be granted if the permit holder proves extenuating circumstances.
(2) Permits are valid during daylight hours only from Monday through Saturday noon. However, permits are not valid on national holidays and travel is not permitted from noon the preceding day until daylight hours of the next permissible day. If the national holiday occurs on Sunday the restricted period shall extend from noon of the preceding Friday to daylight hours of the following Tuesday.
(3) If satisfactory proof of an emergency is furnished the Department of Vehicle Regulation, the department may authorize moves during the restricted hours.
(4) The deparatment may further prohibit movements in congested areas within the peak traffic hours. The additional restrictions shall be noted on the permit when issued.

Section 6. Highway Right-of-way. A permit holder shall not cut, trim, remove or relocate any tree, shrub, guardrail, highway sign or other object on the highway right-of-way without the personal, written approval of the chief district engineer having jurisdiction over the property involved.

Section 7. Farm Implements. (1) No permit shall be required to transport overdimensional farm implements, either self-propelled or by [on] another vehicle regardless of the vehicle owner or operator, from one (1) farm to another, from a farm to a repair shop or dealer, or from a repair shop or dealer to a farm unless the movement occurs on an interstate highway, toll road, or fully controlled access highway. However, manufacturer to dealer, dealer to manufacturer or dealer to dealer moves shall only be made under the authority of an overdimensional permit.
(2) A permit shall be required to transport an overdimensional [for movement of any] farm implement on an interstate highway, toll road or fully controlled access highway [or movement of a self-propelled farm implement on any limited access highway]. Self-propelled farm implements shall not be operated [are not allowed to operate] on an interstate highway, toll road or fully controlled access highway and shall not be issued a permit for movement on these highways.

Section 8. Denial of Permit Application. The Department of Vehicle Regulation and the Department Highways shall have the right to deny a permit for any movement which may cause damage to public property or may be detrimental to public safety.

Section 9. Permit Availability. The permit shall be carried in the overweight/ overdimensional vehicle at all times. It shall be presented, upon request, to any law enforcement officer or authorized personnel of the Department of Vehicle Regulation.

Section 10. Escort Vehicle and Flag Requirements. (1) Required escort vehicles shall accompany the permitted vehicle at a distance of 300 feet on open highways. This interval shall be shortened in cities or congested areas to protect other traffic. An escort vehicle's headlamps shall be lit at all times. [Red flags which are a minimum of twelve (12) inches square shall be displayed on each side of an escort vehicle.]
(2) On a two (2) lane highway, a vehicle and load with a width in excess of ten (10) feet, six (6) inches but less than twelve (12) feet shall have one (1) lead escort.

(3) On a two (2) lane highway, a vehicle and load with a width exceeding twelve (12) feet shall have one (1) lead escort and one (1) trail escort.

(4) On a two (2) lane highway, a vehicle and load traveling at speeds below the average driving speed of traffic on its route shall have one (1) trail escort.

(5) On a four (4) lane or wider highway, a vehicle and load with a width exceeding twelve (12) feet shall have one (1) trail escort.

(6) On a two (2) lane highway, a vehicle and load with a length in excess of seventy-five (75) feet but not more than eighty-five (85) feet shall have one (1) lead escort. If the vehicle and load exceed eighty-five (85) feet, is shall have one (1) lead and one (1) trail escort.

(7) On a four (4) lane or wider highway, a vehicle and load with a length of 110 feet or greater shall have one (1) trail escort.

(8) Red or orange fluorescent flags which are a minimum of eighteen (18) [twelve (12)] inches square shall be displayed on each vehicle and load operating under the auspices of either an overlength or an overwidth permit. Vehicles operating overwidth shall display two (2) warning flags, one (1) on each side of the vehicle or load at its widest extremities. Vehicles operating overlength or with a rear end overhang shall display two (2) warning flags at the extreme rear of the vehicle or load. These flags shall be located to indicate maximum width of the rear end. [Flags shall be displayed at the outside dimensions of the load at approximately bumper height. Additional flags shall be located at a minimum height of nine (9) feet above the pavement, on each of the four (4) top corners of the load.]

(9) All toll roads shall be considered four (4) lane for the purpose of determining the need for escort vehicles regardless of the actual number of lanes on the highway.

(10) All vehicles exceeding ten (10) feet in width or having front overhang shall display two (2) warning signs. The warning signs shall state in black letters on a yellow background, "OVERSIZE LOAD". The sign shall not be less than seven (7) feet long and eighteen (18) inches high with a brush stroke of one and four-tenths (1.4) inches. One (1) sign shall be fastened at the front of the power unit and the other at the rear end of the towed unit or at the rear of the load.

(11) [(10)] As a special provision of the permit, the Department of Vehicle Regulation may require additional escort vehicles, lighting or warning [red] flags.

Section 11. Any damage to the highway, signs, guardrail or other public or private property caused by the transportation of overdimensional vehicles shall be the responsibility of the permit holder. The permit holder shall either repair all damage incurred or pay for the repair.

JEROME LENTZ, Commissioner
MILO D. BRYANT, Secretary/Commissioner
O. GILBERT NEWMAN, State Highway Engineer
APPROVED BY AGENCY: October 5, 1990
FILED WITH LRC: October 11, 1990 at 2 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on November 26, 1990 at 11:30 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by November 21, 1990 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until November 21, 1990. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All transporters of overdimensional vehicles in Kentucky.

(a) Direct and indirect costs or savings to those affected: The safety changes for transporters of overdimensional vehicles will cost about $5 per transporter.

1. First year: $5 per transporter.

2. Continuing costs or savings: None - all in first year.

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

(b) Reporting and paperwork requirements: None as a result of this amendment.

(2) Effects on the promulgating administrative body: Brings Kentucky's safety requirements relating to the transportation of overdimensional vehicles in line with other states in the midwestern United States. This eliminates much confusion. The change to Section 7 further eliminates confusion by more clearly spelling out requirements for the movement of overdimensional farm implements.

(a) Direct and indirect costs or savings: None

1. First year: None

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: Conformance with the safety requirements of the other midwestern states was decided on to eliminate confusion for interstate transporters. In Section 7, the Transportation Cabinet was asked to distinguish between all limited access highways and toll roads and fully controlled access highways. The petitioners pointed out that using limited access highways, such as the East-West Connector in Frankfort, is safer for the movement of overdimensional farm equipment than a highway such as US 60 through downtown Frankfort. The cabinet agreed.

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

a little with 603 KAR 5:070 which sets out motor vehicle dimension limits.

(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. The safety requirements imposed are tiered depending on the size of the vehicle.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:303. Adoption of 29 CFR Part 1910.21-.32.

RELATES TO: KRS Chapter 338, 29 CFR 1910

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR, Part 1910.21-.32 [of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:

(1) Subparagraph 29 CFR 1910.23(a)(7) shall be amended to read as follows: "Every temporary or permanent floor opening shall have standard railings, or shall be constantly attended by someone."

(2) The amendment to 29 CFR 1910.26, "Portable Metal Ladders," as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

(3) [(2)] The amendments to 29 CFR 1910.28(f)(2), (g)(3), (h)(2) and (i)(1), "Safety Requirements for Scaffolding," as published in the Federal Register, Volume 53, Number 70, April 12, 1988, are incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman

APPROVED BY AGENCY: October 12, 1990

FILED WITH LRC: October 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield

(1) Type and number of entities affected: Section 1(2) amendment affects all employers in the Commonwealth using "portable metal ladders."

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

1. First year: The amendment identified in item (1) above will not result in any direct or indirect costs to those employers affected.

2. Continuing costs or savings: The amendment identified in item (1) above will not result in continuing costs to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The amendment will not have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: The amendment will not entail any paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by this amendment.

(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: There will be no reporting or paperwork requirements resulting from this amendment.

(3) Assessment of anticipated effect on state and local revenues: This amendment will have no anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment concerns no alternative method being considered, because the regulation concerns specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of this amendment.

(a) Necessity of proposed regulation if 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:
TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).
2. State compliance standards. Section 1(2) amendment requires employers to adhere to regulations governing "portable metal ladders."
3. Minimum or uniform standards contained in the federal mandate. Section 1(2) amendment relates to all standards contained in the Federal Register, "Electrical Safety-related Work Practices," Volume 55, Number 151, August 6, 1990.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes to the amendment in the Federal Register identified in item 3 above.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment imposes no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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___ (If yes, complete questions 2-4)
2. State what unit, part or division of local government this administrative regulation will affect. Section 1(2) amendment affects all divisions of local government that use "portable metal ladders."
3. State the aspect or service of local government to which this administrative regulation relates. The amendment in Section 1(2) affects local government employees' exposure to working on "portable metal ladders."
4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
Revenues (+/-):
Expenditures (+/-):
Other Explanation: The purpose of Section 1(2) amendment is to adopt federal OSHA standards relating to "portable metal ladders."

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:305. Adoption of 29 CFR Part 1910.66-.70.

RELATES TO: KRS Chapter 338, 29 CFR 1910
STATUTORY AUTHORITY: KRS Chapter 13A
NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1910.66-.70 [of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference, as amended [January 15, 1990], with the following additions, exceptions, and deletions:
(1) Revision to 29 CFR 1910.66, as published in the Federal Register, Volume 54, Number 144, July 28, 1989, is incorporated by reference.
(2) Revision to 29 CFR 1910.67, "Vehicle-Mounted Elevating and Rotating Work Platforms," as published in the Federal Register, Volume 55, No. 151, August 6, 1990, is incorporated by reference.
[(2) Revision to 29 CFR 1910.68(e)(3), "Manlifts," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is incorporated by reference.]
(3) Revision to 29 CFR 1910.68, "Manlifts," as published in the Federal Register, Volume 55, No. 151, August 6, 1990, is incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.
(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman
APPROVED BY AGENCY: October 12, 1990
FILED WITH LRC: October 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield

(1) Type and number of entities affected: Section 1(2) and (3) amendments affect all employers in the Commonwealth involving "vehicle-mounted elevating and rotating work platforms" and "manlifts," respectively.

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

1. First year: None of the amendments identified in item (1) above will result in any direct or indirect costs to those employers affected.

2. Continuing costs or savings: None of the amendments identified in item (1) above will result in continuing costs to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None of these amendments will have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: None of the amendments will entail any paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by these amendments.

(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: There will be no reporting or paperwork requirements resulting from these amendments.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: These amendments concern no alternative methods being considered, because the regulation concerns specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of these amendments.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1(2) and (3) amendments require employers to adhere to regulations governing "vehicle-mounted elevating and rotating work platforms" and "manlifts," respectively.

3. Minimum or uniform standards contained in the federal mandate. Section 1(2) and (3) amendments relate to all standards contained in the Federal Register, "Electrical Safety-related Work Practices" and "Manlifts," respectively, Volume 55, Number 151, August 6, 1990.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in these adopted amendments to the Federal Register identified in item 3 above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. These amendments impose no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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___ (If yes, complete questions 2-4)

2. State what unit, part or division of local government this administrative regulation will affect. Section 1(2) and (3) amendments affect all divisions of local government that are engaged in "vehicle-mounted elevating and rotating work platforms" and "manlifts," respectively.

3. State the aspect or service of local government to which this administrative regulation relates. The amendments in Section 1(2) and (3) affect local government employees' exposure to occupational safety and health.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The purposes of Section 1(2) and (3) are to adopt federal OSHA standards relating to "vehicle-mounted elevating and rotating work platforms" and "manlifts," respectively.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:306. Adoption of 29 CFR Part 1910.94-.100.

RELATES TO: KRS Chapter 338, 29 CFR 1910
STATUTORY AUTHORITY: KRS Chapter 13A
NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1910.94-.100 [of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions: 29 CFR 1910.95, "Hearing Conservation Program," is amended as follows:

(1) Revision to 29 CFR 1910.94, as published in the Federal Register, Volume 55, No. 151, August 6, 1990, is incorporated by reference.

(2) 29 CFR 1910.95, "Hearing Conservation Program," is amended as follows:

(a) [(1)] 29 CFR 1910.95(h)(1) shall read: Audiometric tests shall be pure tone, air conduction, hearing threshold examinations with test frequencies including as a minimum 500, 1,000, 2,000, 3,000, 4,000, and 6,000 Hz. Testing at 8,000 Hz must be included in the audiometric tests for employers using audiometers with that capacity and all audiometric tests must include 8,000 Hz after January 15, 1985.

(b) [(2)] 29 CFR 1910.95(h)(4) shall read: Audiometric examinations shall be administered in a room meeting the requirements listed in Appendix D: Audiometric Test Rooms. When an audiometric test room is located in a mobile test van, background sound pressure level measurements shall be taken at each testing location.

(c) [(3)] 29 CFR 1910.95(h)(5)(ii) shall read: Audiometer calibration shall be checked acoustically at least annually in accordance with Appendix E: Acoustic Calibration of Audiometers. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this check. Deviations of fifteen (15) decibels or greater require an exhaustive calibration.

(d) [(4)] 29 CFR 1910.95(h)(5)(iii) shall read: An exhaustive calibration shall be performed at least every two (2) years in accordance with sections 4.1.2; 4.1.3; 4.1.4.3; 4.2; 4.4.1; 4.4.2; 4.4.3; and 4.5 of the American National Standard Specification for Audiometers, S3.6-1969. Test frequencies below 500 Hz and above 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) may be omitted from this calibration.

(e) [(5)] 29 CFR 1910.95(L)(1) shall read: The employer shall make available to affected employees or their representatives copies of this standard and shall also post a notice of the availability of this standard in the workplace.

(f) [(6)] 29 CFR 1910.95(o) shall read: Paragraphs (c) through (n) of this section shall not apply to employers engaged in oil and gas well drilling and servicing operations, agriculture, or construction.

(g) [(7)] 29 CFR 1910.95 Appendix E shall read: Acoustic Calibration of Audiometers.

This Appendix is Mandatory.

Audiometer calibration shall be checked acoustically, at least annually, according to the procedures described in this Appendix. The equipment necessary to perform these measurements is a sound level meter, octave-band filter set, and a National Bureau of Standards 9A coupler. In making these measurements, the accuracy of the calibrating equipment shall be sufficient to determine that the audiometer is within the tolerances permitted by American Standard Specification for Audiometers, S3.6-1969.

(a) Sound Pressure Output Check.

1. Place the earphone coupler over the microphone of the sound level meter and place the earphone on the coupler.
2. Set the audiometer's hearing threshold level (HTL) dial to seventy (70) dB.
3. Measure the sound pressure level of the tones that each test frequency from 500 Hz through 8,000 Hz (6,000 Hz until January 15, 1985 for audiometers without 8,000 Hz capability) for each earphone.
4. At each frequency the readout on the sound level meter should correspond to the levels in Table E-1 or Table E-2, as appropriate, for the type of earphone, in the column entitled "sound level meter reading."

(b) Linearity check.

1. With the earphone in place, set the frequency to 1,000 Hz and the HTL dial on the audiometer to seventy (70) dB.
2. Measure the sound levels in the coupler at each ten (10) dB decrement from seventy (70) dB to ten (10) dB, noting the sound level meter reading at each setting.
3. For each ten (10) dB decrement on the audiometer the sound level meter should indicate a corresponding ten (10) dB decrease.
4. This measurement may be made electrically with a voltmeter connected to the earphone terminals.

(c) Tolerances.

When any of the measured sound levels deviate from the levels in Table E-1 or Table E-2 plus or minus three (3) dB at any test frequency between 500 and 3,000 Hz, four (4) dB at 4,000 Hz, or five (5) dB at 6,000 Hz and 8,000 Hz, an exhaustive calibration is advised. An exhaustive calibration is required if the deviations are greater than ten (10) dB at any test frequency.

TABLE E-1 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-39 EARPHONES

Frequency, Hz	Reference threshold level for TDH-39 earphones, dB	Sound level meter reading dB
500	11.5	81.5
1000	7.0	77.0
2000	9.0	79.0
3000	10.0	80.0
4000	9.5	79.5
6000	15.5	85.5
8000	13.0	83.0

TABLE E-2 - REFERENCE THRESHOLD LEVELS FOR TELEPHONICS-TDH-49 EARPHONES

Frequency, Hz	Reference threshold level for TDH-49 earphones, dB	Sound level meter reading dB
500	13.5	83.5
1000	7.5	77.5
2000	11.0	81.0
3000	9.5	79.5
4000	10.5	80.5
6000	13.5	83.5
8000	13.0	83.0

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman

APPROVED BY AGENCY: October 12, 1990

FILED WITH LRC: October 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, he 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield

(1) Type and number of entities affected: Section 1(1) amendment affects all employers in the Commonwealth involving "abrasive blasting."

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

1. First year: The amendment identified in item (1) above will not result in any direct or indirect costs to those employers affected.

2. Continuing costs or savings: The amendment identified in item (1) above will not result in continuing costs to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The amendment will not have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: The amendment will not entail any paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by this amendment.

(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: There will be no reporting or paperwork requirements resulting from this amendment.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment concerns no alternative methods being considered, because the regulation concerns specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of this amendment.

(a) Necessity of proposed regulation if 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:

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1(1) amendment requires employers to adhere to regulations governing "abrasive blasting."

3. Minimum or uniform standards contained in the federal mandate. Section 1(1) amendment relates to all standards contained in the Federal Register, "Electrical Safety-Related Work Practices," Volume 55, Number 151, August

6, 1990.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the adopted amendment to the Federal Register identified in item 3 above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment imposes no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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___ (If yes, complete questions 2-4)

2. State what unit, part or division of local government this administrative regulation will affect. Section 1(1) amendment affects all divisions of local government that are engaged in "abrasive blasting."

3. State the aspect or service of local government to which this administrative regulation relates. The amendment in Section 1(1) affects local government employees' exposure to "abrasive blasting."

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The purpose of Section 1(1) amendment is to adopt federal OSHA standards relating to "abrasive blasting."

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:307. Adoption of 29 CFR Part 1910.101-.120.

RELATES TO: KRS Chapter 338, 29 CFR 1910

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1910.101-.120 [of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:

(1) 29 CFR 1910.101(b), "Compressed Gases," shall be amended by revocation of referenced pamphlets P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(2) The amendment to 29 CFR 1910.103(a)(1)(ii), "Hydrogen," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(3) The amendment to 29 CFR 1910.103, "Hydrogen," as published in the Federal Register, Volume 55, No. 151, August 6, 1990, is incorporated by reference.

(4) [(3)] 29 CFR 1910.106, "Flammable and Combustible Liquids" is amended as follows:

(a) 29 CFR 1910.106(a)(3) shall read: "The term automotive service station, or service stations, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(b) The amendment to 29 CFR 1910.106(a)(35), "Flammable and Combustible Liquids," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(c) 29 CFR 1910.106(g)(1)(i)(g), "Flammable and Combustible Liquids," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is removed.

(d) Amendment to 29 CFR 1910.106, "Flammable and Combustible Liquids," as published in the Federal Register, Volume 55, No. 151, August 6, 1990, is incorporated by reference.

(5) [(4)] The amendment to 29 CFR 1910.107(a)(8), "Spray Finishing Using Flammable and Combustible Materials," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(6) [(5)] The amendment to 29 CFR 1910.108(a)(3), "Dip Tanks Containing Flammable or Combustible Liquids," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(7) [(6)] The amendment to 29 CFR 1910.109(d)(2)(iii)(a), "Explosives and Blasting Agents," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(8) The amendment to 29 CFR 1910.110, as published in the Federal Register, Volume 55, Number 151, is incorporated by reference.

(9) [(7)] The amendments to 29 CFR 1910.110(a)(14), (b)(2)(iii), (c)(5)(i)(g)(1) and (f)(5)(iv), "Storage and Handling of Liquefied Petroleum Gases," as published in Federal Register, Volume 53, Number 70, April 12, 1988, are incorporated by reference.

(10) The amendment to 29 CFR 1910.110, as published in the Federal Reigster, Volume 55, Number 119, June 20, 1990, is incorporated by reference.

(11) [(8)] The amendments to 29 CFR 1910.111(b)(1) (ii) and the new paragraph 1910.111(b)(1)(vi), "Storage and Handling of Anhydrous Ammonia," as published in Federal

Register, Volume 53, Number 70, April 12, 1988, are incorporated by reference.

(12) [(9)] 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response," as published in the Federal Register, December 19, 1986, Volume 51, No. 244, is incorporated by reference.

(a) Corrections to amendments to 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response," as published in Federal Register, Volume 52, Number 85, May 4, 1987, are incorporated by reference.

(b) 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response," as published in the Federal Register, Volume 54, Number 42, March 6, 1989, is incorporated by reference.

(c) The amendment to 29 CFR 1910.120, as published in the Federal Register, Volume 55, Number 72, April 13, 1990, is incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman

APPROVED BY AGENCY: October 12, 1990

FILED WITH LRC: October 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield

(1) Type and number of entities affected: Section 1(3), (4)(d), (8), (10), and (12)(c) affect all employers in the Commonwealth with operations involving "hydrogen," "flammable and combustible liquids," "liquified petroleum gases," and "hazardous waste operations and emergency response," operations, respectively.

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

1. First year: The amendments identified in item (1) above will not result in any direct or indirect costs to those employers affected.

2. Continuing costs or savings: The amendments identified in item (1) above will not result in continuing costs to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): These amendments will not have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: These amendments will not entail any paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by these amendments.

(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: There will be no reporting or paperwork requirements resulting from these amendments.

(3) Assessment of anticipated effect on state and local revenues: These amendments will have no anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: These amendments concern no alternative method being considered, because the regulation concerns specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of these amendments.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1(3), (4)(d), (8), (10), and (12)(c) require employers to adhere to regulations governing "hydrogen," flammable and combustible liquids," "liquified petroleum gases," and "hazardous waste and emergency response operations," respectively.

3. Minimum or uniform standards contained in the federal mandate. Section 1(3), (4)(d), and (8) relate to all standards contained in the Federal Register, "Electrical Safety-related Work Practices," Volume 55, Number 151, August 6, 1990. Section 1(10) relates to all standards contained in the Federal Register, "Welding, Cutting and Brazing," Volume 55, Number 119, June 20, 1990. Section 1(12)(c) relates to all standards contained in the Federal Register, Volume 55, Number 72, April 13, 1990.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the adoption of the amendments in

the Federal Register identified in item 3 above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. These amendments impose no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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___ (If yes, complete questions 2-4)

2. State what unit, part or division of local government this administrative regulation will affect. Section 1(3), (4)(d), (8), (10), and (12)(c) relate to all divisions of local government that are engaged in "hydrogen," "flammable and combustible liquids," "liquified petroleum gases," and "hazardous waste operations and emergency response" operations, respectively.

3. State the aspect or service of local government to which this administrative regulation relates. The amendments in Section 1(3), (4)(d), (8), (10), and (12)(c) affect local government employees' exposure to occupational safety and health."

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The purposes of Section 1(3), (4)(d), (8), (10), and (12)(c) amendment is to adopt federal OSHA standards relating to "hydrogen," "flammable and combustible liquids," "liquified petroleum gases," and "hazardous waste operations and emergency response" operations, respectively.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:313. Adoption of 29 CFR Part 1910.176-.190.

RELATES TO: KRS Chapter 338, 29 CFR 1910

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1910.176-.190 [of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:

(1) 29 CFR 1910.177(a)(2), "Servicing Multipiece and Single Piece Rim Wheels," shall be amended as follows:

(a) Amendments as published in the Federal Register, Volume 52, Number 186, September 25, 1987 are incorporated by reference.

(b) Amendments to 29 CFR 1910.177(b), "Servicing Multipiece and Single Piece Rim Wheels," as published in Federal Register, Volume 53, Number 174, September 8, 1988, are incorporated by reference.

(2) The amendment to 29 CFR 1910.178(a)(7), "Powered Industrial Trucks," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(3) The amendment to 29 CFR 1910.178, "Powered Industrial Trucks," as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

(4) [(3)] Revisions to 29 CFR 1910.179(j)(2)(iii) and (iv), "Overhead and Gantry Cranes," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are incorporated by reference.

(a) [(4)] Revision to 29 CFR 1910.179(m)(1), "Overhead and Gantry Cranes," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is incorporated by reference.

(b) Revision to 29 CFR 1910.179, "Overhead and Gantry Cranes," as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

(5) Revision to 29 CFR 1910.180(d)(6), "Crawler Locomotive and Truck Cranes," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is incorporated by reference.

(a) Revisions to 29 CFR 1910.180(g)(1) and (2)(ii), "Crawler and Locomotive Truck Cranes," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are incorporated by reference.

(b) The amendment to 29 CFR 1910.180(i)(4)(i), "Crawler, Locomotive and Truck Cranes," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(c) Amendment to 29 CFR 1910.180, "Crawler, Locomotive, and Truck Cranes," as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

(6) Revisions to 29 CFR 1910.181(g)(1) and (3), "Derricks," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, are incorporated by reference.

(a) The amendment to 29 CRF 1910.181(j)(4)(i), "Derricks," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(b) Amendment to 29 CFR 1910.181, "Derricks," as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman
APPROVED BY AGENCY: October 12, 1990
FILED WITH LRC: October 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield
(1) Type and number of entities affected: Section 1(3), (4)(b), (5)(c), and (6)(b) amendments affect all employers in the Commonwealth with operations involving "powered industrial trucks," "overhead and gantry cranes," "crawler, locomotive and truck cranes," and "derricks," respectively.
(a) Direct and indirect costs or savings to those affected:
1. First year: None of the amendments identified in item (1) above will result in any direct or indirect costs to those employers affected.
2. Continuing costs or savings: None of the amendments identified in item (1) above will result in continuing costs to those employers affected.
3. Additional factors increasing or decreasing costs (note any effects upon competition): None of these amendments will have effects on increasing or decreasing costs to competitors.
(b) Reporting and paperwork requirements: None of the amendments will entail any paperwork or reporting requirements.
(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by these amendments.
(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: There will be no reporting or paperwork requirements resulting from these amendments.
(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on state and local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: These amendments concern no alternative methods being considered, because the regulation concerns specific methods for compliance.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of these amendments.
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A
(6) Any additional information or comments:
TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).
2. State compliance standards. Section 1(3), (4)(b), (5)(c), and (6)(b) amendments require employers to adhere to regulations governing "powered industrial trucks," "overhead and gantry cranes," "crawler, locomotive and truck cranes," and "derricks," respectively.
3. Minimum or uniform standards contained in the federal mandate. Section 1(3), (4)(b), (5)(c), and (6)(b) amendments relate to all standards contained in the Federal Register, "Electrical Safety-related Work Practices" Volume 55, Number 151, August 6, 1990, for "powered industrial trucks," "overhead and gantry cranes," "crawler, locomotive and truck cranes," and "derricks," respectively.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the adoption of amendments to the Federal Register identified in item 3 above.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. These amendments impose no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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___ (If yes, complete questions 2-4)
2. State what unit, part or division of local government this administrative regulation will affect. Section 1(3), (4)(b), (5)(c), and (6)(b) amendments affect all divisions of local government that are engaged in "powered industrial trucks," "overhead and gantry cranes," "crawler, locomotive and truck cranes," and "derricks," respectively.
3. State the aspect or service of local government to which this administrative regulation relates. The amendments in Section 1(3), (4)(b), (5)(c), and (6)(b) affect local

government employees' exposure to occupational safety and health.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The purposes of the amendments in Section 1(3), (4)(b), (5)(c), and (6)(b) are to adopt federal OSHA standards relating to "powered industrial trucks," "overhead and gantry cranes," "crawler, locomotive and truck cranes," and "derricks," respectively.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:316. Adoption of 29 CFR Part 1910.251-.257 [254].

RELATES TO: KRS Chapter 338, 29 CFR 1910

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1910.251-.257 [254 of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions, as published in the Federal Register, Volume 55, Number 70, April 11, 1990: Revision to 29 CFR 1910.252, "Welding, Cutting, and Brazing," as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

[(1) The amendment to 29 CFR 1910.251(b), "Definitions," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.]

[(2) Subparagraph 29 CFR 1910.252(a)(6)(iv)(d)(2) shall be corrected to read as follows: "Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.309(a) for Class I, Division 2 locations." Revision to 29 CFR 1910.252(c)(6), "Welding, Cutting and Brazing," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is incorporated by reference.]

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman

APPROVED BY AGENCY: October 12, 1990

FILED WITH LRC: October 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield

(1) Type and number of entities affected: Section 1 amendments redesignate the codification of Subpart Q, "Welding, Cutting and Brazing," which affects all employers in the Commonwealth with such operations in general industry.

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

1. First year: Section 1 amendments will not result in any direct or indirect costs to those employers affected.

2. Continuing costs or savings: Section 1 amendments will not result in any direct or continuing costs to those affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): These amendments will note no affects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: These amendments will not entail any reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: These amendments will have no 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: There will be no reporting or paperwork requirements resulting from these amendments.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: These amendments concern no alternative methods being considered, because the regulations concern specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of these amendments.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1 amendments redesignate the codification of the existing standards governing "welding, cutting and brazing" operations in general industry.

3. Minimum or uniform standards contained in the federal mandate. Section 1 amendments relate to all standards contained in the Federal Register, "Welding, Cutting and Brazing," Volume 55, Number 70, April 11, 1990 and "Electrical Safety-Related Work Practices," Volume 55, Number 151, August 6, 1990, respectively.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the adoption of the amendments in the Federal Registers identified in item 3 above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. These amendments impose no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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___ (If yes, complete questions 2-4)

2. State what unit, part or division of local government this administrative regulation will affect. Section 1 affects all divisions of local government that are engaged in "welding, cutting and brazing" oprations.

3. State the aspect or service of local government to which this administrative regulation relates. The amendments in Section 1 affects local government employees' exposure to "welding, cutting and brazing" operations.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The purposes of Section 1 amendments are to adopt federal OSHA standards relating to "welding, cutting and brazing" operations.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:317. Adoption of 29 CFR Part 1910.261-.275.

RELATES TO: KRS Chapter 338, 29 CFR 1910

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1910.261-.275 [of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:

(1) The amendment to 29 CFR 1910.261, "Pulp, Paper, and Paperboard Mills," as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

(2) [(1)] The amendment to 29 CFR 1910.265(d)(2) (iv)(c), "Sawmills," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(3) The amendment to 29 CFR 1910.265, as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

(4) [(2)] The amendments to 29 CFR 1910.266(c)(4) (iii) and (iv), "Pulpwood Logging," as published in Federal Register, Volume 53, Number 70, April 12, 1988, are incorporated by reference.

(5) The amendment to 29 CFR 1910.266, as published in the Federal Register, Volume 55, Number 151, August 6, 1990, is incorporated by reference.

(6) [(3)] 29 CFR 1910.268(c), "Telecommunications," shall be revised as follows: Revisions as published in the Federal Register, Volume 52, Number 187, September 28, 1987, are incorporated by reference.

(7) [(4)] 29 CFR 1910.272, "Grain Handling Facilities," as published in the Federal Register, Volume 52, Number 251, December 31, 1987, is incorporated by reference.

(a) The amendments to 29 CFR 1910.272, "Grain

Handling Facilities," as published in the Federal Register, Volume 53, Number 96, May 18, 1988, are incorporated by reference.

(b) The amendment to 29 CFR 1910.272, as published in the Federal Register, Volume 55, Number 119, June 20, 1990, is incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman

APPROVED BY AGENCY: October 12, 1990

FILED WITH LRC: October 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield

(1) Type and number of entities affected: Section 1(1), (3), (5) and (7)(c) amendments affect all employers in the Commonwealth with operations involving "pulp, paper, and paperboard mills," "sawmills," "pulpwood logging," and "grain handling facilities," respectively.

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

1. First year: None of the amendments identified in item (1) above will result in any direct or indirect costs to those employers affected.

2. Continuing costs or savings: None of the amendments identified in item (1) above will result in continuing costs to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None of these amendments will have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: None of the amendments will entail any paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by these amendments.

(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: There will be no reporting or paperwork requirements resulting from these amendments.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: These amendments concern no alternative methods being considered, because the regulation concerns specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of these amendments.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1(1), (3), (5) and (7)(c) amendments require employers to adhere to regulations governing "pulp, paper, and paperboard mills," "sawmills," "pulpwood logging," and "grain handling facilities," respectively.

3. Minimum or uniform standards contained in the federal mandate. Section 1(1), (3) and (5) amendments relate to all standards contained in the Federal Register, "Electrical Safety-related Work Practices," Volume 55, Number 151, August 6, 1990, for "pulp, paper, and paperboard mills," "sawmills," and "pulpwood logging," respectively. Section 1(7)(b) relates to all standards contained in the Federal Register, "Welding, Cutting, and Brazing," Volume 55, Number 119, June 20, 1990.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the adoption of the amendments in the Federal Registers identified in item 3 above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. These amendments impose no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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? (If yes, complete questions 2-4)
Yes X No___ Section 1(1), (3), and (5)
Yes___ No X Section 1(7)(c)
2. State what unit, part or division of local government this administrative regulation will affect. Section 1(1), (3) and (5) amendments affect all division of local government that are engaged in "pulpwood, paper, and paperboard mills," "sawmills," and "pulpwood logging," respectively.
3. State the aspect or service of local government to which this administrative regulation relates. The amendments in Section 1(1), (3) and (5) affect local government employees' occupational safety and health. Section 1(7)(b) does not affect local government employees' occupational safety and health.
4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
Revenues (+/-):
Expenditures (+/-):
Other Explanation: The purposes of Section 1(1), (3), (5) and (7)(c) are to adopt federal OSHA standards relating to "pulpwood, paper, and paperboard mills," "sawmills," "pulpwood logging operations," and "grain handling facilities," respectively.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:318. Adoption of 29 CFR Part 1910.301-.399.

RELATES TO: KRS Chapter 338, 29 CFR 1910
STATUTORY AUTHORITY: KRS Chapter 13A
NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1910.301-.399 [of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions: [The amendment to 29 CFR 1910.399(a)(1), "Subpart S - Electrical," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.]
(1) The additions to 29 CFR 1910.331, as published in the Federal Register, Volume 55, Number 151, August 6, 1990, are incorporated by reference.
(2)(a) The additions to 29 CFR 1910.332, as published in the Federal Register, Volume 55, Number 151, August 6, 1990, are incorporated by reference.
(b) 1910.332(b)(2)(iii)(C) is amended to read as follows: "If a lock cannot be applied, tagging procedures shall provide a level of safety equivalent to that obtained by the use of a lock, as outlined in paragraph (b)(2)(iii)(D)."
(3) The additions to 29 CFR 1910.333, as published in the Federal Register, Volume 55, Number 151, August 6, 1990, are incorporated by reference.
(4) The additions to 29 CFR 1910.335, as published in the Federal Register, Volume 55, Number 151, August 6, 1990, are incorporated by reference.
(5) The additions to 29 CFR 1910.384, as published in the Federal Register, Volume 55, Number 151, August 6, 1990, are incorporated by reference.
(6) The additions to 29 CFR 1910.399, as published in the Federal Register, Volume 55, Number 151, August 6, 1990, are incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.
(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman
APPROVED BY AGENCY: October 12, 1990
FILED WITH LRC: October 15, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield
(1) Type and number of entities affected: Section 1(1) amendment, (2) addition, and (3) amendment affect all employers in the

Commonwealth with operations involving "electrical safety - related work practices."

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

1. First year: Section 1 amendments will result in $1,492,000 total direct costs to employers.

2. Continuing costs or savings: Section 1 amendments will result in $406,000 total direct costs to employers on a recurring annual basis.

3. Additional factors increasing or decreasing costs (note any effects upon competition): None of the two amendments and one addition will have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: None of the two amendments and one addition will entail any paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by these two amendments and one addition.

(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: There will be no reporting or paperwork requirements resulting from these two amendments and one addition.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The two amendments and one addition concern no alternative method being considered, because the regulation concerns specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of these two amendments and one addition.

(a) Necessity of proposed regulation if 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:

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1 amendments require employers to adhere to regulations governing "electrical safety-related work practices."

3. Minimum or uniform standards contained in the federal mandate. Section 1 amendments relate to all standards contained in the Federal Register, "Electrical Safety-related Work Practices," Volume 55, Number 151, August 6, 1990.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the adoption of the amendments in the Federal Register in Section 1(1), (3), (4), (5), (6), and (7). Section 1(2) additions concerns the Kentucky Occupational Safety and Health Standards Board amending 29 CFR 1910.332(b)(2)(iii)(C).

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendments in Section 1 impose no stricter, additional or different responsibilities or requirements than federal OSHA standards. Section 1(2) addition adopts an amendment to the federal OSHA standards because of: (1) safety hazards would be better addressed; (2) it will be easier for employers to understand; (3) enforcement of such would be easier; (4) establishes consistency with a similar amendment in another regulation that is now in effect.

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___ (If yes, complete questions 2-4)

2. State what unit, part or division of local government this administrative regulation will affect. Section 1 amendments affect all divisions of local government that are subject to "electrical safety-related work practices."

3. State the aspect or service of local government to which this administrative regulation relates. Section 1 amendments affect all local government employees' exposure to occupational safety and health.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The purpose of Section 1 amendments are to adopt federal OSHA standards relating to "electrical safety-related work practices." Section 1(2) addition adopts the federal OSHA standard, "electrical safety-related work practices," with an amendment, as stated on the federal mandate analysis comparison form, items four and five.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:320. Adoption of 29 CFR Part 1910.1000-.1500.

RELATES TO: KRS Chapter 338, 29 CFR 1910

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference

established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1910 [of the Code of Federal Regulations] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference, as amended February 15, 1990 and May 15, 1990, with the following additions, exceptions, and deletions:

(1) 29 CFR 1910.1000, "Air Contaminants," Table Z-1 is amended as published in the Federal Register, Volume 50, Number 240, December 13, 1985, is incorporated by reference.

(a) 29 CFR 1910.1000, "Air Contaminants," Tables Z-1-A, Z-2 and Z-3 as published in Federal Register, Volume 54, Volume Number 12, January 19, 1989 are incorporated by reference.

(b) 4,4'-"Methylene bis (2-chloraniline)," found in Table Z-1-A of 29 CFR 1910.1000, as published in the Federal Register, Volume 54, Number 12, January 19, 1989, is hereby revoked.

(c) Revisions to 29 CFR 1910.1000, "Air Contaminants," Table Z-1-A, as published in the Federal Register, Volume 54, Number 127, July 5, 1989, is incorporated by reference.

(d) Revisions to 29 CFR 1910.1000, "Air Contaminants," Table Z-1-A, as published in the Federal Register, Volume 54, Number 170, September 5, 1989, is incorporated by reference.

(e) 29 CFR 1910.1000, Table Z-2, "Benzene," shall be amended as follows: Amendments as published in the Federal Register, Volume 52, Number 176, September 11, 1987 are incorporated by reference.

(f) 29 CFR 1910.1000, Table Z-2, "Formaldehyde," as published in the Federal Register, Volume Number 52, December 4, 1987, is amended.

(2) 29 CFR 1910.1001, "Asbestos," is amended as follows:

(a) Amendments as published in the Federal Register, Volume 51, Number 119, June 20, 1986, are incorporated by reference.

(b) 29 CFR 1910.1001(d)(6)(ii) is amended to read: "The employer shall ensure that all sampling will be conducted in accordance with the ORM in Appendix A, before sampling commences."

(c) 29 CFR 1910.1001(d)(6)(iv) is amended to read: "The employer shall ensure that all analyses are performed in accordance with the elements outlined in Appendix A, and that all asbestos counters meet the criterion specified in Appendix A. This notice shall be given prior to the start of the analyses."

(d) 29 CFR 1910.1001(g)(3)(i) is amended to read: "Where respiratory protection is required, the employer shall institute a respirator program in accordance with American National Standards Practices for Respiratory Protection, ANSI Z88.2 - 1980, with the exception of Appendix A5, Suggested Procedures for Carrying Out Qualitative Respirator - Fitting Tests, and Appendix A6, Suggested Procedures for Carrying Out Quantitative Respirator - Fitting Tests."

(e) 29 CFR 1910.1001(j)(1)(ii) is amended to read: "Sign specifications. The warning signs required by paragraph (j)(1)(i) of the section shall be of a vertical format measuring twenty (20) inches in length and fourteen (14) inches in width, and shall be printed in letters of sufficient size and contrast as to be readily visible and legible, and shall bear the following information:"

(f) 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophylite, and Actinolite," as published in Federal Register, October 17, 1986, Volume 51, No. 201, is incorporated by reference.

(g) 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophylite, and Actinolite," as published in Federal Register, May 12, 1987, Volume 52, No. 91, is incorporated by reference.

(h) Amendments, revisions and additions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite," as published in Federal Register, Volume 53, Number 178, September 14, 1988, are incorporated by reference.

(i) Amendments, revisions and additions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite," as published in Federal Register, Volume 54, Number 243, December 20, 1989, are incorporated by reference.

(j) Amendments, revisions, and additions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite, and Actinolite," as published in Federal Register, Volume 55, Number 24, February 5, 1990, are incorporated by reference.

(3)(a) 29 CFR 1910.1005 "4,4'-methylene bis (2-chloroaniline)" and 29 CFR 1910.1003 through .1016 paragraphs (c)(6), "Laboratory Activities," printed in the Federal Register, Volume 39, Number 125, June 27, 1974, are in effect.

(b) Paragraph 1910.1005(c)(7) of the 29 CFR 1910 General Industry Standards shall read as follows: "Premixed Solutions: Where 4,4'-methylene bis (2-chloroaniline) is present only in a single solution at a temperature not exceeding 120 degrees Celsius, the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials."

(4) 29 CFR 1910.1025, "Occupational Exposure to Lead" shall be amended as follows:

(a) "Table 1 - Implementation Schedule" is amended to read:

TABLE 1 - Implementation Schedule

	COMPLIANCE DATES		
INDUSTRY[1]	200 ug/m^3	100 ug/m^3	50 ug/m^3
Primary Lead Production	(2)	June 29, 1984	June 29, 1991
Secondary Lead Production	(2)	June 29, 1984	June 29, 1986
Lead Acid Battery Manufacture	(2)	June 29, 1983	June 29, 1986
Automobile/Manufacture/Solder Grinding	(2)	N/A	June 29, 1988

Electronics, Gray Iron Foundries, Ink Manufacture, Paints and Coatings Manufacture, Wall Paper Manufacture, Can Manufactures, and Printing	(2)	N/A	June 29, 1982
Lead Pigment Manufacture, Nonferrous Foundries, Leaded Steel Manufacture, Lead Chemical Manufacture, Ship Building and Ship Repair, Battery Breaking in the Collection and Processing of Scrap (excluding collection and processing of scrap which is part of a secondary smelting operation), Secondary Smelting of Copper, and Lead Casting	(2)	N/A	N/A
All Other Industries	(2)	N/A	June 11, 1984

[1] Includes ancillary activities located on the same worksite.

[2] On effective date. This continues an obligation from Table Z-2 of 29 CFR 1910.1000 which had been in effect since 1971 but which was deleted upon effectiveness of this section.

(b) Revision to 1910.1025, as published in the Federal Register, Volume 54, Number 131, July 11, 1989 is incorporated by reference.

(c) Amendments, revisions, and additions to 29 CFR 1910.1025, "Occupational Exposure to Lead," as published in Federal Register, Volume 55, Number 30, February 13, 1990, are incorporated by reference.

(5) 29 CFR 1910.1028, "Benzene," as published in the Federal Register, Volume 52, Number 176, September 11, 1987 is incorporated by reference.

(6) 29 CFR 1910.1029, "Coke Oven Emissions," shall be amended as follows: Revision as published in the Federal Register, Volume 50, Number 178, September 13, 1985 are incorporated by reference.

(7) Corrections to 29 CFR 1910.1043, "Cotton Dust," as published in the Federal Register, Volume 51, Number 128, July 3, 1986, are incorporated by reference.

(8) Amendments and corrections to 29 CFR 1910.1047, "Ethylene Oxide and Appendices A, B, C and D," as published in the Federal Register, Volume 51, Number 132, July 10, 1986 are incorporated by reference.

(a) The amendments to 29 CFR 1910.1047, "Occupational Exposure to Ethylene Oxide," as published in the Federal Register, Volume 53, Number 66, April 6, 1988, are incorporated by reference.

(b) Revisions to 29 CFR 1910.1047, "Occupational Exposure to Ethylene Oxide," as published in Federal Register, Volume 53, Number 143, July 26, 1988, are incorporated by reference.

(9) 29 CFR 1910.1048, "Formaldehyde," as published in the Federal Register, Volume Number 52, December 4, 1987, is incorporated by reference.

(a) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde," as published in Federal Register, Volume 53, Number 170, September 1, 1988, are incorporated by reference.

(b) Amendments to 29 CFR 1910.1048, "Occupational Exposure to Formaldehyde," as published in the Federal Register, Volume 54, Number 133, July 13, 1989, is incorporated by reference.

(10) 29 CFR 1910.1200, "Hazard Communication," shall be amended as follows:

(a) Amendments as published in the Federal Register, Volume 52, Number 163, August 24, 1987 are incorporated by reference.

(b) Revision of 29 CFR 1910.1200(i)(3), "Hazard Communication," and an amendment removing the last paragraph in 1910.1200 Appendix D, as published in the Federal Register, Volume 51, Number 189, September 30, 1986, are incorporated by reference.

(11) 29 CFR 1910.1450, "Occupational Exposure to Hazardous Chemicals in Laboratories," as published in Federal Register, Volume 55, Number 21, January 31, 1990, are incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman

APPROVED BY AGENCY: October 12, 1990

FILED WITH LRC: October 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield

(1) Type and number of entities affected: Section 1(9)(b) amendment affects all employers in the Commonwealth with "formaldehyde."

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

1. First year: The amendment identified in item (1) above will not result in any direct or indirect costs to those employers affected.

2. Continuing costs or savings: The amendment

identified in item (1) above will not result in continuing costs to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The amendment will not have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: The amendment will not entail any paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by this amendment.

(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: There will be no reporting or paperwork requirements resulting from this amendment.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment concerns no alternative method being considered, because the regulation concerns specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of this amendment.

(a) Necessity of proposed regulation if 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:

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1(9)(b) amendment requires employers to adhere to regulations governing "formaldehyde."

3. Minimum or uniform standards contained in the federal mandate. Section 1(9)(b) amendment relates to all standards contained in the Federal Register, "Formaldehyde," Volume 54, Number 133, July 13, 1989.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the amendment in the Federal Register.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment imposes no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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___ (If yes, complete questions 2-4)

2. State what unit, part or division of local government this administrative regulation will affect. Section 1(9)(b) amendment affects all divisions of local government that are engaged in exposure to "formaldehyde."

3. State the aspect or service of local government to which this administrative regulation relates. The amendment in Section 1(9)(b) affects local government employees' exposure to occupational safety and health.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The purpose of Section 1(9)(b) amendment is to adopt federal OSHA standards relating to "formaldehyde."

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:413. Adoption of 29 CFR Part 1926.550-.556.

RELATES TO: KRS Chapter 338

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations, and standards. Express authority to incorporate by reference established federal standards and national concensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of construction. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1926.

Section 1. The Occupational Safety and Health Standards Board hereby adopts [Chapter] 29 CFR Part 1926.550-.556 [of the Code of Federal Regulations,] revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:

(1) 29 CFR 1926.550(b)(2), "Cranes and Derricks," shall be revised as follows: revisions as published in the Federal Register, Volume 52, Number 187, September 28, 1987 are incorporated by reference.

(a) [(2)] Additions to 29 CFR 1926.550 (Section g), "Cranes and Derricks," as published in Federal Register, Volume 53, Number 148, August 2, 1988, are incorporated by reference.

(b) Additions to 29 CFR 1926.550, as published in the Federal Register, Volume 54, Number 73,

April 18, 1989, is incorporated by reference.

(2) [(3)] 29 CFR 1926.552(b)(8) of the paragraph on "Material Hoists," shall read as follows: All material hoists shall conform to the requirements of ANSI A10.5-1969, Safety Requirements for Material Hoists, with the exception that material hoists manufactured prior to January 1, 1970 may be used with a drum pitch diameter at least eighteen (18) times the normal rope diameter provided the hoisting wire rope is at least equal in flexibility to 6 x 37 classification wire rope.

(3) [(4)] 29 CFR 1926.552(c)(15), "Material Hoists, Personnel Hoists and Elevators," shall be revised as follows: revisions as publised in the Federal Register, Volume 52, Number 187, September 28, 1987 are incorporated by reference.

Section 2. Public Notice. (1) In accordance with KRS 13A.224(3)(c), this material may be inspected and copied at: Kentucky Labor Cabinet, Division of Education and Training, U.S. 127 South, Frankfort, Kentucky 40601.

(2) Office hours are 8 a.m. - 4:30 p.m. (EST), Monday through Friday.

OTIS REED, Jr., Chairman

APPROVED BY AGENCY: October 12, 1990

FILED WITH LRC: October 15, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 30, 1990 at 1 p.m. at the Kentucky Labor Cabinet, 1049 U.S. 127 South, Bay 3 Conference Room, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 25, 1990, five days prior to 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: Mr. Guy Schoolfield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoolfield

(1) Type and number of entities affected: Section 1(1)(b) amendment affects all employers in the Commonwealth with "crane or derrick suspended personnel platforms."

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

1. First year: The amendment identified in item (1) above will not result in any direct or indirect costs to those employers affected.

2. Continuing costs or savings: The amendment identified in item (1) above will not result in continuing costs to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The amendment will not have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: The amendment will not entail any paperwork or reporting requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by this amendment.

(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: There will be no reporting or paperwork requirements resulting from this amendment.

(3) Assessment of anticipated effect on state and local revenues: This amendment will have no anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment concerns no alternative method being considered, because the regulation concerns specific methods for compliance.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication as a result of this amendment.

(a) Necessity of proposed regulation if 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:

TIERING: Was tiering applied? No. The Occupational Safety and Health Program's regulations affect all employers with one or more employees. It targets its inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 91-596 (Occupational Safety and Health Act of 1970, Section 18(c)(2)).

2. State compliance standards. Section 1(1)(b) amendment requires employers to adhere to regulations governing "crane or derrick suspended personnel platforms."

3. Minimum or uniform standards contained in the federal mandate. Section 1(1)(b) amendment relates to all standards contained in the Federal Register, "Crane or Derrick Suspended Personnel Platforms," Volume 54, Number 73, April 18, 1989.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? There are no changes in the adopted amendment in the Federal Register identified in item 3 above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This amendment imposes no stricter, additional or different responsibilities or requirements than federal OSHA standards.

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___ (If yes, complete questions 2-4)
2. State what unit, part or division of local government this administrative regulation will affect. Section 1(1)(b) amendment affects all divisions of local government that are engaged in "crane or derrick suspended personnel platforms."
3. State the aspect or service of local government to which this administrative regulation relates. The amendment in Section 1(1)(b) affects local government employees' exposure to occupatioal safety and health.
4. Estimate the effect of this administrative regulation on the expenditures and revenues of a local government for the first full year the regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.
Revenues (+/-):
Expenditures (+/-):
Other Explanation: The purpose of Section 1(1)(b) amendment is to adopt federal OSHA standards related to "crane or derrick suspended personnel platforms."

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(Proposed Amendment)

804 KAR 4:015. Interlocking interest between licensees prohibited.

RELATES TO: KRS 243.030, 243.040
STATUTORY AUTHORITY: KRS 241.060
NECESSITY AND FUNCTION: The control of alcoholic beverages in the Commonwealth of Kentucky, as codified in Chapters 241 - 244 of the Kentucky Revised Statutes, has been established by the Kentucky legislature as a "three tiered" system. The three tiers of this system are designated as producer, wholesale/distributor [wholesalers], and retail[ers]. Each of these three (3) levels operate separately and apart from each other for the purpose of control. In order for this control to be effectively administered by this board, it is necessary to prevent any type of interlocking interest by and between the three (3) separate levels. The purpose of this regulation is to clarify the interlocking interests which will be prohibited by this board.

Section 1. [Definitions.] As used in this regulation:
(1) "Manufacturers" include distillers, rectifiers, blenders, vintners, and brewers.
(2) "Wholesalers" include wholesalers of distilled spirits and wine and distributors of malt beverages.

[Section 2. All interlocking interests between manufacturers, wholesalers, and retailers are hereby prohibited.]

Section 2. [3.] No manufacturer of distilled spirits or wine shall have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or operation in the business of any liquor and wine wholesaler.

Section 3. [4.] No manufacturer or wholesaler shall have any financial interest, directly or indirectly, by stock ownership, or through interlocking directors in a corporation, or otherwise, in the establishment, maintenance, or operation in the business of any retailer. No [; nor shall any] manufacturer or wholesaler shall [or any stockholder thereof] acquire, by ownership, leasehold, mortgage, or otherwise, directly or indirectly, any interest in the premises of a retailer.

Section 4. [5.] The malt beverage administrator or distilled spirits administrator may examine [into] the ownership and management of applicants or existing licensees to determine the presence of any interlocking interest herein prohibited.

Section 5. [6.] This regulation shall not apply to any licenses issued prior to December 1, 1976 [the effective date of this regulation.]

LANNY COMBS, Commissioner
APPROVED BY AGENCY: October 10, 1990
FILED WITH LRC: October 10, 1990 at 9 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, November 21, 1990 at 10 a.m. EDT. Individuals interested in attending this hearing shall notify this agency in writing by Friday, November 16, 1990, 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: Cynthia Newton, Acting Secretary to the Board, Alcoholic Beverage Control, 123 Walnut, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Catherine C. Staib
(1) Type and number of entities affected: 5,000
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: 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: This legislation is language changes to comply with the requirements of KRS Chapter 13A with one change to conform to interpretation of law by General Assembly.
TIERING: Was tiering applied? Yes

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(Proposed Amendment)

804 KAR 4:250. Special temporary licenses.

RELATES TO: KRS 243.260, 243.290
STATUTORY AUTHORITY: KRS 241.060
NECESSITY AND FUNCTION: KRS 243.260 provides for the issuance of a distilled spirits and wine special temporary license or a special temporary wine license to any regularly organized fair, exposition, racing association or other party, "when in the opinion of the board a necessity therefor exists." KRS 243.290 provides for the issuance of a malt beverage special temporary license for any regularly organized fair, race or race meeting conducted by the association, or for special temporary occasions such as picnics, bazaars and carnivals subject to regulations. This regulation is adopted to insure consistency in the issuance of these special temporary licenses and insure the legal use thereof.

Section 1. All applications for special temporary licenses pursuant to KRS 243.260 or 243.290 shall be on forms provided by the [Department of] Alcoholic Beverage Control Board and shall be filed with the board [department] no later than five (5) working days prior to the date for which license is requested.

Section 2. An applicant for a special temporary license pursuant to KRS 243.260 and 243.290 shall provide by a sworn affidavit such supplemental information as the Alcoholic Beverage Control Board shall deem necessary for proper review of the application.

Section 3. For purposes of the issuance of special temporary licenses pursuant to KRS 243.260 and 243.290, necessity in the opinion of the board shall limit applicants to: any regularly organized fair, exposition, racing association or nonprofit organization, political campaign function or any for-profit individual, corporation, or organization when used in conjunction with an organized charitable, civic, or community sponsored event.

LANNY COMBS, Commissioner
APPROVED BY AGENCY: October 10, 1990
FILED WITH LRC: October 10, 1990 at 9 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, November 21, 1990 at 10 a.m. EDT. Individuals interested in attending this hearing shall notify this agency in writing by Friday, November 16, 1990, 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: Cynthia Newton, Acting Secretary to the Board, Alcoholic Beverage Control, 123 Walnut, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Catherine C. Staib
(1) Type and number of entities affected: None
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: 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: This legislation is language changes to comply with the requirements of KRS Chapter 13A.
TIERING: Was tiering applied? No

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control
(Proposed Amendment)

804 KAR 5:040. Minors; definitions.

RELATES TO: KRS 244.080(1), 244.083, 244.085
STATUTORY AUTHORITY: KRS 241.060
NECESSITY AND FUNCTION: The named KRS sections deal with the selling, giving away, or consumption of alcoholic beverages by minors on licensed premises. In furtherance of these statutes, this regulation sets out in detail both prohibitions and permissions, applicable to minors upon licensed premises.

Section 1. As used in this section, unless the context otherwise requires: [The definitions of the words "restaurant," "loaf," and "loiter" as used in this regulation shall e, and the same are hereby declared to have the following meaning:]

(1) "Restaurant" means an establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and other food items shall not render any licensed premises a restaurant within the meaning of this regulation;
(2) "Loaf" means to spend time in idleness; [as to loaf time away.]
(3) "Loiter" means:
(a) To be slow in moving; delay; linger; saunter; tarry; lag behind;
(b) To wander as an idle vagrant; and
(c) To waste time.

Section 2. This regulation shall apply to minors under eighteen (18) years of age.

Section 3. [2.] (1) Minors shall not be permitted to loaf or loiter in or about the bar area or barroom of any licensed premises where alcoholic beverages are sold by the drink or in the distilled sprits and wine sales area of any retail package liquor premises.
(2) Any minor or minors entering or remaining in any bar area or barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or for the purpose of listening to and observing a television set or videos, shall [will] be considered as loafing and loitering within the meaning of this regulation. [The listening to any radio program or the observance and listening to any television program by minors in any place licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted.] Any minor, or minors, entering or remaining in any such area of a licensed premises [having a bar at which alcoholic beverages are sold by the drink] for the purpose of playing games, shall [pool, etc., will] be considered as loitering or loafing within the meaning of this regulation.
(3) This regulation shall not prevent minors from patronizing establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs, or public exhibitions where sports, [or] athletic events, plays, or concerts are scheduled. For the purpose of this regulation, bowling shall be considered an athletic event. The sale of alcoholic beverages shall be [is] prohibited on the premises of bowling lanes during the hours the junior league is bowling, unless the sale of alcoholic beverages is limited to a [.]
[(4) All bowling alleys licensed for the sale of alcoholic beverages shall have the] bar enclosed from the bowling area, [, except that this shall not apply to any premises licensed by this department prior to November 1, 1968.]
(4) This regulation shall not prevent minors from patronizing premises for the purpose of playing billiards or pool, provided:
(a) The premises has, in use for patrons, a minimum of four (4) regulation sized pool tables;
(b) The bar is enclosed from the pool table area; and
(c) The license complies with the provisions of KRS 436.320.

[Section 3. (1) The board's enforcement officers will be guided by the purpose and spirit of this regulation, and will lend assistance to complaining citizens in prohibiting the loafing or loitering of minors in licensed bars.]
[(2) Enforcement officers are hereby directed to give attention to:]
[(a) Sales by the drink or package to persons in motor vehicles containing minors.]
[(b) To the presence on licensed premises of any minor accompanied by a parent, guardian or other person, who himself is under the influence of intoxicating beverages.]
[(c) To the presence at any time, on premises licensed to sell alcoholic beverages by the drink, of minors in that portion of such licensed premises (be it restaurant, hotel, or other establishment) as contain a bar or place where such beverages are dispensed by the drink.]

[Section 4. In any proceedings relative to applications or revocations or suspensions of licenses, the presence or absence of minors below the age of twenty-one (21) years in or about licensed premises shall be competent, relevant and material to the issue to be tried.]

LANNY COMBS, Commissioner
APPROVED BY AGENCY: October 10, 1990
FILED WITH LRC: October 10, 1990 at 9 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, November 21, 1990 at 10 a.m. EDT. Individuals interested in attending this hearing shall notify this agency in writing by Friday, November 16, 1990, 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: Cynthia Newton, Acting Secretary to the Board, Alcoholic Beverage Control, 123 Walnut, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Catherine C. Staib
(1) Type and number of entities affected: 5,000
(a) Direct and indirect costs or savings to those affected:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements:
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: 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: fNone
TIERING: Was tiering applied? Yes

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

902 KAR 17:010. State health plan.

RELATES TO: KRS 216B.040(2)(a)
STATUTORY AUTHORITY: KRS 194.050, 194.090(2)(a) [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 Kentucky State Health Plan provides review criteria and standards which are used by 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 incorporate the Kentucky State Health Plan 1990-1993 into the administrative regulations [assist in the inventory of existing health resources and to set planning goals and guidelines].

Section 1. The Kentucky State Health Plan 1990-1993 [1988-1990], was adopted by the Council for Health Services on August 16, 1990 [Statewide Health Coordinating Council on April 6, 1989], and approved by Governor Wallace G. Wilkinson as the document that provides review criteria and standards [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 1990-1993 [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 1990-1993 [1988-1990] is hereby adopted in its entirety by reference as regulations of the Cabinet for Human Resources as if fully set out herein.

C. HERNANDEZ, M.D., M.P.H., Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 7, 1990
FILED WITH LRC: September 26, 1990 at 2 p.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for November 21, 1990 at 9 a.m. in the DES Conference Room, located on the Second Floor of the CHR Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by November 16, 1990 of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mel Counts
(1) Type and number of entities affected: Entities to be affected may include a currently licensed health facility or service, or any person or combination of persons requesting a certificate of need for licensure.
(a) Direct and indirect costs or savings to those affected: This regulation incorporates by reference the State Health Plan's review criteria and standards for certificate of need review. There will not be any direct or indirect cost to affected entities.
1. First year: This regulation incorporates by reference the State Health Plan's review criteria and standards for certificate of need review. There will not be any direct or indirect cost to affected entities.
2. Continuing costs or savings: This regulation incorporates by reference the State Health Plan's review criteria and standards for certificate of need review. There will not be any direct or indirect cost to affected entities.
3. Additional factors increasing or decreasing costs (note any effects upon competition): Since this administrative regulation would apply to all health facilities or service providers seeking a certificate of need, it would have no effect on competition.
(b) Reporting and paperwork requirements: There are no specific reporting requirements or paperwork required as a result of this regulation.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: This administrative regulation simply incorporates by reference the Kentucky State Health Plan 1990-1993. There will not be any direct and indirect costs or savings as a result of this regulation.
1. First year: There will be no costs or savings as a result of this administrative regulation.
2. Continuing costs or savings: There will be no continuing costs or savings.
3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.
(b) Reporting and paperwork requirements: There will be no reporting or paperwork requirements related to this administrative regulation.
(3) Assessment of anticipated effect on state and local revenues: There will be no affect on state and local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Senate Bill 68, Section 1, require the State Health Plan be "prepared triennially, updated annually". Therefore, no alternative methods were considered.
(5) Identify any statute, administrative regulation or government policy which may be in

conflict, overlapping, or duplication: There is no statute, administrative regulation, or government policy that will be in conflict, overlapped, or duplicated.

(a) Necessity of proposed regulation if in conflict: There is no regulation in conflict.

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

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

TIERING: Was tiering applied? No. The review criteria and standards are applied equally to all entities submitting applications for certificates of need to determine consistently with the State Health Plan.

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

904 KAR 2:110. Refugee assistance.

RELATES TO: KRS 194.050, 8 CFR 207.1, 208.2, 209.1-.2, 212.5, 245.1-.6; 34 CFR 690.2(1)-(6), 668.2-.4; 45 CFR 400.40-.104, 400.140-.156 [P.L. 96-212]

STATUTORY AUTHORITY: KRS 194.050, 8 CFR 207.1, 208.2, 209.1-.2, 212.5, 245.1-.6; 34 CFR 690.2(1)-(6), 668.2-.4; 45 CFR 400.40-.104, 400.140-.156 [P.L. 96-212]

NECESSITY AND FUNCTION: The Cabinet for Human Resources is authorized by KRS 194.050 to administer programs to qualify for the receipt of federal funds providing cash and medical assistance to eligible Kentucky residents. This regulation establishes eligibility criteria and types and amounts of assistance for refugees residing in Kentucky.

Section 1. Definitions. (1) "Refugee" is any person of any nationality who:

(a) Because of persecution or fear of persecution due to race, religion, nationality, membership in a particular social group, or political opinion;

(b) Fled from their country or the country where the person habitually resides; [and]

(c) Cannot return there because of fear of persecution due to race, religion, nationality, membership in particular social group, or political opinion; and

(d) [(b)] Has been granted status by the United States Department for Immigration and Naturalization Service (INS) as;

1. Refugee;
2. Asylee;
3. Parolee;
4. Voluntary departure;
5. Permanent resident alien;
6. Conditional entrant;
7. Amerasian immigrant; or
8. Cuban-Haitian entrant.

(2) "Refugee Resettlement Program (RRP)" is the program for refugees who shall [meet the following criteria]:

(a) Have been United States residents for not more than twelve (12) months beginning with the month a refugee entered the United States; and

(b) Meet one (1) of the following status criteria of the [Immigration and Naturalization Service (]INS [)]:

1. A person from any country who has parolee status as a refugee or asylee [under Section 212(d)(5) of the Immigration and Nationality Act (INA)];
2. A person admitted from any country with [a] conditional entrant status [under Section 203(a)(7) of the INA];
3. A person from any country admitted as a refugee [under Section 207 of the INA (as added by the Refugee Act of 1980)];
4. A person from any country who has been granted asylum status [under Section 208 of the INA (as added by the Refugee Act of 1980)];
5. A person admitted as an Amerasian immigrant [under Public Law 100-202]; or
6. A person from any country who previously held one (1) of the above statuses whose status has been adjusted to permanent resident alien.

Section 2. Application. Each refugee household requesting assistance shall;

(1) Complete an application; and

(2) Provide information necessary to determine eligibility in accordance with the procedural requirements of the cabinet.

Section 3. Eligibility Criteria. The applicant shall meet the following conditions of eligibility for receipt of cash and medical assistance under the Refugee Resettlement Program:

(1) Alien or citizenship status. The applicant shall be;

(a) A refugee; or [, however,]

(b) A child of a recipient of refugee assistance who is;

1. A United States citizen by birth within the United States; and [is]

2. Eligible while the [eligible] refugee parent remains eligible for refugee assistance. [; and]

(2) Exclusion from other assistance programs. The applicant shall be ineligible for;

(a) Aid to Families with Dependent Children (AFDC); and

(b) Medical Assistance Program. [s; and]

(3) Residence. The applicant shall be a Kentucky resident as specified in 904 KAR 2:006, Technical requirements; AFDC. [; and]

(4) Income and resource limits. The applicant shall meet the financial eligibility standards [need and resource limitations criteria] of;

(a) Aid to Families with Dependent Children in 904 KAR 2:016, Standards for need and amount; AFDC; or [if the application is for medical assistance only, the applicant shall meet]

(b) The AFDC-related Medical Assistance Program [financial eligibility standard] in 904 KAR 1:004, Resource and income standard of medically needy if the application is for medical assistance only. [; and]

(5) Employability and social services. For receipt of cash assistance the applicant shall;

(a) Participate in any available and appropriate social service program providing job or language training in the area in which the refugee resides; and [. In addition, the applicant shall]

(b) Register for employment with the state employment office, unless exempt under one (1) of the following criteria:

1. [(a)] A child under age sixteen (16);
2. [(b)] A child age sixteen (16) through seventeen (17), if enrolled as a full-time student at the high school level or the

equivalent level of vocational or technical school;

3. [(c)] An individual who has a medically determined temporary illness or injury with recovery anticipated within ninety (90) days;

4. [(d)] An individual who has a medically determined physical or mental incapacity which is expected to exist longer than ninety (90) days;

5. [(e)] An individual age sixty-five (65) or over;

6. [(f)] An individual whose presence is required in the home to care for another member of the household who has been medically determined unable to care for himself and for whom alternate care arrangements are not feasible;

7. [(g)] A mother or other caretaker relative of a child under age six (6);

8. [(h)] A mother, if the father is required to register; and

9. [(i)] A woman who is medically verified to be in the third trimester of pregnancy.

(6) Job search.

(a) For receipt of cash assistance, the applicant shall participate in job search unless exempt under the criteria specified in subsection (5)(b) of this section.

(b) Job search shall begin:

1. The sixth month after the refugee entered the United States; or

2. At the time the refugee is determined eligible for refugee cash assistance if the refugee has resided in the United States for at least six (6) months at the time of the determination.

(c) Job search shall continue for eight (8) consecutive weeks.

(d) A minimum of two (2) job contacts per week shall be completed and recorded for monitoring purposes.

(e) Job contacts may be made:

1. In person;

2. By mail; or

3. By telephone.

(f) If a nonexempt refugee fails to complete the job search requirements, sanctions specified in subsection (7)(b) of this section shall apply.

(7) Cooperation requirement.

(a) [(6)] For receipt of cash assistance, the refugee shall not without good cause:

1. Refuse an appropriate offer of employment;

2. Terminate employment; or

3. Refuse to participate in an available and appropriate social service program.

(b) Any refugee not meeting this requirement shall be ineligible for a period of:

1. Three (3) months for the first occurrence; and

2. [for a period of] Six (6) months for subsequent occurrence.

(c) Good cause criteria is specified in 904 KAR 2:016, Section 4(4)(a).

(8) Student status. [(7)] For receipt of cash assistance, the refugee shall not be:

(a) A full-time student;

(b) Carrying a full-time workload; and [that is equal to or greater than those specified at 34 CFR 690.2(1)-(6)]

(c))n an institution of higher education [(defined by 34 CFR 668.2(a)(4), 668.3(a)(5), and 668.4(a)(4))] other than a correspondence school.

(9) Time limitation. [(8)] The [applicant shall meet the] period of eligibility is limited to twelve (12) months after entry into the United States [and status criteria of the Refugee Resettlement Program].

(10) Newborns.

(a) [(9)] A child born to a woman receiving medical assistance under the Refugee Assistance Program is eligible for medical assistance if:

1. The child has not reached his first birthday;

2. He resides in the household of the woman; and

3. The woman remains eligible for medical assistance.

(b) In this situation, an application is deemed to have been made and the child found eligible for medical assistance as of the date of birth.

Section 4. Benefit Levels. (1) Cash assistance shall be the same as for AFDC in 904 KAR 2:016, standards for need and amount; AFDC, except that the thirty (30) dollars plus one-third (1/3) disregard of earned income does not apply.

(2) Extended medical benefits.

(a) A refugee cash assistance case discontinued due to new or increased earned income shall be eligible for medical assistance for up to four (4) months.

(b) The four (4) months shall begin with the first month of cash assistance ineligibility due to earned income.

(c) Months for which recoupment is appropriate, due to earned income, shall be considered as part of the four (4) month period.

(3) Medical benefits.

(a) [(2)] Medical assistance benefits shall include all benefits available to Medicaid recipients.

(b) In addition, children eligible for medical assistance under the refugee assistance program are eligible for coverage of:

1. Hepatitis B immune globulin (HBIG); and

2. Hepatitis B virus (HBV) vaccine inoculations.

(c) Costs incurred for these inoculations will be covered by the Refugee Assistance Program.

(4) Payments.

(a) [(3)] Payment of benefits depends upon the availability of federal funds.

(b) If federal funds are insufficient or are not provided to the state in a timely manner, payments may be:

1. Reduced;

2. Suspended; or

3. Terminated [if federal funds are insufficient or are not provided to the state in a timely manner].

Section 5. Recoupment. Action shall be taken to recoup cash assistance overpayments in accordance with 904 KAR 2:016, Section 10, Recoupment.

Section 6. Time and Manner of Payment. Time and manner of payment shall be in accordance with 904 KAR 2:050, Time and manner of payments.

Section 7. Right to a Fair Hearing. Any individual has a right to request and receive a fair hearing in accordance with 904 KAR 2:055, Hearings and appeals.

Section 8. Material Incorporated by Reference. (1) Forms necessary to participate in mandatory job search are incorporated effective October 1,

1990.

(2) This material is available to be inspected and copied at the Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky 40621.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 18, 1990
FILED WITH LRC: September 26, 1990 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor, CHR Building. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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 unelss a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: James E. Randall

(1) Type and number of entities affected: 1. Job search. There are currently 57 active cash assistance cases in the Refugee Resettlement Program. These cases contain 119 recipients. It is unknown how many of the recipients will meet exempt status. 2. Medicaid extension shall apply to any cash assistance case discontinued due to excess earned income. An average of 24 cases are discontinued per month, and 34 percent of the monthly discontinuances, or 8 cases, are due to earned income.

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

1. First year: a. Job search is expected to have no effect on cost or savings to recipients. Voluntary resettlement agencies assist refugees in finding employment at present. Job search is more formal and must be monitored but should not increase or decrease benefits. b. Medicaid extension shall provide an average of $161 per month in benefits to each refugee eligible for the extension.

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

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

(b) Reporting and paperwork requirements: 1. Job search will require each nonexempt refugee to make and record two job contacts per week for an eight consecutive week period. The departmental form necessary for recording job contacts is incorporated by reference in this regulation. 2. There are no reporting or paperwork requirements associated with extension of Medicaid.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: a. Job search. The effectiveness of job search in reducing welfare dependency of refugees is unknown. Although the department has operated job search components in other programs, the results cannot be used to project success in the refugee program. This is due to language and cultural barriers and lack of literacy and job skills prevalent in the refugee population. b. Medicaid extension - with an average of 2.1 recipients per case and eight cases per month average discontinued due to earnings, we project costs of $89,258.40 per year.

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: 1. Job search will require the agency to furnish the recording form to appropriate recipients and evaluate the form when returned at the end of the job search period. 2. No paperwork or additional reporting is required for Medicaid extension.

(3) Assessment of anticipated effect on state and local revenues: None - the program is 100 percent federally funded.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The changes are federally mandated.

(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? Tiering was applied according to federal guidelines which establish the criteria for exempt or nonexempt status for job search and limit Medicaid extension to cases discontinued due to earned income.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 45 CFR 400.80 and 45 CFR 400.104.

2. State compliance standards. The state compliance standards are the same as the federal minimum requirements.

3. Minimum or uniform standards contained in the federal mandate. (A) 45 CFR 400.80 requires that nonexempt refugee cash assistance recipients participate in job search. Job search shall commence no later than the sixth month after entry into the United States, or the date of eligibility determination if the applicant has been in the United States for at least six (6) months at that time. Job search must continue for eight (8) consecutive weeks. Failure to participate is a sanctionable action.

(B) 45 CFR 400.104 requires states to provide an extension of Medicaid benefits for up to 4 months following the discontinuance of a cash assistance case due to new or increased earned income.

4. Will this administrative regulation impose stricter requirements, or additional or

different responsibilities or requirements, than those required by the federal mandate? No

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

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

904 KAR 3:035. Certification process.

RELATES TO: KRS 194.050, 7 CFR 273.1, .2, .5, .10, .11, .12, .14, .21, 274.6

STATUTORY AUTHORITY: KRS 194.050, 7 CFR 271.4; 272.1

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 certification process used by the cabinet in the administration of the Food Stamp Program.

Section 1. Definitions. (1) "Striker" means a person who:

(a) Is involved in a strike, concerted stoppage of work, concerted slow down of work, or other concerted interruption of operations by employees; and

(b) Is not exempt from food stamp work registration.

(2) "Sponsored alien" means those aliens lawfully admitted for permanent residence into the United States by the Immigration and Naturalization Service.

(3) "Sponsor" means a person who executed an agreement of support on behalf of an alien as a condition of the alien's entry or admission into the United States.

Section 2. [1.] Eligibility and Benefit Levels. (1) Eligibility and benefit levels shall be determined by the cabinet by considering the household's circumstances for the entire period [month(s)] for which each household is certified. [Procedures specified in 7 CFR Part 273 and any waivers thereto approved by the federal Food and Nutrition Service (FNS) shall be used to determine eligibility and calculate net income and benefit levels.]

(2) The criteria [set forth in this section] shall be applicable to all households.

(3) [In addition,] Certain households require special or [/] additional certification procedures as specified in Section 5 of this administrative regulation.

Section 3. [2.] Certification Periods. (1) The cabinet shall establish a definite period of time within which a household shall be eligible to receive benefits.

(2) Households shall be certified for at least three (3) months, except as follows:

(a) Households eligible for a certification period of three (3) months or less shall, at the time of certification, have their certification periods increased by one (1) month, if the certification process is completed after the 15th day of the month of application;

(b) Households shall be certified for one (1) or two (2) months, as appropriate when:

1. The household cannot reasonably predict what its circumstances will be in the near future; or

2. When there is substantial likelihood of frequent and significant changes in income or household status.

(3) Households composed entirely of recipients of public assistance (PA) or a combination of PA and Supplemental Security Income (SSI) shall be assigned a certification period to coincide with their PA reinvestigation date.

(4) The following households shall be certified for up to twelve (12) months:

(a) A household which is required to submit monthly reports.

(b) A household composed entirely of unemployable or elderly persons with very stable income, provided that other household circumstances are expected to remain stable; and

(c) A household whose primary source of income is from self-employment or from regular farm employment with the same employer, provided that the income can be readily predicted and household circumstances are not likely to change.

(5) The following households shall be assigned a certification period not to exceed six (6) months, including those household types specified in subsection (4) of this section.

(a) A household which is granted separate household status because the household consists of:

1. An individual and the individual's minor child;

2. The individual and child are living with the individual's parent or sibling; and

3. The individual purchases and prepares meals separately from the parent or sibling; or

(b) Recipients of PA or a combination of PA and SSI receiving up to fifty (50) dollars child support payments forwarded from the Division of Child Support Enforcement. These households shall be exempt from the monthly reporting requirements. [At the expiration of each certification period entitlement to food stamp benefits ends. Further eligibility shall be established only upon a recertification based upon a newly completed application, an interview, and verification. Certification periods for nonpublic assistance households shall be in accordance with those specified in 7 CFR Parts 273.2(k)(1)(iii)(B), 273.10(f)(3)(4)(5)(6), and 273.21(a)(3). Households in which all members are included in a PA grant shall be certified for a period of time which ensures, to the extent possible, that the recertification date and the PA reinvestigation date coincide.]

Section 4. [3.] Certification Notices to Households. The cabinet shall provide applicants with one (1) of the following written notices as soon as a determination is made, but no later than thirty (30) days after the date of the initial application:

(1) Notice of eligibility;
(2) Notice of denial; or
(3) Notice of pending status.

Section 5. [4.] Application for Recertification. The cabinet shall process applications for recertification as specified in 904 KAR 3:030, Section 1, as follows: [in

accordance with 7 CFR Part 273.10(g)(2), Part 273.14 and Part 273.21(q), unless specifically waived by FNS.]

(1) If the household files the application by the 15th day of the last month of the certification, the cabinet shall provide uninterrupted benefits if the household is otherwise eligible; or

(2) If the household files the application after the 15th day but prior to the last day of the last month of the certification, the cabinet shall provide benefits within thirty (30) days of date of the application if the household is otherwise eligible.

Section 6. [5.] Certification Process for Specific Households. Certain [The following] households have circumstances that are substantially different from other households and therefore require special or [/] additional certification procedures.

(1) A household with self-employed members shall have its [their] case processed as follows: [in accordance with 7 CFR Part 273.11(a).]

(a) Income is annualized over a twelve (12) month period if:

1. Self-employment income represents a household's annual income; or

2. Self-employment income is received on a monthly basis which represents a household's annual support;

(b) Self-employment income which is intended to meet the household's needs for only part of the year shall be averaged over the period of time the income is intended to cover;

(c) The income from a household's self-employment enterprise which has been in existence for less than one (1) year shall be averaged over the period of time the business has been in operation and a monthly amount projected over the coming year; or

(d) The cabinet shall calculate the self-employment income on anticipated earnings if the averaged annualized amount does not accurately reflect the household's actual circumstances because the household has experienced a substantial increase or decrease in business.

(2) A household with boarders shall have its [their] case processed as follows: [in accordance with 7 CFR Part 273.11(b).]

(a) Income from the boarder shall be:

1. Treated as self-employment income; and

2. Shall include all direct payments to the household for room, meals, and shelter expenses;

(b) Deductible expenses include:

1. Cost of doing business;

2. Twenty (20) percent of the earned income; and

3. Shelter costs.

(3) A household with ineligible members shall be processed, as follows:

(a) Ineligible due to:

1. Intentional program violation;

2. Failure to comply with the work requirements; or

3. Failure to comply with workfare requirements;

a. Income and resources in their entirety shall be counted as income available to the remaining household members;

b. Remaining household members shall receive standard earned income, medical, dependent care, and excess shelter deductions; and

c. The ineligible member shall not be included when:

(i) Assigning benefit level;

(ii) Comparing monthly income with income eligibility standard; and

(iii) Comparing household resources with resource eligibility standard;

(b) Ineligible due to:

1. Failure to provide a Social Security number;

2. Ineligible alien status; or

3. Failure to attest to citizenship or alien status;

a. All resources of ineligible members shall be considered available to the remaining household members;

b. A pro rata share of the ineligible member's income shall be attributed to remaining household members;

c. Earned income deduction shall be applied to pro rata share of earnings; and

d. The ineligible member's share of dependent care and shelter expenses shall not be counted;

5. The ineligible member shall not be included when:

a. Assigning benefit level;

b. Comparing monthly income with income eligibility standard; and

c. Comparing household resources with resource eligibility standard.

[(3) Households with excluded household members which have been disqualified from program participation due to intentional program violation, failure to provide a Social Security number, because they are ineligible aliens, or because they have not verified their citizenship or alien status prior to certification, shall have their case processed in accordance with 7 CFR Part 273.11(c).]

(4) A household with nonhousehold members shall be processed as follows: [in accordance with 7 CFR Part 273.11(d).]

(a) The income and resources of nonhousehold member (other than those described in subsection (3) of this section) shall not be considered available to the household with whom they reside;

(b) If earned income of household members and nonmembers are combined into one (1) wage, the agency shall:

1. Count that portion due to the household as earned income, if identifiable; or

2. Count pro rata share of earned income if nonmember's share cannot be identified;

(c) The nonmember shall not be included when;

1. Assigning a benefit level to the household;

2. Comparing monthly income with income eligibility standards; and

3. Comparing household resources with resource eligibility standard.

(5) A resident of a drug or [/] alcoholic treatment and rehabilitation program in a private, nonprofit organization or a publicly operated community mental health center shall have his [their] case processed as follows: [in accordance with 7 CFR Part 273.11(e).]

(a) Eligibility shall be determined as a one (1) person household;

(b) Certification shall be accomplished through an authorized representative;

(c) Food stamp processing standards and notice provisions shall also apply to resident recipients;

(d) Treatment center shall notify the agency of any changes in a resident's circumstances;

(e) Upon departure of the center, the resident shall be eligible to receive any remaining

its, if otherwise eligible; and

1. The organization or institution shall be responsible for knowingly misrepresenting household circumstances.

(6) A resident of a group living arrangement who is [are] blind or disabled and [who] receives retirees, survivors, and disabled individuals or SSI benefits [under Title II or Title XVI of the Social Security Act] shall have his [their] case processed as follows: [in accordance with 7 CFR Part 273.11(f), which allows residents to apply in their own behalf or through the use of an authorized/certified facility's authorized representative.]

(a) A resident shall apply on his own behalf or through use of the facility's authorized representative;

(b) Certification provisions applicable to all other households shall be applied;

(c) Responsibility for reporting changes depends upon who files the application;

1. If resident applies on his own behalf, the household shall report changes to the agency; or

2. If the center acts as authorized representative, the group living arrangement shall report changes;

(d) Eligibility of the resident shall continue after departure from the group living arrangement, if otherwise eligible; and

(e) The group living arrangement shall be responsible for knowingly misrepresenting household circumstances unless the household applied on its own behalf.

(7) A resident of a shelter for battered women and children shall have her [their] case processed as follows: [in accordance with 7 CFR 273.11(g).]

(a) The shelter shall:

1. Have food and nutrition service authorization to redeem at wholesalers; or

2. Meet the federal definition of such a shelter;

(b) A shelter resident shall be certified for benefits, if otherwise eligible, if she is currently included in a former household which contains the person who abused her; and

(c) The cabinet shall promptly remove the resident from the former household's case, upon notification.

(8) An SSI recipient shall have his case processed as follows: [Households consisting only of supplemental security income (SSI) applicants or recipients shall have their case processed in accordance with 7 CFR 273.2(k).]

(a) Application may be filed at:

1. The Social Security Administration (SSA) Office; or

2. The local food stamp office;

(b) The cabinet shall not require an additional interview for applications filed at the SSA;

(c) The cabinet shall obtain all necessary verification prior to approving benefits;

(d) Certification periods shall conform to Section 3 of this administrative regulation; and

(e) Household changes in circumstances shall conform to Section 7 of this administrative regulation.

(9) A household with a member who is on strike shall have its eligibility determined by: [their case processed in accordance with 7 CFR 273.1(g).]

(a) Comparing the striking member's income the day prior to the strike to the striker's current income;

(b) Adding the higher of the prestrike income or current income to other current household income; and

(c) Allowing the appropriate earnings deduction.

(10) Replacement issuances. [Households requesting replacement allotments shall be processed in accordance with 7 CFR 273.11(i), 274.2(h) and 274.3(c).]

(a) The cabinet shall provide replacement issuances when:

1. The coupons or authorization document were:

a. Not received;

b. Stolen from the mail;

c. Destroyed in a household misfortune;

d. Improperly manufactured; or

e. Mutilated.

2. Food purchased with food coupons was destroyed in a household misfortune; or

3. The household received a partial allotment.

(b) Replacement issuances shall not be authorized if after receipt:

1. Coupons are:

a. Lost;

b. Stolen; or

c. Misplaced.

2. Authorization documents are:

a. Lost; or

b. Misplaced.

3. Authorization documents or coupons are destroyed after receipt in other than a household misfortune or disaster;

4. Coupons sent registered mail or certified mail are signed for by anyone residing with or visiting the household; or

5. The household or authorized representative has not signed the household statement of nonreceipt.

(c) Replacement issuances shall be provided when:

1. The loss is reported within ten (10) days of the date on which:

a. An authorization document is stolen; or

b. An authorization document, coupons or food purchased with food coupons are destroyed in a household misfortune; or

2. In mail issuance counties, the loss is reported within the month of intended use.

(d) The cabinet shall limit replacement issuances to two (2) countable replacements in six (6) months for authorization documents or coupons reported as destroyed in a household misfortune.

(11) Student households [or households containing a member(s) who is a student shall have their case processed in accordance with 7 CFR Part 273.5].

(a) Any person who meets all of the following criteria shall be ineligible to participate in the Food Stamp Program:

1. Is between ages eighteen (18) and sixty (60);

2. Physically and mentally fit; and

3. Enrolled at least half-time in an institution of higher education.

(b) The criteria in paragraph (a) of this subsection shall not deem a household member ineligible if the member:

1. Is employed or self-employed at least twenty (20) hours per week and is paid for such employment;

2. Participates in a federally financed work study program;

3. Is responsible for the care of a dependent household member under age six (6);

4. Is receiving benefits from the Aid to Families with Dependent Children Program (AFDC); or

5. Is assigned to or placed in an institution of higher learning through a program under the Job Training Partnership Act.

(12) Sponsored aliens. [Households containing a sponsored alien(s) shall have their case processed in accordance with 7 CFR Part 273.11(h).]

(a) Income of the sponsored alien shall:

1. Include that portion of the sponsor's and his spouse's income deemed to be that of the alien;

2. Be subject to appropriate income exclusions; and

3. Be reduced by:

a. Twenty (20) percent earned income disregard, if appropriate; and

b. An amount equal to the Food Stamp Program monthly gross income limit for a household size equal to the household size of the sponsor.

(b) Resources of the sponsored alien shall include the total resources of the sponsor and the sponsor's spouse, reduced by $1500.

(c) The appropriate portions of income and resources of the sponsor and of the sponsor's spouse shall be deemed unearned income for a period of three (3) years following the alien's admission for permanent residence into the United States.

(13) A household which is [are] required, as specified in 904 KAR 3:020, Section 6(6), to comply with mandatory monthly reporting criteria shall have its [their] case processed as follows: [and shall comply with reporting requirements in accordance with 7 CFR Part 273.21 and waivers thereto approved by FNS, with selected options as follows:]

(a) The cabinet shall adopt a two (2) month system in which the issuance month is the second month following its corresponding budget month;

(b) There shall be up to three (3) beginning months of participation in this system, the first month and the two (2) months following;

(c) Eligibility and benefit calculation shall be determined prospectively for beginning months;

(d) Ongoing eligibility shall be determined by considering all factors of eligibility prospectively and determining benefits retrospectively;

(e) Eligibility factors causing a period of ineligibility which exceeds one (1) month shall be acted upon immediately;

(f) A monthly reporting household which is ineligible for a period not to exceed one (1) month shall be treated as follows:

1. The ineligible household's issuance shall be suspended for one (1) month.

2. If the suspended household remains ineligible after one (1) month, the cabinet shall terminate the household's participation; and

[(a) A two (2) month system shall be used whereby the issuance month is the second month following its corresponding budget month. This system includes two (2) or three (3) beginning months, the month of application and/or month of approval and the following month. Eligibility and benefit calculation shall be determined prospectively for the beginning months.]

[(b) For households reporting monthly, ongoing eligibility shall be determined by considering all factors of eligibility prospectively benefits shall be determined retrospectively. However, any factor which causes ineligibility prospectively, for a period longer than one (1) month, shall be acted upon immediately. For households reporting less frequently than monthly, ongoing eligibility and benefits shall be determined prospectively.]

[(c) The amount of the PA grant which was issued in the base month shall be considered in the corresponding budget month.]

[(d) Counties shall terminate or suspend cases in accordance with 7 CFR Part 273.21(m) and 273.21(n).]

(g) [(e)] The recertification form shall serve as the report required for that month in which a household must be recertified.

[(f) All households specified in 7 CFR Part 273.21(b)(2), as well as any others exempted by the appropriate federal agency, shall be excluded from mandatory monthly reporting.]

Section 7. [6.] Reporting Changes. (1) A certified household is [are] required to report [those] changes in household circumstances [specified in 7 CFR Part 273.12(a)] within ten (10) days of the date the change becomes known to the household.

(2) An applying household shall report all changes related to its food stamp eligibility and benefits at the certification interview, or for changes occurring after the interview but prior to receipt of the notice of eligibility, within ten (10) days of the date of the notice. [The cabinet shall act on reported changes in accordance with 7 CFR Part 273.12(c). The cabinet shall comply with other change reporting provisions outlined in 7 CFR Part 273.12.]

(3) A household which is [are] required to report monthly, shall not be required to submit any reports of changes other than the reports required under Section 6[5](13) of this regulation.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: October 3, 1990
FILED WITH LRC: October 5, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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: James E. Randall

(1) Type and number of entities affected: There are currently 3,507 individuals in the Food Stamp (FS) program who are sanctioned due to noncompliance with the Employment and Training (ET) program.

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

1. First year: The change in policy will reduce the FS benefits paid to households which contain a sanctioned individual. Current policy removes the needs of the sanctioned person and consideration of their income and resources from the computation process. Since these figures are not currently included in the program data base, it is not possible to predict a dollar value of the total cost.

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

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

(b) Reporting and paperwork requirements: Sanctioned members, or other household members acting on their behalf, shall report and verify the income and resources of the sanctioned person as if he was included in the case.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: (A) The agency will incur a reprogramming cost of approximately $500 to affect this change in the automated system. (B) There will be a reduction in FS benefits paid to the households which contain a sanctioned member. However, as stated in item (1)(a)1, this savings is impossible to predict.

2. Continuing costs or savings: Programming costs shall not recur. Savings are the same as first year.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The caseworker shall document the existence and amount of income and resources of the sanctioned person in the case record.

(3) Assessment of anticipated effect on state and local revenues: None. FS benefits are 100 percent federally funded.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives are permitted under 7 CFR 273.11.

(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. The federal requirements specify that the policy shall be applied in the same manner to all persons sanctioned for noncompliance with the FS ET program.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 7 CFR 273.11.

2. State compliance standards. The state compliance standards are the same as the federal minimum requirements.

3. Minimum or uniform standards contained in the federal mandate. The income and resources of an individual sanctioned for noncompliance with the Food Stamp Employment and Training Program shall be counted in the computation of benefits for the rest of the household.

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

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:019. Pharmacy services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 205.560(1)(a), (b), (c)

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance [under Title XIX of the Social Security Act]. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to pharmacy services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and medically needy.

Section 1. "Drug manufacturer or distributor" means those companies which the KMAP requests to provide directly to the KMAP pricing or cost information which shall [will] be used in establishing the estimated acquisition cost upper limit as required by federal regulations.

Section 2. Prescribed Drugs. Drugs prescribed by a physician, osteopath, or dentist in accordance with 907 KAR 1:020 shall be provided with the following limitations:

(1) The drug must be included on the Kentucky Medical Assistance Program Outpatient Drug List (as published by the Cabinet for Human Resources);

(2) Prescribing quantities may be limited by the program;

(3) Patients placed in "lock-in" status due to overutilization shall [are to] receive services only from their lock-in provider except in the case of emergency or referral;

(4) Practitioner authorization, i.e., actual signature of the prescriber, shall be required on all prescriptions not phoned in, on all Schedule II controlled substances prescriptions, and when the physician override (certification of brand name necessity) procedure is being used. For telephone prescriptions (but not including the preceding) the pharmacist shall enter on the prescription form the name of the prescriber and the initials of the pharmacist;

(5) No prescription shall be refilled more than five (5) times, or more than six (6) months after the original prescription is written;

(6) Drugs, provided to recipients in institutions in which drugs are considered a

part of the reasonable allowable costs under the Kentucky Medical Assistance Program, shall not be billed as an outpatient pharmacy benefit;

(7) Effective October 1, 1990, drugs provided to recipients in nursing facilities (except for patients in head injury units and units providing care for ventilator dependent patients) shall be billed as an outpatient pharmacy benefit;

(8) [(7)] Effective May 1, 1975, legend drugs, of a type not included on the Kentucky Medical Assistance Program Outpatient Drug List, and which meet established criteria, shall be considered covered for individual recipients when preauthorized by qualified medical professionals within the Department for Medicaid Services;

(9) Effective October 1, 1990, drugs of a type not on the KMAP outpatient drug list may be placed on a preauthorization list and authorized as a group for recipients in personal care homes and nursing facilities; and

(10) Drugs for which the Food and Drug Administration has issued a "less than effective (LTE)" rating and drugs which are determined to be "identical, related, or similar to LTC drugs" shall not be covered.

Section 3. Drug Pricing Information. Drug manufacturers and distributors shall be required to provide the Medical Assistance Program with accurate and complete pricing and cost information with regard to the drug manufacturer or distributor's drugs which are considered for inclusion on the outpatient drug list, or which may be preauthorized, upon request of the program.

(1) When a drug manufacturer or distributor provides inaccurate information with regard to drug pricing and cost and the fact has been documented to the program, the program may remove the drug for which inaccurate information has been provided from the outpatient drug list for a period of six (6) months, and may refuse to preauthorize the drug for a period of six (6) months. A drug manufacturer or distributor may request reinstatement of the drug after the six (6) month suspension period, and the program shall restore to its former status the drug if complete and accurate pricing information has been provided to the program by the drug manufacturer or distributor.

(2) When a drug manufacturer or distributor fails to provide complete pricing and cost information concerning a drug within thirty (30) days of the request from the program, the program may remove the drug from the outpatient drug list and refuse to preauthorize the drug. The drug may be returned to the outpatient drug list and preauthorized upon receipt by the program of the required pricing and cost information.

Section 4. The amendments to this regulation shall be effective with regard to services provided on or after October 1, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: October 3, 1990
FILED WITH LRC: October 5, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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 unelss 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 pharmacies and nursing facilities.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(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 cost impact is shown for the related regulation, 907 KAR 1:020.

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 1:020. Payment for drugs.

RELATES TO: KRS 205.550, 205.560
STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer a

program of Medical Assistance [under Title XIX of the Social Security Act]. KRS 205.550 and 205.560 require that the secretary prescribe the methods for determining costs for vendor payments for medical services. This regulation sets forth the method for determining amounts payable by the department for drugs.

Section 1. Maximum Allowable Cost Reimbursement Limits. (1) Reimbursement to pharmacies participating in the Medical Assistance Program for those drugs contained on the Kentucky Medical Assistance Program Outpatient Drug List (as published by the Cabinet for Human Resources), or preauthorized for individual recipients based on medical necessity, and provided to eligible recipients shall be determined in accordance with the following policies [is limited to the lowest of]:

(a) Drug costs shall be determined in the pharmacy program using the Medi-Span, Inc. tape pricing system with pricing determined by the actual package size utilized. The state maximum allowable cost (SMAC) amounts in effect in October 1, 1990 shall be frozen in place.

(b) When an average wholesale price (AWP) and direct price are listed in Medi-Span, reimbursement shall be the lesser of the SMAC, federal maximum allowable cost (FMAC), or AWP minus five (5) percent, plus a dispensing fee (and unit dose add-on, as appropriate) or the billed charge unless the physician has written "do not substitute" or "brand necessary" on the prescription.

(c) If an AWP is not listed, reimbursement shall be the lesser of the SMAC, FMAC, or direct price plus a dispensing fee (and unit dose add-on, as appropriate), or the billed charge unless the physician has written "do not substitute" or "brand necessary" on the prescription.

(d) If the physician has written "do not substitute" or "brand necessary" on the prescription, reimbursement shall be based on the lower of the pharmacy's usual and customary charge or the estimated acquisition cost (EAC) for the respective drug plus a dispensing fee (and unit dose add-on, as appropriate).

[(a) The maximum allowable cost (MAC) of the drug, if any, whether federal or state or both, plus a dispensing fee; or]

[(b) The estimated acquisition cost (EAC) of the drug plus a dispensing fee; or]

[(c) The provider's usual and customary charge to the public for a like product and service.]

[(2) Reimbursement to skilled nursing and intermediate care facilities for drugs provided to eligible recipients is allowable in accordance with the following:]

[(a) The Kentucky Medical Assistance Program Outpatient Drug List (with additions and deletions thereto) shall be provided by the program to each participating facility, and for the drugs contained therein, the limits specified in subsection (1) of this section are applicable;]

[(b) For drugs not on the drug list, the maximum reimbursement shall be the same as set forth in subsection (1)(a) through (c) of this section. EAC's shall be determined in the same manner as for drugs included on the outpatient drug list. SNF/ICF facilities shall not impose an additional charge on medicaid eligible recipients for drugs because of the limitations set forth in Section 1(2) of this regulation;]

[(c) A packaging cost allowance of not more than six (6) cents per dose may be added to the drug cost (if not already included) for unit dose packaged drugs. The packaging cost (up to six (6) cents, plus the drug cost is added to the dispensing fee to determine the total reimbursement amount for a unit dose packaged prescription;]

(e) [(d)] There shall be no more than two (2) dispensing fees allowed per drug within a calendar month [thirty (30) day period], except for Schedules II, III, and IV controlled substances and for nonsolid dosage forms, including topical medication preparations, for which no more than four (4) dispensing fees per drug shall [will] be paid within a calendar month [thirty (30) day period]. Though dispensing fees are limited, this shall not be construed as placing a limit on the quantity of reimbursable drugs for which the program will pay for any patient, since the reasonable cost of the drug (as defined herein) is reimbursable as a covered service in whatever quantity is considered medically necessary for the patient. Nonsolid dosage forms include all covered drug items other than oral tablets or capsule forms. [Drug items or other related supplies purchased for routine use and which may be purchased without a prescription, including food supplements, are not reimbursable in SNFs or ICFs under the drug program, though the cost of such drug, supply item or food supplement, is an allowable cost for the facility with the cost computed in accordance with the state regulation covering medicaid reimbursement for the facility;]

(f) [(e)] Whenever possible, unused drugs paid for by the department shall be returned to the pharmacy with the credit for the cost of the drug and the unit dose packaging cost (if applicable) accruing to the cabinet. [as an offset against allowable ancillary cost; and]

[(f) Interim payments made to participating facilities for allowable drug costs shall be settled at actual allowable costs computed in accordance with the upper limits shown herein at the end of the facilities' fiscal year.]

(2) [(3)] Reimbursement to hospitals for drugs provided to eligible recipients is on the basis of reasonable cost pursuant to 907 KAR 1:013. While reimbursement for drugs provided to patients in brain injury units in nursing facilities and units providing ventilator dependent care in nursing facilities is within the all-inclusive rate for the brain injury unit or ventilator care unit, the upper limits in this regulation shall be applicable with regard to payments for drugs provided in those settings.

[Section 2. Physician Maximum Allowable Cost (MAC) Override. The MAC price limitation in Section 1 of this regulation shall not apply in any case where a physician certifies in his own handwriting that in his medical judgment, a specific covered brand is medically necessary for a particular patient. In such instances, reimbursement shall be based on the lower of the EAC plus a professional dispensing fee or the provider's usual and customary charge to the public for the drug.]

Section 2. [3.] Dispensing Fees. (1) [Effective July 1, 1984,] The dispensing fee shall be [no more than] three (3) dollars and twenty-five (25) cents per prescription for

drugs reimbursed through the outpatient drug program to all eligible recipients except those in nursing facilities. [, as shown in Section 1(1) of this regulation, where the covered drugs are limited to those contained on the Kentucky Medical Assistance Program Outpatient Drug List. The allowable dispensing fee shall be no more than three (3) dollars and twenty-five (25) cents (except for the additional amount for unit dose packaging as shown in Section 1(2)(c) of this regulation) for drugs reimbursed as part of the covered services of skilled nursing and intermediate care facilities, as shown in Section 1(2) of this regulation.]

(2) For eligible recipients in nursing facilities, an addition to the usual dispensing fee of three (3) dollars and twenty-five (25) cents shall be made for drugs dispensed through the pharmacy outpatient drug program in the amount of four (4) cents per unit dose for unit dose drugs packaged in unit dose form by the manufacturer and six (6) cents per unit dose for unit dose drugs packaged in unit dose form by the pharmacist.

Section 3. [4.] Reimbursement to Dispensing Physicians. Participating dispensing physicians who practice in counties where no pharmacies are located are reimbursed for the cost of the drug only, with the cost computed as the maximum allowable cost or estimated acquisition cost as shown in Section 1(1) of this regulation, or the physician's usual and customary charge to the general public for the drug if less, or in accordance with 907 KAR 1:010 for drugs purchased on the open mrket for specified immunizations shown in 907 KAR 1:009.

Section 4. Effective Date. The amendments to this regulation shall be effective with regard to services provided on and after October 1, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: October 3, 1990
FILED WITH LRC: October 5, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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 unelss 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 pharmacies and nursing facilities.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: $3.7 million (savings)
2. Continuing costs or savings: $3.7 million (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:
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 1:022. [Skilled] Nursing facility and intermediate care facility for the mentally retarded services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance [in accordance with Title XIX of the Social Security Act]. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to [skilled] nursing facility and intermediate care facility for the mentally retarded 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. The following definitions shall be applicable:
(1) "Patient status" means that the individual has care needs meeting the criteria set forth in this regulation for treatment in the institutional setting.
(2) "Intermittent high intensity services" means the individual requires high intensity

nursing services at regular or irregular intervals, but not on a twenty-four (24) hour per day basis.

(3) "Stable medical condition" means one which is capable of being maintained in accordance with a planned treatment regimen requiring a minimum amount of medical supervision without significant change or fluctuation in the patient's condition or treatment regimen.

(4) "Nursing facility" (NF) means a facility which has a license as a nursing facility and which is certified to the Department for Medicaid Services by the state survey agency as meeting nursing facility standards. A facility which is certified to the department as meeting skilled nursing facility standards based on a survey agency survey made prior to October 1, 1990 shall be deemed to meet the requirements for participation as a nursing facility until the first survey agency survey of the facility which occurs on or after October 1, 1990. Hospital swing beds providing services in accordance with 42 USC 1395tt and 42 USC 13961 shall also be considered nursing facilities so long as the swing beds are certified to the department as meeting nursing facility standards (or in the interim before the first survey agency survey on or after October 1, 1990 skilled or intermediate care nursing facility standards). Nursing facilities shall meet Medicare participation requirements.

(5) "Nursing facility with waiver" (NF-W) means a facility which has a license as a nursing facility and which is certified to the Department for Medicaid Services by the state survey agency as meeting all nursing facility requirements except for the nurse staffing requirement for which a waiver has been granted by the survey agency; nursing facilities with waiver do not meet Medicare participation requirements. A facility which is certified to the department as meeting intermediate care facility standards based on a survey agency survey made prior to October 1, 1990 shall be deemed to meet the requirements for participation as a nursing facility with waiver until the first survey agency survey of the facility which occurs on or after October 1, 1990.

(6) "Intermediate care facility for the mentally retarded" (ICF-MR) means a licensed intermediate care facility for the mentally retarded certified to the Department for Medicaid Services as meeting all standards for intermediate care facilities for the mentally retarded.

(7) "High intensity nursing care services" means care provided to Medicaid eligible individuals who meet high intensity patient status criteria by nursing facilities (NFs) participating in the Medicaid program. High intensity nursing care patient status criteria shall be equivalent to skilled nursing care standards under Medicare.

(8) "Low intensity nursing care services" means care provided to Medicaid eligible individuals who meet low intensity patient status criteria by nursing facilities (NFs) or nursing facilities with waiver (NFs-W) participating in the Medicaid program. Low intensity nursing care patient status criteria shall be equivalent to the former intermediate care patient status standards.

(9) "Intermediate care for the mentally retarded and persons with related conditions services" means care provided to Medicaid eligible individuals who meet ICF-MR patient status criteria by ICF-MRs participating in the Medicaid program.

Section 2. [1.] Participation Requirements. Each facility desiring to participate as a [skilled] nursing facility, nursing facility with waiver, or ICF-MR shall meet the following requirements:

(1) An application for participation shall be made to the cabinet using the procedures specified by the Commissioner, Department for Medicaid Services, Cabinet for Human Resources. A vendor number shall be assigned to the facility by the cabinet when participation status is achieved.

(2) Each [skilled] nursing facility shall be required to have participatory status in the program of health care known as [Title XVIII,] Medicare before the conditions of participation for Medicaid [Title XIX] shall be deemed met.

(3) Each [skilled] nursing facility and nursing facility with waiver shall be required to comply with the preadmission screening and annual resident review requirements specified in 42 USC 1396r [Section 1919 of the Social Security Act], effective with regard to admissions and resident stays occurring on or after January 1, 1989. Facilities failing to comply with this requirement shall be subject to disenrollment, with exclusion from participation to be accomplished in accordance with 907 KAR 1:220, Terms and conditions of provider participation; provider appeals, and federal regulations at 42 CFR 431.153 and 431.154.

(4) A facility shall be required to be certified by the state survey agency as meeting NF, NF-W, or ICF-MR status; a facility not appropriately certified shall not participate in the Medicaid program except for appropriately certified SNFs or ICFs during the grandfathered period which ends upon the facility's first survey by the state survey agency on or after October 1, 1990.

Section 3. [2.] Provision of Service. (1) Payment for high intensity, low intensity and ICF-MR services shall be limited to those services meeting the care definitions shown in Section 1 of this regulation. A nursing facility may provide and receive payments for high intensity and low intensity services; a nursing facility with waiver may provide and receive payments for low intensity services only; and an ICF-MR may provide and receive payments for ICF-MR services only. [provided to eligible individuals meeting the criteria of patient status in that they require skilled nursing care on a continuous basis following an acute illness or as a result of a chronic disease and/or disability and are receiving skilled nursing care in a participating facility.]

(2) A participating [skilled] nursing facility may be certified, in accordance with standards and conditions specified in 907 KAR 1:374, Incorporation by reference of the skilled nursing facility services manual, to operate a unit providing preauthorized specialized rehabilitation services for persons with brain injuries.

Section 4. [3.] Determining Patient Status. Professional staff of the cabinet, or a peer review organization operating under its lawful

authority pursuant to the terms of its agreement with the cabinet, shall review and evaluate the health status and care needs of the recipient in need of institutional care giving consideration to the medical diagnosis, care needs, services and health personnel required to meet these needs and the feasibility of meeting the needs through alternative institutional or noninstitutional services.

(1) A patient shall not qualify for Medicaid patient status unless the person is qualified for admission, and continued stay as appropriate, under the preadmission screening and annual resident review criteria specified in 42 USC 1396r [Section 1919 of the Social Security Act] with regard to admissions and resident stays occurring on or after January 1, 1989.

(2) Patients qualify for high intensity [skilled] nursing care when their needs mandate high intensity [skilled] nursing or high intensity [skilled] rehabilitation services on a daily basis and when, as a practical matter, the care can only be provided on an inpatient basis. Where the inherent complexity of a service prescribed for a patient exists to the extent that it can be safely or effectively performed only by or under the supervision of technical or professional personnel, the patient would qualify for high intensity [skilled] nursing care. A patient with an unstable medical condition manifesting a combination of care needs in the following areas shall [may] qualify for high intensity [skilled] nursing care:

(a) [(1)] Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

(b) [(2)] Nasogastric or gastrostomy tube feedings;

(c) [(3)] Nasopharyngeal and tracheotomy aspiration;

(d) [(4)] Recent or complicated ostomy requiring extensive care and self-help training;

(e) [(5)] In-dwelling catheter for therapeutic management of a urinary tract condition;

(f) [(6)] Bladder irrigations in relation to previously indicated stipulation;

(g) [(7)] Special vital signs evaluation necessary in the management of related conditions;

(h) [(8)] Sterile dressings;

(i) [(9)] Changes in bed position to maintain proper body alignment;

(j) [(10)] Treatment of extensive decubitus ulcers or other widespread skin disorders;

(k) [(11)] Receiving medication recently initiated, which requires high intensity [skilled] observation to determine desired or adverse effects or frequent adjustment of dosage;

(l) [(12)] Initial phases of a regimen involving administration of medical gases;

(m) [(13)] Receiving services which would qualify as high intensity [skilled] rehabilitation services when provided by or under the supervision of a qualified therapist(s), for example: ongoing assessment of rehabilitation needs and potential; therapeutic exercises which must be performed by or under the supervision of a qualified physical therapist; gait evaluation and training; range of motion exercises which are part of the active treatment of a specific disease state which has resulted in a loss of, or restriction of, mobility; maintenance therapy when the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs, and consistent with the patient's capacity and tolerance; ultrasound, short wave, and microwave therapy treatments; hot pack, hydrocollator infrared treatments, paraffin baths, and whirlpool (in cases where the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures or other complications, and the skills, knowledge, and judgment of a qualified physical therapist are required); and services by or under the supervision of a speech pathologist or audiologist when necessary for the restoration of function in speech or hearing.

(3) An individual shall be determined to meet low intensity patient status when the individual requires intermittent high intensity nursing care, continuous personal care or supervision in an institutional setting. In making the decision a to patient status, the following criteria shall be applicable:

(a) An individual with a stable medical condition requiring intermittent high intensity services not provided in a personal care home shall be considered to meet patient status.

(b) An individual with a stable medical condition, who has a complicating problem which prevents the individual from caring for himself in an ordinary manner outside the institution shall be considered to meet patient status. For example, ambulatory cardiac and hypertensive patients may be reasonably stable on appropriate medication, but have intellectual deficiencies preventing safe use of self-medication, or other problems requiring frequent nursing appraisal, and thus be considered to meet patient status.

(c) An individual with a stable medical condition manifesting a significant combination of the following care needs shall be determined to meet low intensity patient status when the professional staff determines that such combination of needs can be met satisfactorily only by provision of intermittent high intensity nursing care, continuous personal care or supervision in an institutional setting:

1. Assistance with wheelchair;

2. Physical or environmental management for confusion and mild agitation;

3. Must be fed;

4. Assistance with going to bathroom or using bedpan for elimination;

5. Old colostomy care;

6. In-dwelling catheter for dry care;

7. Changes in bed position;

8. Administration of stabilized dosages of medication;

9. Restorative and supportive nursing care to maintain the patient and prevent deterioration of his condition;

10. Administration of injections during time licensed personnel is available.

11. Services that could ordinarily be provided or administered by the individual but due to physical or mental condition is not capable of such self-care.

12. Routine administration of medical gases after a regimen of therapy has been established.

(d) An individual shall not generally be considered to meet patient status criteria when care needs are limited to the following:

1. Minimal assistance with activities of daily living;

2. Independent use of mechanical devices, for example, assistance in mobility by means of a wheelchair, walker, crutch(es) or cane;

3. Limited diets such as low salt, low residue, reducing and other minor restrictive diets;

4. Medications that can be self-administered or the individual requires minimal supervision.

(4) Evaluation of patient status for persons with mental disorders or mental retardation. A person with a mental disorder or mental retardation meeting the health status and care needs specified in subsections (2) and (3) of this section shall generally be considered to meet patient status. However, these individuals shall be specifically excluded from coverage in the following situations:

(a) When the cabinet determines that in the individual case the combination of care needs are beyond the capability of the facility, and that placement in the facility is inappropriate due to potential danger to the health and welfare of the patient, other patients in the facility, or staff of the facility; and

(b) When the nursing care needs result directly and specifically from a mental disorder; i.e., are essentially symptoms of the mental disorder; and

(c) When the patient does not meet the preadmission screening and annual resident review criteria specified in 42 USC 1396r for entering or remaining in a facility.

(5) An individual shall be determined to meet patient status for an intermediate care facility for the mentally retarded and persons with related conditions when the individual requires physical or environmental management or rehabilitation for moderate to severe retardation. In making the decision as to patient status the following criteria shall be applicable:

(a) An individual with significant developmental disabilities and significantly subaverage intellectual functioning who requires a planned program of active treatment to attain or maintain the individual's optimal level of functioning, but does not necessarily require nursing facility or nursing facility with waiver services, shall be considered to meet patient status.

(b) An individual requiring a protected environment while overcoming the effects of developmental disabilities and subaverage intellectual functioning shall be considered to meet patient status while:

1. Learning fundamental living skills;

2. Learning to live happily and safely within his own limitations;

3. Obtaining educational experiences that will be useful in self-supporting activities;

4. Increasing his awareness of his environment.

(c) An individual with a psychiatric primary diagnosis or needs shall be considered to meet patient status criteria only when the individual also has care needs as shown in paragraph (a) or (b) of this subsection, the mental care needs are adequately handled in a supportive environment (i.e., the intermediate care facility for the mentally retarded), the individual does not require psychiatric inpatient treatment.

(d) An individual that does not require a planned program of active treatment to attain or maintain the individual's optimal level of functioning shall not be considered to meet patient status.

(e) It shall be the policy of the cabinet that no individual shall be denied patient status soley due to advanced age, or length of stay in an institution, or history of previous institutionalization, so long as the individual qualifies for patient status on the basis of all other factors.

(f) With regard to an individual with a "related condition" (not mental retardation) the illness or ailment shall have manifested itself prior to the individual's 22nd birthday.

Section 5. [4.] Reevaluation of Need for Service. [Skilled] Nursing facility, nursing facility with waiver, and ICF-MR services shall be provided for as long as the health status and care needs are within the scope of program benefits as described in Sections [2 and] 3 and 4 of this regulation. Patient status shall be reevaluated at least once every six (6) months. If a reevaluation of care needs reveals that the patient no longer requires high intensity, low intensity, or intermediate care for the mentally retarded services and payment is no longer appropriate in the facility [skilled care], payment shall continue for ten (10) days to permit orderly discharge or transfer to an appropriate [lesser] level of care. [Patients who met patient status criteria as of August 31, 1985 on the basis that they would have been reclassified to intermediate care patient status except for the unavailability of an intermediate care bed, and had continued to receive care in the facility while on the waiting list of suitable facilities, will be considered to meet patient status criteria through January 31, 1986 so long as the preexisting conditions for the patient status criteria continue to be met.]

[Section 5. Evaluation of Patient Status for Persons with Mental Disorders or Mental Retardation. A person with a mental disorder or mental retardation meeting the health status and care needs specified in Sections 2 and 3 of this regulation shall generally be considered to meet patient status. However, these individuals are specifically excluded from coverage in the following situations:]

[(1) When the cabinet determines that in the individual case the combination of care needs is beyond the capability of the facility, and that placement in the skilled nursing facility is inappropriate due to potential danger to the health and welfare of the patient, other patients in the facility or staff of the facility; and]

[(2) When the skilled nursing care needs result directly and specifically from a mental disorder; i.e., are essentially symptoms of the mental disorder; and]

[(3) When the patient does not meet the preadmission screening and annual resident review criteria specified in Section 1919 of the Social Security Act for entering or remaining in a skilled nursing facility.]

Section 6. Preauthorization of Provision of Specialized Rehabilitation Services for Persons with Brain Injuries. Patients who are brain injured and meet usual high intensity [skilled] nursing facility patient status criteria may be provided care in a certified unit providing specialized rehabilitation services for persons with brain injuries (i.e., brain injury unit)

when the care is preauthorized by staff of the Department for Medicaid Services using criteria specified in this section. For coverage to occur, authorization of coverage shall [must] be granted prior to admission of the individual with the head injury into the certified head injury unit, or if previously admitted to the unit with other third party coverage, authorization shall [must] be granted prior to exhaustion of those benefits.

(1) Injuries within the scope of benefits shall be [are]:

(a) Central nervous system injury from physical trauma;

(b) Central nervous system damage from anoxia or hypoxic episodes; and

(c) Central nervous system damage from allergic conditions, toxic substances and other acute medical/clinical incidents.

(2) Indications for admission and continued stay shall be [are] as follows:

(a) The individual sustained a traumatic brain injury with structural, nondegenerative brain damage and is medically stable;

(b) The individual shall [is] not be in a persistent vegetative state;

(c) The individual demonstrates physical, behavioral, and cognitive rehabilitation potential;

(d) The individual requires coma management; and

(e) The individual has sustained diffuse brain damage caused by anoxia, toxic poisoning, encepalitis, or cardiovascular accident with rehabilitation potential.

(3) The determination as to whether preauthorization is appropriate shall [will] be made taking into consideration the following:

(a) The presenting problem;

(b) The goals and expected benefits of the admission;

(c) The initial estimated time frames for goal accomplishment; and

(d) The services needed.

(4) The following are indicators that show it shall be [is] inappropriate to preauthorize coverage for services provided in a certified brain injury unit:

(a) Strokes, (note: [skilled] nursing facilities provide rehabilitation services that are expected to meet the needs of most stroke patients);

(b) Spinal cord injuries in which there are no known or obvious injuries to the intercranial central nervous system;

(c) Progressive dementias and other mentally impairing conditions;

(d) Depression and psychiatric disorders in which there is no known or obvious central nervous system damage;

(e) Mental retardation, developmental disabilities, and birth defect related disorders of long standing; and

(f) Neurological degenerative, metabolic and other medical conditions of a chronic, degenerative nature.

Section 7. Reserved Bed Days. The cabinet shall [will] cover reserved bed days [(effective December 1, 1984)] in accordance with the following specified upper limits and criteria.

(1) Reserved bed days for nursing facilities and nursing facilities with wavier shall [will] be covered for a maximum of fourteen (14) days per absence for a hospital stay with an overall maximum of forty-five (45) days per provider during the calendar year.

[(2)] Reserved bed days shall [will] be covered for a maximum of fifteen (15) days per provider during the calendar year for leaves of absence other than for hospitalization.

(2) For intermediate facilities for the mentally retarded and persons with related conditions, reserved bed days shall be covered for a maximum of forty-five (45) days per provider within a calendar quarter. Reserved bed days for hospital stays shall not exceed fifteen (15) days per stay. No more than thirty (30) consecutive reserved bed days (for hospital stay(s) plus leave(s) of absence, or leave of absence only) shall be approved for coverage.

(3) Coverage during a recipient's absence for hospitalization or leave of absence shall be [is] contingent on the following conditions being met:

(a) The person shall be [is] in Medicaid [Title XIX] payment status in the level of care he/she is authorized to receive and shall have [has] been a resident of the facility at least overnight. Persons for whom Medicaid [Title XIX] is making Medicare [Title XVIII] coinsurance payments shall [are] not be considered to be in Medicaid [Title XIX] payment status for purposes of this policy;

(b) The person can be reasonably expected to return to the same level of care;

(c) Due to demand at the facility for beds at that level, there is a likelihood that the bed would be occupied by some other patient were it not reserved;

(d) The hospitalization shall be [is] for treatment of an acute condition, and not for testing, brace-fitting, etc.; and

(e) In the case of leaves of absence other than for hospitalization, the patient's physician orders and plan of care provide for such leaves. Leaves of absence include visits with relatives and friends, and leaves to participate in state-approved therapeutic or rehabilitative programs.

Section 8. The amendments to this regulation shall be effective with regard to covered services provided on or after October 1, 1990 [July 1, 1989].

Section 9. 907 KAR 1:024, Intermediate care facility services, is hereby repealed.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 4, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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 nursing facilities and intermediate care facilities for the mentally retarded.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:*
1. First year:
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:
*Cost is shown in the companion regulation, 907 KAR 1:025
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 1:060. Medical transportation.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance [in accordance with Title XIX of the Social Security Act]. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to the service of transportation for access to medical services for which payment shall [will] be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Ambulance Service. Ambulance service shall be provided only when other means of transportation is contraindicated, and the following criteria are met:
(1) Emergency ambulance services to the nearest appropriate medical facility may be [are] provided without preauthorization when the emergency treatment is indicated and rendered.
(2) Nonemergency ambulance services designed to facilitate the orderly admittance, transfer or placement of the patient shall be [are] permitted without preauthorization when the place of destination, point of departure, and purpose of transfer meet guidelines specified by the agency.
(3) Nonemergency ambulance services for round trips to a hospital or a clinic to secure outpatient treatment or therapy shall be [are] provided when preauthorized by the Division of Medical Assistance.

Section 2. Locally Authorized Medical Transportation. Through December 31, 1990 A petty cash system administered at the local level shall provide for preauthorized nonemergency, nonambulance transportation, limited to the provision of the [such] services under the following conditions: [when] the client shall be [is] traveling to or from a medical service covered under a state plan, exclusive of drugs; the service shall be [is] determined to be medically necessary; and payment for transportation shall be [is] necessary to assure that the medical service is secured. The same system of preauthorization of transportation shall continue in effect on and after January 1, 1991, except that the local petty cash system shall be dissolved and payments for locally authorized medical transportation shall be made directly to participating providers by the Medicaid program. Locally authorized medical transportation as above shall be provided on an exceptional basis with the limitation that postauthorization shall [must] be justified by the client showing the need arose and was fulfilled outside normal working hours and that payment for the transportation has not been made.

Section 3. Determination of Necessity. Any determination of medical necessity of transportation, and provision of preauthorization and postauthorization, shall be made by the cabinet or by an authorized representative. Only transportation within the medical service area shall be [is] approved unless preauthorized by the cabinet (or postauthorized in certain instances), except in instances where [unless] previously designated criteria for transportation not requiring authorization shall be [are] met.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 4, 1990 at 3 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending

this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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 medical transportation providers 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:
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: Budget neutral.
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:
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 1:061. Payments for medical transportation.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance [in accordance with Title XIX of the Social Security Act]. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for medical transportation services.

Section 1. Definitions. For purposes of this regulation, the following definitions apply:
(1) "Commercial transportation vendors" means those commercial carriers licensed in accordance with the laws of Kentucky, other states, or of the United States to transport members of the general public.
(2) "Private automobile vendor" means a person owning or having access to a private vehicle not used for commercial transportation purposes and who uses that vehicle for the occasional medical transportation of eligible recipients. Included within this definition are ambulance type vendors who are noncertified or who have not chosen or been approved to participate in the Title XIX program, if willing to accept private automobile vendor rates.
(3) "Waiting time" means that period of time following provision of transportation to a medical vendor during which the private automobile vendor is waiting for the recipient to receive medical treatment, in order to provide the return trip required by the recipient. In the instance of an eligible recipient being admitted to a medical institution for inpatient care, waiting time is considered to have occurred when the private automobile vendor waits a sufficient period of time to ensure the recipient's admittance to the facility.
(4) "Noncommercial group carriers" means those vendors who provide bus or bus-type medical transportation to an identifiable segment of the eligible recipient group, but not including vendors whose transportation costs are allowable costs under their reimbursement system (e.g., mental health centers). Such segment may be identifiable by geographical boundary, type of medical service required, common medical destination (i.e., clinic, primary care center, etc.), or other similar grouping method. Included within this definition are:
(a) Community action agencies (or successor agencies) providing bus or bus-type service for a poverty or near-poverty area target population; and
(b) Other similar providers as identified by the cabinet.
(5) "Specialty individual carrier" means a vendor who provides, through specially equipped vehicles, medical transportation for nonambulatory recipients (those who are required to travel by wheelchair) or for ambulatory but disoriented recipients (those who are sufficiently disoriented as to time, place, person or objects so as to be unable to travel to or from medical services unaccompanied or unsupervised), and who provides services not normally available from other transportation vendors. The equipment ordinarily required shall be a van or similar type vehicle with a lift for wheelchairs; and the service shall be the accompaniment of the recipient from point of origin to point of destination where the recipient is placed in the charge of the receiving individual, including physical

assistance or guidance to the recipient if necessary. To be considered a specialty individual carrier for purposes of reimbursement from the cabinet, the carrier must be recognized by the cabinet as a specialty individual carrier with approval given by the cabinet for reimbursement at specialty individual carrier rates. The cabinet may require the submission of documentation designed to show that the vendor is capable of providing specialty individual carrier service in an adequate and safe manner.

Section 2. Ambulance Services. (1) The cabinet shall reimburse licensed participating ambulance services at the lesser of their usual and customary charges or the maximum rate established by the cabinet.

(2) The maximum rate shall be the amount arrived at by combining the following component costs, as applicable:

(a) The base rate, which shall be set at fifty (50) dollars per one (1) way trip and includes all mileage costs for the first ten (10) miles;

(b) A mileage allowance of one (1) dollar per mile for mileage above the first ten (10) miles;

(c) An oxygen rate, which is set at eight (8) dollars per one (1) way trip; and

(d) The cost (as determined by the cabinet) of other itemized supplies.

Section 3. Commercial Transportation Vendors. Effective with regard to services provided on and after October [July] 1, 1990, the cabinet shall reimburse participating commercial transportation vendors at the normal passenger rate charged to the general public, except that the following maximum rates shall be applicable for franchised (licensed) taxi services in those areas of the state where taxi rates are not regulated by the appropriate local rate setting authority, and for franchised (licensed) taxi services in regulated areas when they go outside the medical service area.

(1) The upper limit shall be the usual and customary charge up to a maximum of six (6) dollars for trips of five (5) miles or less, one (1) way, loaded miles.

(2) The upper limit shall be the usual and customary charge up to a maximum of twelve (12) dollars for trips of six (6) to ten (10) miles, one (1) way, loaded miles.

(3) The upper limit shall be the usual and customary charge up to a maximum of twenty (20) dollars for trips of eleven (11) to twenty-five (25) miles, one (1) way, loaded miles.

(4) The upper limit shall be the usual and customary charge up to a maximum of thirty (30) dollars for trips of twenty-six (26) miles to fifty (50) miles, one (1) way, loaded miles.

(5) The upper limit for trips of fifty-one (51) miles or above shall be the lesser of the usual and customary charge or an amount derived by multiplying one (1) dollar by the actual number of miles, not to exceed a maximum of seventy-five (75) dollars per trip, one (1) way, loaded miles.

Section 4. Private Automobile Vendors. (1) The cabinet shall reimburse private automobile vendors at the basic rate of twelve (12) cents per mile plus a flat fee of two (2) dollars per eligible passenger if waiting time is required. For round trips of less than five (5) miles the rate shall be computed on the basis of a maximum allowable fee of three (3) dollars for the first passenger plus two (2) dollars each for waiting time for additional eligible passengers. For services provided on or after January 1, 1990 private automobile vendors shall have a signed participation agreement with the Department for Medicaid Services prior to furnishing reimbursable medical transportation services.

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

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

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

Section 5. Noncommercial Group Carriers. The cabinet shall reimburse participating noncommercial group carriers based on actual reasonable, allowable cost to the provider based on cost data submitted to the cabinet by the provider; however, the minimum rate shall be twenty (20) cents per recipient per mile transported and the rate upper limit shall be fifty (50) cents per recipient per mile transported.

Section 6. Specialty Individual Carriers. (1) Participating specialty individual carriers shall be reimbursed at the lesser of the following rates:

(a) The actual charge for the service; or

(b) The usual and customary charge for that service by the carrier, as shown in the schedule of usual and customary charges submitted by the carrier to the cabinet; or

(c) The program maximum established for the service.

(2) For services provided on or after July 1, 1990, program maximums are:

(a) Nonambulatory, wheelchair patients; for transportation within a distance of ten (10) miles or less, the upper limit shall be twenty-five (25) dollars for the first patient plus ten (10) dollars for each additional nonambulatory patient transported on the same trip, for each time a patient is transported to or transported from the medical service site. To this base rate may be added two (2) dollars per

mile per patient for miles the patient(s) is transported above ten (10) (one (1) way), and toll charges actually incurred.

(b) Ambulatory, disoriented patients; for transportation within a distance of ten (10) miles or less, the upper limit shall be twelve (12) dollars and fifty (50) cents per patient for each time a patient(s) is transported to or transported from the medical service site. To this base rate may be added two (2) dollars per mile per patient for miles the patient is transported above ten (10) (one (1) way), and toll charges actually incurred.

(c) For both paragraphs (a) and (b) of this subsection, mileage shall be computed by the most direct accessible route from point of pickup to point of delivery, and reimbursement for mileage shall be allowed only for those miles the recipient is actually transported in excess of ten (10). Empty vehicle miles shall not be included when computing allowable reimbursement for mileage.

(3) Reimbursement shall be made at specialty individual carrier rates for the following types of recipients only:

(a) Nonambulatory recipients who need to be transported by wheelchair, but not including recipients who need to be transported as a stretcher patient; and

(b) Ambulatory but disoriented recipients, defined as persons confused, especially with respect to time, place and identity of persons or objects. The extent of disorientation shall be such as to preclude the recipient from safely utilizing, unaccompanied, alternate methods of transportation.

(4) The specialty carrier shall obtain a statement from the recipient's physician (or, if the recipient is in a skilled nursing or intermediate care facility, from the director of nursing, charge nurse, or medical director in lieu of physician) to verify that transportation by the specialty carrier is medically necessary due to the recipient's nonambulatory or disoriented condition. Claims for payment which are submitted without the required statement of verification shall not be paid.

Section 7. Specially authorized transportation services provided by participating ambulance services may be paid for at a rate of forty (40) dollars per one (1) way trip, which includes all mileage costs for the first ten (10) miles, and a mileage allowance of seventy-five (75) cents per mile above the first ten (10) miles, unless otherwise authorized; specially authorized transportation services provided by participating specialty carriers, or as otherwise authorized in unforeseen circumstances, may be paid for at a rate adequate to secure the necessary service; in no event, however, shall the amount allowed exceed the usual and customary charge of the provider.

Section 8. Use of Flat Rates. When a recipient chooses to use a medical provider outside the medical service area (i.e., the medical service is available within the medical service area and the recipient has not been appropriately referred to a medical provider outside the medical service area), transportation payment shall not exceed the lesser of six (6) dollars per trip, one (1) way (or twelve (12) dollars for a round trip), or the usual fee for the participating transportation provider computed in the usual manner.

Section 9. Limitations. Any reimbursement for medical transportation shall be contingent upon the recipient receiving the appropriate pre- or postauthorization for medical transportation as required by the cabinet.

Section 10. The amendments to this regulation shall be effective for services provided on or after October 1, 1990 except as specified in Section 4 of this regulation.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 4, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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 unelss 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 medical transportation providers of services to Medicaid recipients.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Budget neutral.

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:
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 1:095. Payments for nurse-midwife services.

RELATES TO: KRS 205.520, 205.560
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, shall [to] comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for nurse-midwife services.

Section 1. General Requirements Relating to Payments. Participating nurse-midwife providers shall be paid only for covered services rendered to eligible recipients, and services provided shall [must] be within the scope of practice of the nurse-midwife.

Section 2. [Outpatient] Reimbursement. [(1)] For services provided on or after July 1, 1990, payments to nurse-midwives shall be at usual and customary actual billed charges on a procedure-by-procedure basis, with reimbursement for each [a] procedure to be the lesser of the actual billed charge or at seventy-five (75) percent of the fixed upper limit per procedure for physicians. [not to exceed 75 percent of the amount reimbursable to general practice physicians (nonspecialists) at the 75th percentile for the procedure.]
[(2) All procedures shall have the upper limits recomputed at the same time the 75th percentile is recomputed for physicians.]

[Section 3. Inpatient Reimbursement. Reimbursement for nurse-midwife services provided to inpatients of hospitals is made on the basis of 100 percent reimbursement per procedure for the first twenty (20) dollars of allowable reimbursement and on the basis of a percentage of the nurse-midwife's usual, customary and reasonable charge in excess of twenty (20) dollars per procedure, after the appropriate prevailing fee screen is applied. The "prevailing fee screen" means, in this instance, application of the limitation shown in Section 2(1) of this regulation. The percentage rate applied to otherwise allowable reimbursement in excess of twenty (20) dollars per procedure is established at thirty-five (35) percent. The percentage rate will be reviewed periodically and adjusted according to the availability of funds.]

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 26, 1990
FILED WITH LRC: October 4, 1990 at 3 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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 nurse-midwife providers 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: Budget neutral.
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:
TIERING: Was tiering applied? No. Federal Medicaid regulations require that similarly situated providers be treated in a similar manner.

PROPOSED REGULATIONS RECEIVED THROUGH NOON, OCTOBER 15, 1990

GENERAL GOVERNMENT CABINET
Board of Examiners & Registration of Architects

201 KAR 19:056. Repeal of 201 KAR 19:055 and 201 KAR 19:075.

RELATES TO: KRS 323.210
STATUTORY AUTHORITY: KRS 323.210
NECESSITY AND FUNCTION: 201 KAR 19:055 describes procedures and requirements for National Council of Architectural Registration Boards (NCARB) certification which is not a function of this board's authority, therefore this material is not appropriate to the regulations. 201 KAR 19:075 defines conditions whereby the board may refuse to admit an applicant to examination and may refuse to grant or renew a license or may revoke a license. This regulation is repetitious of provisions elsewhere in other regulations.

Section 1. 201 KAR 19:055, Certification; eligibility and examination, is hereby repealed.

Section 2. 201 KAR 19:075, Refusal to grant or renew license, is hereby repealed.

CURTIS E. FLANNERY, President
APPROVED BY AGENCY: October 11, 1990
FILED WITH LRC: October 15, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 26, 1990 at 11 a.m. at 3302 Brookhill Circle, Lexington, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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: L. Wayne Tune, Executive Director, State Board of Examiners and Registration of Architects, P.O. Box 22097, Lexington, Kentucky 40522.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: L. Wayne Tune
(1) Type and number of entities affected: None
(a) Direct and indirect costs or savings to those affected: No costs involved by this repealing regulation.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings: 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: None appropriate.
(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: This repeals extraneous and repetitious existing regulations.
TIERING: Was tiering applied? No. Not appropriate.

TOURISM CABINET
Department of Fish & Wildlife Resources

301 KAR 1:056. Sport fishing trotlines, jugging, and setlines.

RELATES TO: KRS 150.010, 150.025, 150.120, 150.170, 150.175, 150.445, 150.990
STATUTORY AUTHORITY: KRS 13A.350, 150.025
NECESSITY AND FUNCTION: This regulation sets forth the conditions and provisions for legal use of sport fishing trotlines, jugging and setlines. It is necessary to protect sport and commercial fish population and to reduce litter and hazardous situations.

Section 1. Definitions. See KRS 150.010 for definitions of sport fishing trotlines, jugging, and setlines.

Section 2. Tagging and Checking. (1) Each sport fishing trotline, jug line or setline shall be permanently labeled or tagged with the name and address of the person using it.
(2) All sport fishing trotlines, jug lines and setlines shall be baited, checked and all fish removed at least once every twenty-four (24) hours. The fisherman shall remove these devices from the water, from the bank or from tree limbs when he has finished fishing. Trotlines, setlines or jug lines which are not properly labeled, remain unchecked, or unbaited for over twenty-four (24) hours may be confiscated.

Section 3. Fishing Requirements. (1) No sport fisherman shall use more than two (2) sport fishing trotlines, fifty (50) jug lines or fifty (50) setlines.
(2) Sport fishing trotlines shall be set at least three (3) feet below the water's surface and contain no more than fifty (50) single or multibarbed hooks placed no closer together than eighteen (18) inches.
(3) No jug line or setline shall have more than one (1) single or multibarbed hook.

Section 4. Closed Waters. (1) No sport fishing trotline shall be used in the Tennessee River within 700 yards below Kentucky Dam, in the Cumberland River below Barkley Dam to the

Highway 62 bridge, in any lake under 500 surface acres owned or managed by the department, except lakes in the Ballard and Peal Wildlife Management Areas in Ballard County and in the Ohio River as follows:

(a) Smithland Dam downstream to the end of the outer lock wall.

(b) Uniontown Dam downstream to the end of the outer lock wall and that portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.

(c) Newburgh Dam downstream to the end of the outer lock wall.

(d) Cannelton Dam downstream to the end of the outer lock wall.

(e) McAlpine Dam downstream to the K&I railroad bridge.

(f) Markland Dam downstream to the end of the outer lock wall.

(g) Meldahl Dam downstream to the end of the outer lock wall.

(h) Greenup Dam downstream to the end of the outer lock wall.

(2) No jugging shall be permitted in lakes under 500 surface acres owned or managed by the department, except the following:

(a) Bullock Pen Lake, Grant County.

(b) Elmer Davis Lake, Owen County.

(c) Kincaid Lake, Pendleton County.

(d) Greenbo Lake, Greenup County.

(e) Carter Caves Lake, Carter County.

(f) Ballard Wildlife Management Area Lakes, Ballard County.

(g) Peal Wildlife Management Area Lakes, Ballard County.

(h) Swan Lake Wildlife Management Area Lakes, Ballard County.

Section 5. 301 KAR 1:057, Trotline; sport fishing, is hereby repealed.

DON R. McCORMICK, Commissioner
RON GENTRY, Secretary
DAVID GODBY, Chairman

APPROVED BY AGENCY: August 20, 1990

FILED WITH LRC: September 25, 1990 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on Wednesday, November 28, 1990 at 9 a.m. in the meeting room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Those interested in attending this hearing shall contact: Peter W. Pfeiffer, Director, Division of Fisheries, Department of Fish and Wildlife Resources, 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 over 1 million sport anglers in Kentucky. All are permitted to use bank poles, sport trotlines, limblines and jug lines; however, a much smaller number actually use these methods.

(a) Direct and indirect costs or savings to those affected: Some slight additional material cost may be incurred as a result of the tagging requirement.

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 reporting or paperwork is involved.

(2) Effects on the promulgating administrative body: No additional effort will be required. Policing will be a part of routine patrol.

(a) Direct and indirect costs or savings: Small increases in cost could occur as a result of time spent apprehending violators.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Slight increase in citations and associated law enforcement reports. Informational brochures will be expanded.

(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: The purpose of this regulation is to provide incentives for the removal of the various types of lines after fishing is terminated and to restrict some of these fishing methods from our smaller lakes. This approach is the only effective means of achieving these purposes.

(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? No. Only one entity, the sport fisherman, is impacted by this regulation. There is no social or biological justification for the nonuniform application of angling requirements.

JUSTICE CABINET
Office of the Secretary

500 KAR 8:010. Certification of operators.

RELATES TO: KRS 15A.070, 186.565
STATUTORY AUTHORITY: KRS 15A.160
NECESSITY AND FUNCTION: KRS 186.565 provides that the state shall supply each county with one (1) breath analysis and simulating unit. KRS 15A.070 authorizes the Secretary of Justice to establish, supervise, and coordinate training programs for law enforcement personnel. This regulation establishes the certification of breath analysis operators.

Section 1. (1) To become certified to operate a breath alcohol analysis instrument, the person must successfully complete the training program of the Department of Criminal Justice Training.

(2) Successful completion shall mean receiving a passing score on a standardized written examination as provided by the department and the satisfactory completion of a standardized practical proficiency examination administered by a certified instructor.

(3) The examinations shall be included in a

minimum of forty (40) hours of instruction which shall also include the demonstration of physiological effects of alcohol in the human body, general instrumentation theory, and operation of approved instruments which measure alcohol concentration.

Section 2. (1) Operator certification shall be valid for a period of two (2) years from the date of issuance.

(2) Certification shall be terminated if it is not renewed with a two (2) year period or the operator ceases to be employed by a criminal justice agency.

(3) An operator whose certification has been revoked pursuant to this section shall be eligible for recertification pursuant to Section 4 of this regulation for six (6) months following revocation.

Section 3. The employer of a certified operator shall notify the Department of Criminal Justice Training in writing within two (2) weeks of the change in the event of change of employment to a different criminal justice agency or termination of employment with a criminal justice agency.

Section 4. To obtain recertification, a certified operator shall review standards and procedures for a minimum of four (4) hours of recertification instruction.

Section 5. (1) The following are grounds for revocation of certification to operate a breath analysis instrument:

(a) Misuse of the instrument by the operator in violation of law;

(b) Refusal or failure to perform procedures in an acceptable manner;

(c) Failure to testify at an administrative revocation hearing held pursuant to KRS 186.570 without just cause; and

(d) Dismissal of an operator from his employment with a criminal justice agency.

(2) Revocation will be held only following a hearing conducted by the Commissioner of the Department of Criminal Justice Training, or his designee, following written notice to the certified operator of the basis for revocation.

W. MICHAEL TROOP, Secretary

APPROVED BY AGENCY: October 1, 1990

FILED WITH LRC: October 2, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Monday, November 26, 1990 at 10 a.m. at 403 Wapping Street, 2nd Floor, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 21, 1990, five days prior to 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: Christopher W. Johnson, Justice Cabinet, 403 Wapping Street, 2nd Floor, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Chris Johnson

(1) Type and number of entities affected: Approximately 1,800 breath analysis instrument operators.

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

1. First year: Cost to law enforcement agencies for training. (Not a new cost.)

2. Continuing costs or savings: Recertification training costs (4 hours every 2 years).

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Minimal increase of recordkeeping for purposes of recertification.

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Statutory provisions apply equally to all affected entities.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers

603 KAR 5:112. Annual permits for moving utility poles or pipes.

RELATES TO: KRS 189.270

STATUTORY AUTHORITY: KRS 189.270

NECESSITY AND FUNCTION: KRS 189.270 authorizes the Department of Highways to issue annual permits for the movement of utility poles or pipes exceeding legal dimensions. This regulation establishes the permit application procedures within the Transportation Cabinet and establishes movement requirements necessary in the interest of highway safety.

Section 1. Definitions. (1) "Daylight hours" means the period of a day from one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset. However, it does not include any time when atmospheric conditions such as heavy rain, snow, sleet or fog render visibility lower than is ordinarily the case during that period of the day.

(2) "National holiday" means New Year's Day,

Memorial Day (as observed on the last Monday in May), Independent Day, Labor Day, Thanksgiving Day and Christmas Day.

Section 2. Permit Application. (1) Application for an annual permit to move overdimensional utility poles or pipes on Kentucky highways shall only be made to the Department of Vehicle Regulation, Division of Motor Carriers, Frankfort, Kentucky.

(2) An application for an annual permit to transport overdimensional utility poles or pipes shall include the following information:

(a) Name of the motor carrier applying for the permit;

(b) KYU identification number of the motor carrier;

(c) The full address of the motor carrier; and

(d) Description of the towing vehicle for which the annual permit is being applied specifically including its length, number of axles, style, year, make, registration license number, vehicle identification number, and company unit number.

Section 3. Permit Required. (1) No utility pole or pipe and straight truck style vehicle with a combined length greater than forty-five (45) feet shall be operated upon any state-maintained Kentucky highway until a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(2) No utility pole or pipe and combination style vehicle with a combined length greater than fifty-five (55) feet shall be operated upon any state-maintained Kentucky highway not listed in 603 KAR 5:070, Section 2(2) until a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(3) No vehicle and trailer combination and utility pole or pipe which exceeds the length limitations set forth in 603 KAR 5:070, Section 2(1) shall be operated upon any Kentucky highway listed in 603 KAR 5:070, Section 2(2) until a special written permit has been issued by the Department of Vehicle Regulation, Division of Motor Carriers.

(4) The procedures which shall be followed for the issuing of a single trip permit are set forth in 601 KAR 5:075.

Section 4. Annual Permits. (1) The movement of a vehicle transporting utility poles or pipe under the provisions of an annual permit shall only be on highways or in the geographical area specified on the annual permit.

(2) If the permit holder intends to transport overdimensional utility poles or pipes under the provisions of the annual permit but outside the area or highways specified on the annual permit, he shall contact the Division of Motor Carriers and receive approval for that move or series of moves prior to the move.

(3) If the utility pole or pipe in excess of forty-five (45) feet overhangs the vehicle required to be permitted on both the front and rear by more than ten (10) feet each, the permit holder shall contact the Operations Branch of the Highway District Office having jurisdiction over the county in which the moves are scheduled to occur and receive permission for that move or series of moves prior to the move. The Highway District Office may require that the permit holder demonstrate his proposed method and route of operation prior to issuing or denying permission for the move.

Section 5. Safety Items. (1) On all highways of four (4) or more lanes, one (1) rear street escort vehicle shall be required for the movement of a vehicle and trailer combination which when combined with its load exceeds 110 feet in length.

(2) On highways of less than four (4) lanes, one (1) escort shall be required in the rear of each vehicle and trailer combination which when combined with its load exceeds seventy-five (75) feet in length. This requirement shall not be applicable if the pole or pipe being transported is fifty-five (55) feet or less in length.

(3) On highways of less than four (4) lanes, one (1) rear and one (1) lead escort shall be required for each vehicle and trailer combination which when combined with its load exceeds eighty-five (85) feet in length.

(4) If the pole or pipe being transported exceeds fifty-five (55) feet in length, a front escort vehicle shall accompany the vehicle required to be permitted when transporting utility poles or pipe if the front overhang exceeds ten (10) feet. If the pole or pipe being transported exceeds fifty-five (55) feet in length, a rear escort vehicle shall accompany the vehicle required to be permitted when transporting utility poles or pipe if the rear overhang exceeds ten (10) feet.

(5) An escort vehicle, either front or rear, may be required by the Transportation Cabinet when the cabinet determines that highway conditions dictate the need.

(6) An amber strobe or flashing light shall be placed on the power unit of the towing vehicle and shall be in use any time the power unit is in operation.

(7) An amber strobe or flashing light shall be placed on the extreme ends of the pole or pipe when the front or rear overhang exceeds four (4) feet. The light shall be in use any time the vehicle is on or beside a highway. No front overhang shall be allowed on a combination vehicle.

(8) All towing vehicles and loads shall be marked and lighted and operated in accordance with those requirements set forth in 601 KAR 1:005.

(9) The towing unit shall maintain radio communication with its escort vehicles at all times.

Section 6. Duplicate Permits. A duplicate permit which is needed to replace a lost or destroyed annual permit or to transfer the permit to another towing vehicle may be obtained from the Division of Motor Carriers by the payment of ten (10) dollars.

Section 7. Presentation of Permits. Permits shall be carried in the towing vehicles at all times and shall be presented, upon request, to any law enforcement officer or any authorized personnel of the Department of Vehicle Regulation for inspection.

Section 8. Permit Validity. Permits are valid only during daylight hours as defined in Section 1 of this regulation, from Monday through Saturday noon, except for those periods before, during and after national holidays. If the

national holiday occurs on Tuesday or Wednesday, travel shall not be allowed from noon of the day preceding the national holiday until daylight of the day following the national holiday. If the national holiday occurs on Sunday or Monday the restricted period shall extend from noon of the preceding Friday to daylight of the following Tuesday. If the national holiday occurs on a Thursday, Friday or Saturday, the restricted period shall extend from noon of the preceding day to daylight of the following Monday.

Section 9. Liability. The permit holder shall be liable for and pay the cost of any damage to persons or public or private property incurred as a result of the movement of the overdimensional load.

JEROME L. LENTZ, Acting Commissioner
GILBERT NEWMAN, State Highway Engineer
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: September 19, 1990
FILED WITH LRC: September 26, 1990 at 1 p.m.
PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on November 26, 1990 at 9 a.m., local prevailing time in the Fourth Floor Hearing Room of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by November 21, 1990 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until November 21, 1990. Send written notification of intent to attend the public hearing or written comments on the administrative regulation to: Sandra G. Pullen, Executive's Staff Advisor, Transportation Cabinet, 10th Floor State Office Building, Frankfort, Kentucky 40622.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: All utility companies in Kentucky and the motor carriers which contract with the utility companies to transport their utility poles.
(a) Direct and indirect costs or savings to those affected: The specific cost of the safety items imposed by this administrative regulation will vary with the tiered application and the distance traveled. In general, the cost of an escort vehicle will be $50/hour. The one-time cost of purchasing an overdimensional banner will be $10.
1. First year:
2. Continuing costs or savings: The specific cost of the safety items imposed by this administrative regulation will vary with the tiered application and the distance traveled. In general, the cost of an escort vehicle will be $50/hour. The one-time cost of purchasing an overdimensional banner will be $10.
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Application for permits must be completed.
(2) Effects on the promulgating administrative body: The Department of Highways will be required to examine the roads over which some of the poles will be transported.
(a) Direct and indirect costs or savings: Each on-site examination will have a total cost of about $75 to $100.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements: Issuance of permit.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: The safety items imposed by this administrative regulation were jointly decided upon by the Department of Highways and Vehicle Regulation and representatives from the industry.
(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. Tiering of safety requirements was applied based on the type of highway and length of pole.

WORKFORCE DEVELOPMENT CABINET
Department for Adult and Technical Education

780 KAR 2:045. Fees for livework projects.

RELATES TO: KRS 151B.110, 151B.165
STATUTORY AUTHORITY: KRS 151B.165
NECESSITY AND FUNCTION: KRS 151B.110 provides the State Board for Adult and Technical Education with the authority to manage and control the state operated schools and all programs and services within. KRS 151B.165 authorizes the State Board for Adult and Technical Education to fix incidental fees as it deems necessary. This regulation sets forth the fees and related costs for livework projects completed by students in state operated programs.

Section 1. Effective January 15, 1991, a fifteen (15) dollar shop fee shall be charged for each livework project requiring more than one (1) hour labor and accepted by the school in compliance with 780 KAR 2:040.

Section 2. Persons or organizations for whom livework is accepted shall purchase the necessary materials for the job to be completed. In the event the materials are not provided, the school may purchase the materials and recover the costs of the materials plus twenty (20) percent for handling.

Section 3. Students shall be exempt from the shop fee by written policy but shall not be exempt from the purchase of materials or reimbursement for such. Further, projects of family members or other individuals shall not be

accepted in the names of students in lieu of conditions described in Section 1 of this regulation.

Section 4. In lieu of Sections 1 through 3 of this regulation, cosmetology charges shall be based per the State Board of Cosmetology requirements. These fees shall be posted in clear view of patrons.

GEORGE R. SIEMENS, JR., Chairman
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 8, 1990 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 27, 1990 at 10 a.m. EST in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 22, 1990, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. Those persons wishing to attend and testify shall contact in writing: Secretary, State Board of Adult and Technical Education, 2013 Capital Plaza Tower, Frankfort, KY 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Audrey T. Carr
(1) Type and number of entities affected: Approximately 60 state-operated vocational schools in the Kentucky Tech System who do livework as a part of curriculum.
(a) Direct and indirect costs or savings to those affected: Does increase from $5 to $15 the cost for having livework done; however, that is insignificant as it is a one-time only fee per project.
1. First year: NA
2. Continuing costs or savings: NA
3. Additional factors increasing or decreasing costs (note any effects upon competition): NA
(b) Reporting and paperwork requirements: Does not change reporting requirements.
(2) Effects on the promulgating administrative body: Increases from $5 to $15 the one-time shop fee.
(a) Direct and indirect costs or savings:
1. First year: Will produce a small amount of additional revenue, however, the number of projects is limited.
2. Continuing costs or savings: Same as above.
3. Additional factors increasing or decreasing costs: NA
(b) Reporting and paperwork requirements: No change.
(3) Assessment of anticipated effect on state and local revenues: Little impact although there would be a slight increase in state receipts.
(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A
(5) Identify any statute, rule, or regulation or governmental 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 regulation with conflicting provisions:
(6) Any additional information or comments:
TIERING: Was tiering applied? Yes

PUBLIC PROTECTION AND REGULATION CABINET
Department of Alcoholic Beverage Control

804 KAR 3:091. Repeal of 804 KAR 3:090, 804 KAR 5:010, and 804 KAR 7:040.

RELATES TO: KRS Chapter 13A
STATUTORY AUTHORITY: KRS 241.060
NECESSITY AND FUNCTION: 804 KAR 3:090 is no longer required because it duplicates statute in part; conflicts with statute in part. 804 KAR 5:010 and 804 KAR 7:040 are not required because they are beyond statutory authority.

Section 1. 804 KAR 3:090, Cash sales to private clubs and voluntary associations; 804 KAR 5:010, Solicitors; and 804 KAR 7:040, Retail licenses and restaurants; are hereby repealed.

LANNY COMBS, Commissioner
APPROVED BY AGENCY: October 10, 1990
FILED WITH LRC: October 10, 1990 at 9 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, November 21, 1990 at 10 a.m. EDT. Individuals interested in attending this hearing shall notify this agency in writing by Friday, November 16, 1990, 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: Cynthia Newton, Acting Secretary to the Board, Alcoholic Beverage Control, 123 Walnut, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Catherine C. Staib
(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: None
(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: 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

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings & Construction
Office of State Fire Marshal

815 KAR 30:060. Certification of underground petroleum storage tank installers.

RELATES TO: KRS 224.814, 224.820
STATUTORY AUTHORITY: KRS 224.820(5), 227.300
NECESSITY AND FUNCTION: KRS 224.820(5) requires the State Fire Marshal to promulgate regulations requiring any person or organization who installs, repairs, closes or removes an underground petroleum storage tank for an owner or operator to demonstrate financial capability, including maintenance of pollution liability insurance and technical competency and proficiency. This regulation is necessary to set the minimum requirements for determining technical competency and proficiency of companies who are responsible for the isntallation of these systems by qualifying individuals and to determine financial capability through proof of insurance.

Section 1. Definitions. Definitions in this section shall apply to this regulation.
(1) "Certified installer" means any individual certified by the State Fire Marshal as qualified to install, repair, remove, close or to supervise the installation, performance of repairs on site for closure or removal of UPST systems.
(2) "Close or closure" means permanently taking an underground storage tank out of service without removing it from the ground.
(3) "Repair" means the restoration of a tank or a UPST system component that has caused a release of a product from the UPST system, the upgrading of a tank or a UPST system component, or the modificaiton of a tank or a UPST system component. "Repair" does not include routine maintenance.
(4) "Remove or removal" means permanently taking a UPST system or any of its components out of service by removing it from the ground.
(5) "Supervise" means being physically on site and having the authority to direct other persons engaged in carrying out the installation of, making repairs on site to, closure, or removal of UPST systems as well as having the authority to exercise independent judgment regarding the recommendation of activities to other persons.
(6) "UPST system" means an underground storage tank defined by KRS 224.810 and used for petroleum, only.

Section 2. Effective April 1, 1991. (1) No permit for the installation of any UPST system shall be issued by the State Fire Marshal unless the person applying for the permit is a certified isntaller or assures the department, in writing, that the installation shall be made under the supervision of a certified installer, and that the installation shall comply with all applicable requirements of the Department for Natural Resources promulgated in 401 KAR Chapter 42.

(2) No individual or company shall install, remove, repair or close any UPST system unless the installation is supervised by a certified installer and the installation, removal, repair or closure of the system complies with applicable regulations of the Natural Resources and Environmental Protection Cabinet, set forth in 401 KAR Chapter 42.
(3) Any company may engage in the activities regulated by this regulation if it has in its employ at least one (1) certified installer and a certified installer supervises the activities described herein.

Section 3. Supervision Requirements. (1) A certified installer shall be present on site for each of the following activities:
(a) Preparation of the excavation immediately prior to receiving backfill or any component of the UPST system;
(b) Setting of the UPST system, including placement of any anchoring devices, backfilling to the level of the UPST system and strapping, if any;
(c) Any time during the installation in which components of the piping are connected, field coated and cathodically protected;
(d) All pressure testing of any component of the UPST system;
(e) Completion of the backfilling and filling of the excavation.
(2) Repairs to a UPST system shall require a certified installer present on site for each of the following activities:
(a) The actual excavation of existing UPST systems;
(b) The actual performance of repairs to the UPST system;
(c) Any time during the repair project in which components of the piping are connected;
(d) Any time during the repair project in which the UPST or its associated piping is pressure tested;
(e) The replacement of piping valves, fill pipes, vents, leak detection devices, or spill and overfill protection devices;
(f) The addition of cathodic protection systems, leak detection devices or spill or overfill devices.
(3) Preparation for closing a UPST system shall require a certified installer present on site for each of the following activities:
(a) The cleaning and purging of a UPST system;
(b) The filling of a UPST system with an inert solid material;
(c) All testing associated with the cleaning and purging processes;
(d) Any time during the closing in which components of the UPST system are disconnected or capped.
(4) Removal of a UPST system shall require a certified installer be present on site during each of the following activities:
(a) The cleaning and purging of the UPST system;
(b) The actual excavation and removal of the UPST system or any of its components;
(c) All testing associated with the cleaning and purging processes;
(d) Any time during the removal in which components of the UPST system are disconnected or capped.

Section 4. Certificate Availability. Each certified installer shall have a copy of his

current certificate issued by the State Fire Marshal at the location where he is supervising work. Upon request of a fire official or a representative of the Natural Resources and Environmental Protection Cabinet, a certified installer shall make the current certificate available for inspection.

Section 5. Application Requirements. Any individual or company who wishes to apply for certified installer shall meet all of the following application requirements:

(1) The applicant shall submit an applicatiaon to the State Fire Marshal, on the form furnished by the State Fire Marshal and attached as Appendix A, accompanied by a nonrefundable fee of $150; and

(2) The applicant shall be an individual, and shall be at least eighteen (18) years of age; and

(3) The applicant shall supply the State Fire Marshal with three (3) business references, or otherwise verify the applicant's experience in the installation of, performance of repairs on site, closure and removal of UPST systems; and

(4) The applicant shall complete the examination requirements of Section 7 of this regulation; and

(5) The applicant shall provide proof of financial capability by submitting certificates of pollution liability insurance and general liability insurance in the minimum amounts of $500,000; and

(6) If the applicant wishes the certificate to be issued with a company name, the company shall provide the insurance certificates and otherwise be subject to this regulation.

Section 6. Experience Requirements. (1) An applicant shall demonstrate that within two (2) years immediately prior to making application, he has participated in the installation of, performance of repairs on site to, closure of, or removal of a minimum of twelve (12) UPST systems. Of the participations, a minimum of six (6) shall have involved the installation of UPST systems; or

(2) An applicant shall demonstrate that he is a registered professional engineer and has, within two (2) years immediately prior to making application, participated in the installation of, performance of repairs on site to, closure or removal of six (6) UPST systems.

Section 7. Examination Requirements. An applicant for certified installer shall take and pass a written examination administered by the State Fire Marshal in compliance with this section.

(1) The applicant shall submit payment of a twenty-five (25) dollar nonrefundable fee at least ten (10) days prior to the date of examination.

(2) The examination shall be a written multiple choice examination covering all aspects of the isntallation, repair, closure, and removal of underground petroleum storage tank systems. The examination shall test the applicant's knowledge of codes, standards, laws and regulations and of current technological and industry recommended practices with respect to the proper installation, repair, closure, and removal of UPST systems.

(3) An applicant may request permission to take the examination orally, upon good cause shown.

(4) To satisfactorily pass the written examination, the applicant shall obtain a minimum score of seventy-five (75) percent on the examination.

(5) Any applicant who fails the examination may request reexamination upon payment of a nonrefundable twenty-five (25) dollar fee. An application shall remain pending for that purpose for a period of one (1) year after the date the application was submitted. If the applicant has not requested reexamination within the one (1) year period, the applicant shall file a new application for certification with the State Fire Marshal.

(6) Examinations shall be given monthly in the State Fire Marshal's Office located at 1047 U.S. 127 South, Frankfort, Kentucky.

(7) All examinations shall be graded and the applicants notified on the day of the examination. Examination papers shall not be returned to the applicant, but may be reviewed by the applicant on the day of the examination.

(8) When the application is filed, the State Fire Marshal shall furnish the applicant with a set of instructions and sample examination questions. Instruction sheets shall refer the applicant to appropriate laws, regulations and industry publications.

Section 8. Certification Procedures. (1) Effective April 1, 1991, the State Fire Marshal shall issue a certificate to each individual or company as set forth in Sections 5 through 7(4) of this regulation. The certificate shall be renewed annually for a fee of fifty (50) dollars.

(2) The application or renewal for a certified installer shall be denied by the State Fire Marshal if any of the following occur:

(a) The applicant failed to provide the information required by the application form prescribed by the State Fire Marshal and attached as Appendix A; or

(b) The applicant failed to provide the insurance certificates or the fee required for application and examination; or

(c) The applicant failed to comply with the experience and education requirements of this regulation; or

(d) The applicant did not successfully pass the examination required by this regulation; or

(e) The applicant made a misrepresentation or submitted false statements with the application.

Section 9. Revocation or Suspension of Certification. A certificate issued pursuant to this regulation may be suspended or revoked by the State Fire Marshal for any of the following reasons:

(1) The certified installer recklessly or intentionally violated any provision of this regulation relating to installation, repair, closure or removal; or

(2) The certified installer recklessly or intentionally caused or permitted a person under his supervision to install, perform a repair on site to, close, or remove a UPST system in violation of the Kentucky Standards of Safety (815 KAR 10:040); or

(3) The certified installer obtained his certification through fraud or misrepresentation.

(4) The individual who took the examination, provided the experience requirements and requested the certificate to be issued with a company's name and proof of insurance, is no

longer employed by the company in whose name the certificate was issued.

APPENDIX A

APPLICATION FOR CERTIFICATION
AS AN UNDERGROUND PETROLEUM TANK INSTALLER

Application Fee: $150 Examination: $25 __Yes __No (Remit by check or money order only. Payable to: Kentucky State Treasurer)	FOR OFFICE USE ONLY Rec'd (Date)_____ Money Rec'd_____ Application #_____ Certification #_____

PLEASE PRINT OR TYPE AND SIGN

1. Full Name_____
2. Permanent Residence: Street and Number, City, State_____
3. Business Address:_____
4. Phone: Residence ( )_____ Business ( )_____
5. Birthdate:_____
6. Send Mail to: _____Business _____Residence
7. Place of Birth:_____
8. Social Security Number:_____
9. List any schools or training seminars concerning tank installations which you have attended:

Title	Presented By	Date(s)

10. With whom did you most recently apprentice as a tank installer?
    Business name:_____
    Address:_____
    City, State, Zip:_____
    Person who supervised you:_____
    Period of apprenticeship:
    From:_____MO/YR To:_____MO/YR
11. # of years experience as a tank installer:___
12. Approximate # of tank installations you have:

	Supervised?	Participated in?
Bare/asphalt coated steel		
Fiberglass		
Fiberglass coated steel		
Cathodically protected steel (STI-P3)		
Dual containment (excavation liner)		
Dual containment (double wall tank)		
TOTALS		

13. Approximate # of piping installations you have:

	Supervised?	Participated in?
Black iron/ galvanized		
Copper		
Fiberglass		
Cathodically protected steel		
Dual wall		
TOTALS		

14. List the names and addresses of at least 3 people (e.g., employer, supervisors), familiar with your work as a tank installer to whom you have sent reference forms.

Name	Address	Telephone #

I, _____, hereby certify that the information contained on this application and attached Experience Data Sheets is true and correct to the best of my knowledge.

Signature of Applicant:_____
Date:_____

State of_____
County of_____

Subscribed and sworn to before me this _____ day of _____, 19____

_____
Notary Public
My Commission expires_____

CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary
APPROVED BY AGENCY: October 5, 1990
FILED WITH LRC: October 5, 1990 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on November 21, 1990 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, 1047 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 for Housing, Buildings and Construction, The 127 Building, 1047 U.S. 127 South, Frankfort, Kentucky 40601. If no written requests to appear at the public hearing are received by November 16, 1990, the hearing may be cancelled.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: All companies engaged in the business of installing petroleum underground storage tanks.

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

1. First year: $175
2. Continuing costs or savings: $50
3. Additional factors increasing or decreasing costs (note any effects upon competition): Insurance required, possible training, it may decrease compensation because some small contractors may elect to get out of business.

(b) Reporting and paperwork requirements: Application and verification of experience and insurance supplied upon application and renew.

(2) Effects on the promulgating administrative body: Oversite of the program, administration of

exam and general filing and administration.
(a) Direct and indirect costs or savings: The costs for administering the program are intended to be offset by the fees charged.
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on local revenue and any increases on state revenue are offset by costs of program.
(4) Assessment of alternative methods; reasons why alternatives were rejected: Experience is necessary in addition to testing to show knowledge of standards and technical expertise. Net worth too difficult to determine financial capability; the department used insurance.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no known conflict or duplication of these regulations although some overlapping of laws in KRS Chapter 224 where owners and operators of service stations must be insured.
(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: This regulation is consistent with surrounding states and meets the intention of federal rules. Somewhat based on model provided by Council of State Government Center for Environment on Natural Resources.
TIERING: Was tiering applied? No. All entities must comply with same rules in order to be sufficiently qualified.

CABINET FOR HUMAN RESOURCES
Office of the Inspector General

902 KAR 20:116. Advanced life support emergency care and ambulance transportation.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990
STATUTORY AUTHORITY: KRS 216B.042, 216B.105
NECESSITY AND FUNCTION: KRS 216B.042 mandates that the Cabinet for Human Resources regulate health facilities and health services. This regulation provides the requirements for the operation of advanced life support emergency care and ambulance transport.

Section 1. Definitions. (1) "Advanced life support (ALS) emergency care and ambulance transportation" means the provision of services that meet the minimal essential requirements as established by the cabinet in 902 KAR 20:115 and this regulation.
(2) "Emergency medical technician-paramedic" means a person certified pursuant to 201 KAR 9:101 through 201 KAR 9:136.
(3) "Ambulance" means the vehicle provided for transportation on an emergency or scheduled basis to persons who are sick, injured, or otherwise incapacitated, and may require immediate stabilization and continued medical response and intervention during transit or upon arrival at the patient's destination to safeguard the patient's life or physical well-being.

Section 2. Advanced Life Support Emergency Care and Ambulance Transportation Service. An advanced life support (ALS) ambulance service shall meet the minimum requirements of 902 KAR 20:115. It shall also meet the additional requirements of this regulation.
(1) Evidence shall be on file to verify that the ALS written medical protocols have been reviewed by the Kentucky Board of Medical Licensure to assure compliance with 201 KAR 9:161.
(2) An ALS emergency care and ambulance transportation service shall provide services on a twenty-four (24) hour, seven (7) days a week basis. This provision may be met through an adequate call system or by a written mutual aid agreement with another licensed advanced life support emergency care ambulance service.
(3) Each ALS ambulance shall meet or exceed either KKK-1822B or KKK-1822C federal specifications for ambulance vehicles.

Section 3. ALS Staffing. (1) Each ambulance shall be staffed according to the requirements of 201 KAR 9:171, Section 5.
(2) Each ALS nontransportation vehicle shall be staffed by a minimum of one (1) person who shall have minimum training and current certification as an EMT-paramedic.
(3) In addition, each ALS service shall have a medical director who:
(a) Shall assume responsibilities in accordance with 201 KAR 9:171, Section 2(1) through (5);
(b) Shall assume other responsibilities as agreed upon between the medical director and the director of the ALS ambulance service;
(c) Shall meet the qualifications specified in 201 KAR 9:171, Section 2(6). Evidence shall be on file, to verify that the qualifications of the medical director have been reviewed by the Kentucky Board of Medical Licensure to assure compliance with 201 KAR 9:171, Section 2(6); and
(d) Shall have, by January 1, 1992, completed a residency program in emergency medicine approved by the Residency Review Committee of the American Medical Association, or shall be a physician who holds or is in the process of completing certification in advanced cardiac and advanced trauma life support, or shall have, in the personnel file, written approval from the Kentucky Board of Medical Licensure.

Section 4. Equipment and Supplies. (1) Each ambulance used in the provision of ALS emergency care and ambulance transportation shall carry and maintain in full operational order the minimum equipment and supplies required by 902 KAR 20:115.
(2) A nonambulance, nontransportation ALS vehicle shall have available the minimum equipment and supplies required by 902 KAR 20:115. This may be accomplished through the coordinated response of an ambulance from the same service, or the coordinated response of an ambulance from a separate service under the provisions of a written mutual aid agreement on file with both services.
(3) In addition, each ALS service shall carry and maintain in full operational order the minimum ALS equipment and supplies as required in 201 KAR 9:171, Section 7, on each ALS ambulance or nontransportation vehicle.

Section 5. Drugs. (1) Each ambulance used in the provision of ALS emergency care and ambulance transportation, and each nonambulance, nontransportation ALS vehicle operated by the service, shall stock and maintain the classes of drugs as authorized according to 201 KAR 9:161, Section 3(6).

(2) Evidence shall be on file to verify that the list of drugs used by the service has been reviewed by the Kentucky Board of Medical Licensure to assure compliance with 201 KAR 9:161, Section 3(6).

(3) Each ALS service shall maintain an accountability system for the storage, handling, and distribution, as well as disposal of unused portions, of these drugs in accordance with federal and state drug and pharmacy statutes and regulations. However, a locked compartment, or equivalent approved by the cabinet, shall be provided for the storage of controlled drugs.

EDWARD A. WILSON, Inspector General
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: October 5, 1990
FILED WITH LRC: October 11, 1990 at 3 p.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for November 21, 1990 at 9 a.m. in the Department for Employment Services, Second Floor, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by November 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eric Friedlander, Staci Searcy

(1) Type and number of entities affected: 50

(a) Direct and indirect costs or savings to those affected: This is a voluntary program in that basic services may choose to be licensed in this category.

1. First year: No additional costs associated with this regulation. This is a transfer from authorized Board of Medical Licensure to CHR.

2. Continuing costs or savings: No additional costs foreseen at present time.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors.

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

(2) Effects on the promulgating administrative body: Since this agency already surveys ambulance services, this should pose no additional burden.

(a) Direct and indirect costs or savings: No direct or indirect costs should be associated with this program beyond printing at this new regulation.

1. First year: $500 for printing regulation.

2. Continuing costs or savings: No additional costs or savings, since reprinting of regulations is provided for in the continuing budget.

3. Additional factors increasing or decreasing costs: No additional factors.

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

(3) Assessment of anticipated effect on state and local revenues: No change anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This regulation clarifies the authority of the cabinet over advanced life support services.

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

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. This is a licensure program and as such applies to all licensed services.

CABINET FOR HUMAN RESOURCES
Office of Inspector General

902 KAR 20:300. Operation and services; nursing facilities.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990
STATUTORY AUTHORITY: KRS 216B.042 and 216B.105
NECESSITY AND FUNCTION: KRS 216B.042 and 216B.105 mandate that the Kentucky Cabinet for Human Resources regulate health facilities and health services. This regulation provides licensure standards for the operation and services of a nursing facility.

Section 1. Definitions. (1) "Facility" means a nursing facility licensed pursuant to this regulation and 902 KAR 20:008.

(2) "Nurse aide" means any individual providing nursing or nursing related services to residents in a facility except unpaid volunteers.

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

Section 2. Scope of Operations. (1) A nursing facility shall be subject to the provisions of Kentucky's nursing home reform laws, KRS Chapter 216.

(2) A nursing facility shall have written policies which assure the reporting of cases of abuse, neglect or exploitation of adults and children to the cabinet pursuant to KRS Chapters 209 and 620.

(3 Tuberculosis testing. All employees and patients shall be tested for tuberculosis in accordance with the provisions of 902 KAR 20:200, Tuberculosis testing in long-term care facilities.

Section 3. Resident Rights. The resident has a right to a dignified existence, self-determination and communication with and access to persons and services inside and outside the facility. A facility must protect and promote the rights of each resident, including each of the following rights:

(1) Exercise of rights.

(a) The resident shall have the right to exercise his or her rights as a resident of the facility and as a citizen or resident of the United States.

(b) The resident shall have the right to be free of interference, coercion, discrimination,

or reprisal from the facility in exercising his or her rights.

(c) In the case of a resident adjudged incompetent under the laws of a state by a court of competent jurisdiction, the rights of the resident shall be exercised by the person appointed under state law to act on the resident's behalf.

(2) Notice of rights and services.

(a) The facility shall inform the resident both orally and in writing in a language that the resident understands of his or her rights and all rules and regulations governing resident conduct and responsibilities during the stay in the facility. Such notification shall be made prior to or upon admission and during the resident's stay. Receipt of such information, and any amendments to it, shall be documented in writing.

(b) The resident shall have the right to inspect and purchase photocopies of all records pertaining to the resident, upon written request and forty-eight (48) hours notice to the facility;

(c) The resident shall have the right to be fully informed in language that he or she can understand of his or her total health status, including but not limited to, his or her medical condition;

(d) The resident shall have the right to refuse treatment, and to refuse to participate in experimental research; and

(e) The facility shall inform each resident before, or at the time of admission, and periodically during the resident's stay, of services available in the facility and of charges for those services, including any charges for services not covered by third party payors of the facility's per diem rate.

(f) The facility shall furnish a written description of legal rights which includes:

1. A description of the manner of protecting personal funds, under paragraph (3) of this section; and

2. A statement that the resident may file a complaint with the licensure agency concerning resident abuse, neglect, and misappropriation of resident property in the facility.

(g) The facility shall inform each resident of the name, specialty and way of contacting the physician responsible for his or her care.

(h) The facility shall prominently display in the facility written information, and provide to residents and potential residents oral and written information about how to apply for and use third party benefits, and how to receive refunds for previous payments covered by such benefits.

(i) Notification of changes.

1. Except in a medical emergency or when a resident is incompetent, a facility shall consult with the resident immediately and notify the resident's physician, and if known, the resident's legal representative or interested family member within twenty-four (24) hours when there is:

a. An accident involving the resident which results in injury;

b. A significant change in the resident's physical, mental, or psychosocial status;

c. A need to alter treatment significantly; or

d. A decision to transfer or discharge the resident from the facility as specified in Section 4(1) of this regulation.

2. The facility shall also promptly notify the resident and, if known, the resident's legal representative or interested family member when there is:

a. A change in room or roommate assignment as specified in Section 6(5)(b) of this regulation; or

b. A change in resident rights under federal or state law or regulations as specified in subsection (2)(a) of this section.

(3) Protection of resident funds.

(a) The resident shall have the right to manage his or her financial affairs and the facility shall not require residents to deposit their personal funds with the facility.

(b) Management of personal funds. Upon written authorization of a resident, the facility shall hold, safeguard, manage and account for the personal funds of the resident deposited with the facility, as specified in paragraphs (c) through (g) of this subsection.

(c) Deposit of funds.

1. Funds in excess of fifty (50) dollars. The facility shall deposit any resident's personal funds in excess of fifty (50) dollars in an interest bearing account (or accounts) that is separate from any of the facility's operating accounts, and that credits all interest earned on the resident's account to his or her account.

2. Funds less than fifty (50) dollars. The facility shall maintain a resident's personal funds that do not exceed fifty (50) dollars in a noninterest bearing account or petty cash fund.

(d) Accounting and records. The facility shall establish and maintain a system that assures a full and complete and separate accounting, according to generally accepted accounting principles, of each resident's personal funds entrusted to the facility on the resident's behalf.

1. The system shall preclude any commingling of resident funds with facility funds or with the funds of any person other than another resident.

2. The individual financial record shall be available on request to the resident or his or her legal representative.

(e) Conveyance upon death. Upon the death of a resident with a personal fund deposited with the facility, the facility shall convey promptly the resident's funds, and a final accounting of those funds, to the individual administering the resident's estate.

(f) Assurance of financial security. The facility shall purchase a surety bond, or provide self-insurance to assure the security of all personal funds of residents deposited with the facility.

(g) Limitation on charges to personal funds. The facility shall not impose a charge against the personal funds of a resident for any item or service for which payment is made by a third party payor.

(4) Free choice. The resident shall have the right to:

(a) Choose a personal attending physician;

(b) Be fully informed in advance about care and treatment of any changes in that care or treatment that may affect the resident's well-being; and

(c) Unless adjudged incompetent or otherwise found to be incapacitated under the laws of the state, participate in planning care and treatment or changes in care and treatment.

(5) Privacy and confidentiality of his personal and clinical records.

(a) Personal privacy includes accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups, but this does not require the facility to provide a private room;

(b) Except as provided in paragraph (c) of this subsection, the resident may approve or refuse the release of personal and clinical records to any individual outside the facility;

(c) The resident's right to refuse release of personal and clinical records shall not apply when:

1. The resident is transferred to another health care institution; or

2. Record release is required by law or third-party payment contract.

(6) Grievances. A resident shall have the right to:

a. Voice grievances with respect to treatment or care that is, or fails to be furnished, without discrimination or reprisal for voicing the grievances; and

b. Prompt efforts by the facility to resolve grievances the resident may have, including those with respect to the behavior of other residents.

(7) Examination of survey results. A resident shall have the right to:

(a) Examine the results of the most recent survey of the facility conducted by federal or state surveyors and any plan of correction in effect with respect to the facility. The results shall be posted by the facility in a place readily accessible to residents; and

(b) Receive information from agencies acting as client advocates, and be afforded the opportunity to contact these agencies.

(8) Work. The resident shall have the right to:

(a) Refuse to perform services for the facility;

(b) Perform services for the facility, if he or she chooses, when:

1. The facility documents the need or desire for work in the plan of care;

2. The plan specifies the nature of the services performed and whether the services are voluntary or paid;

3. Compensation for paid services is at or above prevailing rates; and

4. The resident agrees to the work arrangements described in the plan of care.

(9) The resident shall have the right to privacy in written communications, including the right to:

(a) Send and receive mail promptly that is unopened; and

(b) Have access to stationery, postage and writing implements at the resident's own expense.

(10) Access and visitation rights.

(a) The resident shall have the right and the facility shall provide immediate access to any resident by the following:

1. Any representative of the federal government;

2. Any representative of the state;

3. The resident's individual physician;

4. The Kentucky long-term care ombudsman;

5. The Kentucky Department for Public Advocacy;

6. Subject to the resident's right to deny or withdraw consent at any time, immediate family or other relatives of the resident; and

7. Subject to reasonable restrictions and the resident's right to deny or withdraw consent at any time, others who are visiting with the consent of the resident.

(b) The facility shall provide reasonable access to any resident by any entity or individual that provides health, social, legal, or other services to the resident, subject to the resident's right to deny or withdraw consent at any time.

(c) The facility shall allow representatives of the ombudsman, described in paragraph (a)4 of this subsection, to examine a resident's clinical records with the permission of the resident or the resident's legal representative, and consistent with state law.

(11) Telephone. The resident shall have the right to have regular access to the private use of a telephone.

(12) Personal property. The resident shall have the right to retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents.

(13) Married couples. The resident shall have the right to share a room with his or her spouse when married residents live in the same facility and both spouses consent to the arrangement.

Section 4. Admission, Transfer and Discharge Rights. (1) Transfer and discharge.

(a) Transfer and discharge requirements. The facility shall permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless:

1. The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;

2. The transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility;

3. The safety of individuals in the facility is endangered;

4. The health of individuals in the facility would otherwise be endangered;

5. The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility; or

6. The facility ceases to operate.

(b) Documentation. When the facility transfers or discharges a resident under any of the circumstances specified in paragraphs (a)1 through 5 of this subsection, the resident's clinical record must be documented. The documentation must be made by:

1. The resident's physician when transfer or discharge is necessary under paragraph (a)1 or 2 of this subsection; and

2. A physician when transfer or discharge is necessary under paragraph (a)4 of this subsection.

(c) Notice before transfer. Before a facility transfers or discharges a resident, the facility shall:

1. Notify the resident and, if known, a family member or legal representative of the resident of the transfer or discharge and the reasons;

2. Record the reasons in the resident's clinical record; and

3. Include in the notice the items described in paragraph (e) of this subsection.

(d) Timing of the notice. Except when specified in paragraph (d)2 of this subsection, the notice of transfer or discharge required under paragraph (c) of this subsection must be made by the facility at least thirty (30) days

before the resident is transferred or discharged.

2. Notice may be made as soon as practicable before transfer or discharge when:

a. The safety of individuals in the facility would be endangered, under paragraph (a)3 of this subsection;

b. The health of individuals in the facility would be endangered, under paragraph (a)4 of this subsection;

c. The resident's health improves sufficiently to allow a more immediate transfer or discharge, under paragraph (a)2 of this subsection;

d. An immediate transfer or discharge is required by the resident's urgent medical needs, under paragraph (a)1 of this subsection;

e. A resident has not resided in the facility for thirty (30) days.

(e) Contents of the notice. For nursing facilities, the written notice specified in paragraph (c) of this subsection shall include the following:

1. A statement that the resident has the right to appeal the action to the state agency designated by the state for such appeals.

2. The name, address and telephone number of the state long-term care ombudsman;

3. For nursing facility residents with developmental disabilities, the mailing address and telephone number of the agency responsible for the protection and advocacy of developmentally disabled individuals; and

4. For nursing facility residents who are mentally ill, the mailing address and telephone number of the agency responsible for the protection and advocacy of mentally ill individuals.

(f) Orientation for transfer or discharge. A facility shall provide sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.

(2) Notice of bed-hold policy and readmission.

(a) Notice before transfer. Before a facility transfers a resident to a hospital or allows a resident to go on therapeutic leave, the facility shall provide written information to the resident and family member or legal representative that specifies the duration of the bed-hold policy if any, during which the resident is permitted to return and resume residence in the facility; and

(b) Notice upon transfer. At the time of transfer of a resident to a hospital or for therapeutic leave, a nursing facility shall provide written notice to the resident and a family member or legal representative, which specifies the duration of the bed-hold policy described in paragraph (a) of this subsection.

(c) Permitting resident to return to facility. A nursing facility shall establish and follow a written policy under which a resident whose hospitalization or therapeutic leave exceeds the bed hold period, is readmitted to the facility immediately upon the first availability of a bed in a semiprivate room if the resident:

1. Requires the services provided by the facility; and

2. Is eligible for nursing facility services.

(3) Equal access to quality care. A facility shall establish and maintain identical policies and practices regarding transfer, discharge, and the provision of services for all individuals regardless of source of payment;

(4) Admissions policy.

(a) The facility shall:

1. Not require a third party guarantee of payment to the facility as a condition of admission, or expedited admission, or continued stay in the facility;

2. Not charge, solicit, accept, or receive, in addition to any amount otherwise required to be paid for services, any gift, money, donation or other consideration as a precondition of admission, expedited admission or continued stay in the facility.

(b) A facility shall:

1. Not require residents or potential residents to waive their rights to Medicare or Medicaid;

2. Not require oral or written assurance that residents or potential residents are not eligible for, or will not apply for, Medicare or Medicaid benefits.

(c) A facility may require an individual who has legal access to a resident's income or resources available to pay for facility care, to sign a contract, without incurring personal financial liability, to provide facility payment from the resident's income or resources.

(d) A nursing facility may charge a resident for items and services the resident has requested and received, and that are not covered in the facility's basic per diem rate.

(e) A nursing facility may solicit, accept or receive a charitable, religious or philanthropic contribution from an organization or from a person unrelated to the resident, or potential resident, but only to the extent that the contribution is not a condition of admission, expedited admission, or continued stay in the facility.

(5) Restraints. The resident shall have the right to be free from any physical restraints imposed or psychoactive drug administered for purposes of discipline or convenience, and not required to treat the resident's medical symptoms.

(6) Abuse. The resident shall have the right to be free from verbal sexual, physical or mental abuse, corporal punishment, and involuntary seclusion.

(7) Staff treatment of residents. The facility shall develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of residents.

(a) The facility shall:

1. Not use verbal, mental, sexual, or physical abuse, including corporal punishment, or involuntary seclusion; and

2. Not employ individuals who have been convicted of abusing, neglecting or mistreating individuals.

(b) The facility shall have evidence that all alleged violations are thoroughly investigated, and shall prevent further potential abuse while the investigation is in progress.

(c) The results of all investigations shall be reported to the administrator or his designated representative or to other officials in accordance with applicable provisions of KRS Chapter 199 or 620, if the alleged violation is verified appropriate corrective action is taken.

Section 6. Quality of Life. A facility shall care for its residents in a manner and in an environment that promotes maintenance or enhancement of each resident's quality of life.

(1) Dignity. The facility shall promote care for residents in a manner and in an environment that maintains or enhances each resident's dignity and respect in full recognition of his

or her individuality.

(2) Self-determination and participation. The resident shall have the right to:

(a) Choose activities, schedules, and health care consistent with his or her interests, assessments and plans of care:

(b) Interact with members of the community both inside and outside the facility; and

(c) Make choices about aspects of his or her life in the facility that are significant to the resident.

(3) Participation in resident and family groups.

(a) A resident shall have the right to organize and participate in resident groups in the facility;

(b) A resident's family shall have the right to meet in the facility with the families of other residents in the facility;

(c) The facility shall provide a resident or family group, if one exists, with private space;

(d) Staff or visitors may attend meetings at the group's invitation;

(e) The facility shall provide a designated staff person responsible for providing assistance and responding to written requests that result from group meetings;

(f) When a resident or family group exists, the facility shall listen to the views and act upon the grievances and recommendations of residents and families concerning proposed policy and operational decisions affecting resident care and life in the facility.

(4) Accommodation of needs. A resident shall have the right to:

(a) Reside and receive services in the facility with reasonable accommodation of individual needs and preferences, except when the health or safety of the individual or other residents would be endangered; and

(b) Receive notice before the resident's room or roommate in the facility is changed.

(5) Activities.

(a) The facility shall provide for an ongoing program of activities designed to meet, in accordance with the comprehensive assessment, the interests and the physical, mental and psychosocial well-being of each resident.

(b) The activities program shall be directed by a qualified therapeutic recreation specialist who is:

1. Eligible for certification as a therapeutic recreation specialist by a recognized accrediting body; or

2. Has two (2) years of experience in a social or recreational program within the last five (5) years, one (1) of which was full time in a patient activities program in a health care setting; or

3. Is a qualified occupational therapist or occupational therapy assistant; or

4. Has completed a training course approved by the state.

(6) Social services.

(a) The facility shall provide medically-related social services to attain or maintain the highest practicable physical, mental or psychosocial well-being of each resident.

(b) A facility with more than 120 beds shall employ a full-time qualified social worker, or an individual with a bachelor's degree in a related field.

(c) Qualifications of social worker. A qualified social worker is an individual who is licensed pursuant to KRS 335.090.

(7) Environment.

(a) The facility shall provide:

1. A safe, clean, comfortable and homelike environment, allowing the resident to use his or her personal belongings to the extent possible;

2. Housekeeping and maintenance services necessary to maintain a sanitary, orderly and comfortable interior;

3. Clean bed and bath linens that are in good condition;

4. Private closet space in each resident room.

5. Adequate and comfortable lighting levels in all areas; comfortable and safe temperature levels.

6. For the maintenance of comfortable sound levels.

(b) Infection control and communicable diseases.

1. The facility shall establish policies which are consistent with the Center for Disease Control guidelines, and address the prevention of disease transmission to and from patients, visitors and employees, including:

a. Universal blood and body fluid precautions;

b. Precautions for infections which can be transmitted by the airborne route; and

c. Work restrictions for employees with infectious diseases.

d. The cleaning, disinfection, and sterilization methods used for equipment and the environment.

2. The facility shall establish an infection control program which:

a. Investigates, controls and prevents infections in the facility;

b. Decides what procedures, such as isolation, should be applied to an individual resident; and

c. Maintains a record of incidents and corrective actions related to infections.

d. Addresses the prevention of the spread of infection.

(i) When the infection control program determines that a resident needs isolation to prevent the spread of infection, the facility shall isolate the resident.

(ii)The facility shall prohibit employees with a communicable disease or infected skin lesions from direct contact with residents or their food, if direct contact will transmit the disease.

(iii) The facility shall require staff to wash their hands after each direct resident contact for which handwashing is indicated by accepted professional practice.

3. The facility shall provide in-service education programs on the cause, effect, transmission, prevention and elimination of infections for all personnel responsible for direct patient care.

4. Sharp wastes.

a. Sharp wastes, including needles, scalpels, razors, or other sharp instruments used for patient care procedures, shall be segregated from other wastes and placed in puncture resistant containers immediately after use.

b. Needles shall not be recapped by hand, purposely bent or broken, or otherwise manipulated by hand.

c. The containers of sharp wastes shall either be incinerated on or off site, or be rendered nonhazardous by a technology of equal or superior efficacy, which is approved by both the Cabinet for Human Resources and the Natural Resources and Environmental Protection Cabinet.

5. Disposable waste.

a. All disposable waste shall be placed in suitable bags or closed containers so as to prevent leakage or spillage, and shall be handled, stored, and disposed of in such a way as to minimize direct exposure of personnel to waste materials.

b. The facility shall establish specific written policies regarding handling and disposal of all wastes.

c. The following wastes shall be disposed of by incineration, autoclaved before disposal, or carefully poured down a drain connected to a sanitary sewer: blood, blood specimens, used blood tubes, or blood products.

d. Any wastes conveyed to a sanitary sewer shall comply with applicable federal, state, and local pretreatment regulations pursuant to 40 CFR 403 and 401 KAR 5:055, Section 9.

6. Patients infected with the following diseases shall not be admitted to the facility: anthrax, campylobacteriosis, cholera, diphtheria, hepatitis A, measles, pertussis, plague, poliomyelitis, rabies (human), rubella, salmonellosis, shigellosis, typhoid fever, yersiniosis, brucellosis, giardiasis, leprosy, psittacosis, Q fever, tularemia, and typhus.

7. A facility may admit a (noninfectious) tuberculosis patient under continuing medical supervision for his tuberculosis disease.

8. Patients with active tuberculosis may be admitted to the facility whose isolation facilities and procedures have been specifically approved by the cabinet.

9. If, after admission, a patient is suspected of having a communicable disease that would endanger the health and welfare of other patients, the administrator shall assure that a physician is contacted and that appropriate measures are taken on behalf of the patient with the communicable disease and the other patients.

Section 7. Resident Assessment. The facility shall conduct 0initially and periodically a comprehensive, accurate, standardized, reproducible assessment of each resident's functional capacity.

(1) Admission orders. At the time each resident is admitted, the facility shall have physician orders for the resident's immediate care.

(2) Comprehensive assessments.

(a) The facility shall make a comprehensive assessment of a resident's needs, which describes the resident's capability to perform daily life functions and significant impairments in functional capacity.

(b) The comprehensive assessment shall include at least the following information:

1. Medically defined conditions and prior medical history;
2. Medical status measurement;
3. Functional status;
4. Sensory and physical impairments;
5. Nutritional status and requirements;
6. Special treatments or procedures;
7. Psychosocial status;
8. Discharge potential;
9. Dental condition;
10. Activities potential;
11. Rehabilitation potential;
12. Cognitive status; and
13. Drug therapy.

(c) Frequency. Assessments shall be conducted:

1. No later than four (4) days after the date of admission;
2. For current residents of a facility, not later than October 1, 1991;
3. Promptly after a significant change in the resident's physical or mental condition; and
4. In no case less often than once every twelve (12) months.

(d) Review of assessments. The nursing facility shall examine each resident no less than once every three (3) months, and as appropriate, revise the resident's assessment to assure the continued accuracy of the assessment.

(e) Use. The results of the assessment are used to develop, review, and revise the resident's comprehensive plan of care, under subsection (4) of this section.

(f) Coordination. The facility shall coordinate assessments with the Kentucky required preadmission screening and annual review program to the maximum extent practicable to avoid duplicative testing and effort.

(3) Accuracy of assessments.

(a) Coordination. Each assessment shall be conducted or coordinated by a registered nurse who signs and certifies the completion of the assessment with the appropriate participation of health professionals.

(b) Certification. Each individual who completes a portion of the assessment shall sign and certify the accuracy of that portion of the assessment.

(4) Comprehensive care plans.

(a) The facility shall develop a comprehensive care plan for each resident that includes measurable objectives and timetables to meet a resident's medical, nursing and psychosocial needs that are identified in the comprehensive assessment.

(b) A comprehensive care plan shall be:

1. Developed within seven (7) days after completion of the comprehensive assessment;
2. Prepared by an interdisciplinary team, that includes the attending physician, a registered nurse with responsibility for the resident, and other appropriate staff in disciplines as determined by the resident's needs, and with the participation of the resident, the resident's family or legal representative, to the extent practicable; and
3. Periodically reviewed and revised by a team of qualified persons after each assessment.

(c) The services provided or arranged by the facility shall:

1. Meet professional standards of quality; and
2. Be provided by qualified persons in accordance with each resident's written plan of care.

(5) Discharge summary. When the facility anticipates discharge, a resident shall have a discharge summary that includes:

(a) A recapitulation of the resident's stay;

(b) A final summary of the resident's status to include items in subsection (2)(b) of this section, at the time of the discharge that shall be available for release to authorized persons and agencies, with the consent of the resident or legal representative; and

(c) A postdischarge plan of care that developed with the participation of the resident and his or her family, which will assist the resident to adjust to his or her new living environment.

(6) Preadmission screening for mentally ill individuals and individuals with mental retardation. A nursing facility shall not admit

any new resident in conflict with the Kentucky preadmission screening and annual review program.

Section 8. Quality of Care. Each resident shall receive the necessary nursing, medical and psychosocial services to attain and maintain the highest possible mental and physical functional status, as defined by the comprehensive assessment and plan of care. Each resident shall services to attain or maintain the highest practicable physical, mental, and psychosocial well-being, in accordance with the comprehensive assessment and plan of care.

(1) Activities of daily living. Based on the comprehensive assessment of a resident, the facility shall ensure:

(a) A resident's abilities in activities of daily living do not diminish unless circumstances of the individual's clinical condition demonstrate that diminution was unavoidable. This includes the resident's ability to:

1. Bathe, dress and groom;
2. Transfer and ambulate;
3. Toilet;
4. Eat; and
5. To use speech, language or other functional communication systems.

(b) A resident is given the appropriate treatment and services to maintain or improve his or her abilities specified in paragraph (a) of this subsection; and

(c) A resident who is unable to carry out activities of daily living receives the necessary services to maintain good nutrition, grooming, and personal and oral hygiene.

(2) Vision and hearing. To ensure that residents receive proper treatment and assistive devices to maintain vision and hearing abilities, the facility shall, if necessary, assist the resident:

(a) In making appointments; and

(b) By arranging for transportation to and from the office of a medical practitioner specializing in the treatment of vision or hearing impairment of the office of a professional specializing in the provision of vision or hearing assistive devices.

(3) Pressure sores. Based on the comprehensive assessment of a resident, the facility shall ensure that:

(a) A resident who enters the facility without pressure sores does not develop pressure sores unless the individual's clinical condition demonstrates that they were unavoidable; and

(b) A resident having pressure sores receives necessary treatment and services to promote healing, prevent infection and prevent new sores from developing.

(4) Urinary incontinence. Based on the resident's comprehensive assessment, the facility shall ensure that:

(a) A resident who is incontinent of bladder receives the appropriate treatment and services to restore as much normal bladder functioning as possible;

(b) A resident who enters the facility without an in-dwelling catheter is not catheterized unless the resident's clinical condition demonstrates that catheterization was necessary; and

(c) A resident who is incontinent of bladder receives appropriate treatment and services to prevent urinary tract infections and to restore as much normal bladder function as possible.

(5) Range of motion. Based on the comprehensive assessment of a resident, the facility shall ensure that:

(a) A resident who enters the facility without a limited range of motion does not experience reduction in range of motion unless the resident's clinical condition demonstrates that a reduction in range of motion is unavoidable; and

(b) A resident with a limited range of motion and/or receives appropriate treatment and services to increase range of motion to prevent further decrease in range of motion.

(6) Psychosocial functioning. Based on the comprehensive assessment of a resident, the facility shall ensure that:

(a) A resident who displays psychosocial adjustment difficulty, receives appropriate treatment and services to achieve as much remotivation and reorientation as possible; and

(b) A resident whose assessment did not reveal a psychosocial adjustment difficulty does not display a pattern of decreased social interaction and/or increased withdrawn, angry, or depressive behaviors, unless the resident's clinical condition demonstrates that such a pattern was unavoidable.

(7) Accidents. The facility shall ensure that:

(a) The resident environment remains as free of accident hazards as is possible; and

(b) Each resident receives adequate supervision and assistive devices to prevent accidents.

(8) Nutrition. Based on a resident's comprehensive assessment, the facility shall ensure that a resident:

(a) Maintains acceptable parameters of nutritional status, such as body weight and protein levels, unless the resident's clinical condition demonstrates that this is not possible; and

(b) Receives a therapeutic diet when there is a nutritional problem.

(9) Special needs. The facility shall ensure that residents receive proper treatment and care for the following special services:

(a) Injections;
(b) Parenteral and enteral fluids;
(c) Colostomy, ureterostomy or ileostomy care;
(d) Tracheostomy care;
(e) Tracheal suctioning;
(f) Respiratory care;
(g) Podiatric care; and
(h) Prostheses.

(10) Drug therapy.

(a) Unnecessary drugs. Each resident's drug regimen shall be free from unnecessary drugs.

(b) Antipsychotic drugs. Based on a comprehensive assessment of a resident, the facility shall ensure that:

1. Residents who have not used antipsychotic drugs and are not given these drugs unless antipsychotic drug therapy is necessary to treat a specific condition; and

2. Residents who use antipsychotic drugs receive gradual dose reductions, drug holidays or behavioral programming, unless clinically contraindicated in an effort to discontinue these drugs.

(c) Medication errors. The facility shall ensure that:

1. It is free of significant medication error rates; and

2. Residents are free of any significant medication errors.

Section 9. Nursing Services. The facility shall have sufficient nursing staff to provide nursing and related services to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident, as determined by resident assessments and individual plans of care.

(1) Sufficient staff.

(a) The facility shall provide services by sufficient numbers of each of the following types of personnel on a twenty-four (24) hour basis to provide nursing care to all residents in accordance with resident care plans:

1. Except when waived under subsection (3) of this section, licensed nurses; and

2. Other nursing personnel.

(b) Except when waived under subsection (3) of this section, the facility shall designate a licensed nurse to serve as a charge nurse on each tour of duty.

(2) Registered nurse.

(a) Except when waived under subsection (3) or (4) of this section, the facility shall use the services of a registered nurse for at least eight (8) consecutive hours a day, seven (7) days a week.

(b) Except when waived under subsection (3) or (4) of this section, the facility must designate a registered nurse to serve as the director of nursing on a full-time basis.

(c) The director of nursing may serve as a charge nurse only when the facility has an average daily occupancy of sixty (60) or fewer residents.

(3) Licensed nurse waiver. Waiver of requirement to provide licensed nurses on a twenty-four (24) hour basis. A facility may request a waiver from either the requirement that a nursing facility provide a registered nurse for at least eight (8) consecutive hours a day, seven (7) days a week, as specified in subsection (2) of this section, or the requirement that a nursing facility provide licensed nurses on a twenty-four (24) hour basis, including a charge nurse as specified in subsection (1) of this section, if the following conditions are met:

(a) The facility demonstrates to the satisfaction of the cabinet that the facility has been unable, despite diligent efforts (including offering wages at the community prevailing rate for nursing facilities), to recruit appropriate personnel;

(b) The cabinet determines that a waiver of the requirement will not endanger the health or safety of individuals staying in the facility;

(c) A waiver granted under the conditions listed in this subsection is subject to revocation if the cabinet finds that the health and safety of the residents is threatened.

(d) In granting or renewing a waiver, a facility may be required by the cabinet to use other qualified, licensed personnel.

(4) Registered nurse waiver. Wavier of the requirement to provide services of a registered nurse for more than forty (40) hours a week, including a director of nursing specified in subsection (2) of this section, if the cabinet finds that the facility:

(a) Is located in a rural area and the supply of skilled nursing facility services in the area is not sufficient to meet the needs of individuals residing in the area;

(b) Has one (1) full-time registered nurse who is regularly on duty at the facility forty (40) hours a week; and

(c) Either:

1. Has only patients whose physicians have indicated (through physicians' orders or admission notes) that they do not require the services of a registered nurse or a physician for a forty-eight (48) hour period; or

2. Has made arrangements for a registered nurse or a physician to spend time at the facility, as determined necessary by the physician, to provide necessary skilled nursing services on days when the regular full-time registered nurse is not on duty.

(d) A waiver of the registered nurse requirement under paragraph (a) of this subsection is subject to revocation if the cabinet finds that the health and safety of the residents is threatened.

Section 10. Dietary service in the facility shall provide each resident with a nourishing, palatable, well-balanced diet that meets the daily nutritional and special dietary needs of each resident.

(1) Staffing. The facility shall employ a qualified dietician either full time, part time, or on a consultant basis.

(a) If a qualified dietician is not employed full time, the facility shall designate a person to serve as the director of food service.

(b) A qualified dietician is one who is qualified based upon either registration by the Commission on Dietetic Registration of the American Dietetic Association, or on the basis of education, training, or experience in identification of dietary needs, planning and implementation of dietary programs.

(2) Sufficient staff. The facility shall employ sufficient support personnel competent to carry out the functions of the dietary service.

(3) Menus and nutritional adequacy. Menus shall:

(a) Meet the nutritional needs of residents in accordance with the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences;

(b) Be prepared in advance;

(c) Be followed.

(4) Food. Each resident shall receive and the facility shall provide:

(a) Food prepared by methods that conserve nutritive value, flavor and appearances;

(b) Food that is palatable, attractive and at the proper temperature;

(c) Food prepared in a form designed to meet individual needs; and

(d) Substitutes offered of similar nutritive value to residents who refuse food served.

(5) Therapeutic diets. Therapeutic diets must be prescribed by the attending physician.

(6) Frequency of meals.

(a) Each resident shall receive and the facility shall provide at least three (3) meals daily, at regular times comparable to normal mealtimes in the community.

(b) There shall be no more than fourteen (14) hours between a substantial evening meal and breakfast the following day, except as provided in paragraph (d) of this subsection.

(c) The facility shall offer snacks at bedtime daily.

(d) When a nourishing snack is provided at bedtime, up to sixteen (16) hours may elapse between a substantial evening meal and breakfast

the following day if a resident group agrees to this meal span and a nourishing snack is served.

(7) Assistive devices. The facility shall provide special eating equipment and utensils for residents who need them.

(8) Sanitary conditions. The facility shall:

(a) Procure food from sources approved or considered satisfactory by federal, state or local authorities;

(b) Store, prepare, distribute, and serve food under sanitary conditions; and

(c) Dispose of garbage and refuse properly.

Section 11. Physician Services. A physician shall personally approve a recommendation that an individual be admitted to a facility. Each resident shall remain under the care of a physician.

(1) Physician supervision. The facility shall ensure that:

(a) The medical care of each resident is supervised by a physician; and

(b) Another physician supervises the medical care of residents when their attending physician is unavailable.

(2) Physician visits. The physician shall:

(a) Review the resident's total program of care, including medications and treatments, at each visit required by subsection (3) of this section;

(b) Write, sign and date progress notes at each visit; and

(c) Sign all orders.

(3) Frequency of physician visits. The resident shall be seen by a physician at least once every thirty (30) days for the first ninety (90) days after admission, and at least once every ninety (90) days thereafter.

(a) A physician visit is considered timely if it occurs not later than ten (10) days after the date the visit was required.

(b) Except as provided in paragraph (e) of this subsection, all required physician visits shall be made by the physician personally.

(c) At the option of the physician, required visits after the initial visit may alternate between personal visits by the physician and visits by a physician assistant or nurse practitioner in accordance with subsection (5) of this section.

(4) Availability of physicians for emergency care. The facility shall provide or arrange for the provision of physician services twenty-four (24) hours a day, in case of an emergency.

(5) Physician delegation of tasks.

(a) Except as specified in paragraph (b) of this subsection, a physician may delegate tasks to a physician assistant or nurse practitioner who is acting within the scope of practice as defined by state law, and is under the supervision of the physician.

(b) A physician shall not delegate a task when the regulations specify that the physician shall perform it personally, or when the delegation is prohibited under state law or by the facility's own policies.

Section 12. Specialized Rehabilitative Services. A facility shall provide or obtain rehabilitative services, such as physical therapy, speech-language pathology, and occupational therapy, to every resident it admits.

(1) Provision of services. If specialized rehabilitative services are required in the resident's comprehensive plan of care, the facility shall:

(a) Provide the required services; or

(b) Obtain the required services from an outside resource in accordance with Section 15(6)(a) and (b) of this regulation, from a provider of specialized rehabilitative services.

(2) Qualifications. Specialized rehabilitative services must be provided under the written order of a physician by qualified personnel.

Section 13. Dental Services. The facility shall assist residents in obtaining routine and twenty-four (24) hour emergency dental care. The facility shall provide or obtain from an outside resource, in accordance with Section 15(6)(a) and (b) of this regulation following dental services to meet the needs of each resident:

(1) Routine dental services; and

(2) Emergency dental services.

Section 14. Pharmacy Services. The facility shall provide routine and emergency drugs and biologicals to its residents, or obtain them under an agreement described in Section 15(6)(a) and (b) of this regulation.

(1) Procedures.

(a) A facility shall provide pharmaceutical services (including procedures that assure the accurate acquiring, receiving, dispensing, and administering of all drugs and biologicals) to meet the needs of each resident.

(b) Administration of medications. All medications shall be administered by licensed medical or nursing personnel in accordance with the Medical Practice Act (KRS 311.530 to 311.620) and Nurse Practice Act (KRS Chapter 314) or by personnel who have completed a state approved training program from a state approved provider. The administration of oral and topical medicines by certified medicine technicians shall be under the supervision of licensed medical personnel. Intramuscular injections shall be administered by a licensed or registered nurse, or a physician. If intravenous injections are necessary they shall be administered by a licensed physician or registered nurse. Each dose administered shall be recorded in the medical record.

(2) Service consultation. The facility shall employ or obtain the services of a pharmacist licensed pursuant to KRS Chapter 315 who:

(a) Provides consultation on all aspects of the provision of pharmacy services in the facility;

(b) Establishes a system of records of receipt and disposition of all drugs in sufficient detail to enable an accurate reconciliation; and

(c) Determines that drug records are in order and that an account of all controlled drugs is maintained and periodically reconciled.

(3) Drug regimen review.

(a) The drug regimen of each resident shall be reviewed at least once a month by a licensed pharmacist.

(b) The pharmacist shall report any irregularities to the attending physician or the director of nursing, or both, and these reports shall be acted upon.

(4) Labeling of drugs and biologicals. The facility shall label drugs and biologicals in accordance with currently accepted professional principles, and include the appropriate accessory and cautionary instructions, and the expiration date.

(5) Storage of drugs and biologicals.
(a) In accordance with state and federal laws, the facility shall store all drugs and biologicals in locked compartments under proper temperature controls, and permit only authorized personnel to have access to the keys.
(6) The facility shall provide separately locked, permanently affixed compartments for storage of controlled drugs listed in Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other drugs subject to abuse, except when the facility uses single unit package drug distribution systems in which the quantity stored is minimal and a missing dose can be readily detected.

Section 15. Administration. A facility shall be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.
(1) Compliance with federal, state and local laws and professional standards. The facility shall operate and provide services in compliance with all applicable federal, state and local laws, regulations and codes, and with accepted professional standards and principles that apply to professionals providing services in a facility.
(2) Governing body.
(a) The facility shall have a governing body, or designated persons functioning as a governing body, that is legally responsible for establishing and implementing policies regarding the management and operation of the facility; and
(b) The governing body appoints the administrator who shall be:
1. Licensed as a nursing home administrator pursuant to KRS 216A.080; and
2. Responsible for management of the facility.
(3) Required training of nurse aides.
(a) General rules. A facility shall not use any individual working in the facility as a nurse aide for more than four (4) months, on a full-time, temporary, per diem, or other basis, unless:
1. That individual is listed on the Kentucky Nurse Aide Registry; and
2. That individual is competent to provide nursing and nursing related services.
(b) Competency. A facility shall permit an individual to serve as a nurse aide or provide services of a type for which the individual has not demonstrated competence only when:
1. The individual is currently enrolled and participating in the Kentucky Medicaid Nurse Aide Training Program; or
2. The facility has asked and not yet received a reply from the Kentucky Nurse Aide Registry for information concerning the individual.
(c) Regular in-service education. The facility shall provide regular performance review and regular in-service education to ensure that individuals used as nurse aides are competent to perform services as nurse aides. In-service education must include training for individuals providing nursing and nursing related services to residents with cognitive impairments.
(4) Proficiency of nurse aides. The facility shall ensure that nurse aides are able to demonstrate competency in skills and techniques necessary to care for residents' needs, as identified through resident assessments, and described in the plan of care.
(5) Staff qualifications.
(a) The facility shall employ on a full-time, part-time, or consultant basis those professionals necessary to carry out the provisions of this regulation.
(b) Professional staff shall be licensed, certified or registered in accordance with applicable state statutes.
(6) Use of outside resources.
(a) If the facility does not employ a qualified professional person to furnish a specific service to be provided by the facility, the facility shall have that service furnished to residents by a person or agency outside the facility.
(b) Arrangements or agreements pertaining to services furnished by outside resources shall specify in writing that the facility assumes responsibility for:
1. Obtaining services that meet professional standards and principles that apply to professionals providing services in such a facility; and
2. The timeliness of the services.
(7) Medical director.
(a) The facility shall designate a physician to serve as medical director.
(b) The medical director shall be responsible for:
1. Implementation of resident care policies; and
2. The coordination of medical care in the facility.
(8) Laboratory services.
(a) The facility shall provide or obtain clinical laboratory services to meet the needs of its residents. The facility shall be responsible for the quality and timeliness of the services.
1. If the facility provides its own laboratory services, the services shall meet the applicable state statutes and regulations pursuant to KRS Chapter 333, or laboratory requirements for hospitals for those distinct part units within licensed hospitals.
2. If the facility provides blood bank and transfusion services, it must meet the applicable conditions for:
a. Independent laboratories licensed pursuant to KRS Chapter 333; or
b. Hospitals licensed pursuant to 902 KAR 20:016;
3. If the laboratory chooses to refer specimens for testing to another laboratory, the referral laboratory must be licensed in accordance with KRS Chapter 333, or meet the laboratory standards in 902 KAR 20:016 for hospitals.
4. If the facility does not provide laboratory services on site, it shall have an agreement to obtain these services only from a laboratory that is licensed pursuant to KRS Chapter 333 as an independent laboratory, or in accordance with 902 KAR 20:016 for hospital laboratories.
(b) The facility shall:
1. Provide or obtain laboratory services only when ordered by the attending physician;
2. Promptly notify the attending physician of the findings;
3. Assist the resident in making transportation arrangements to and from the source of service, if the resident needs assistance.
4. File in the resident's clinical record signed and dated reports of clinical laboratory

services.

(9) Radiology and other diagnostic services.

(a) The nursing facility shall provide or obtain radiology and other diagnostic services to meet the needs of its residents. The facility is responsible for the quality and timeliness of the services.

1. If the facility provides its own diagnostic services, the services must meet the standards established in 902 KAR 20:016, Section 4(6).

2. If the facility does not provide diagnostic services, it shall have an agreement to obtain these services from a provider or supplier that is licensed or registered pursuant to KRS 211.842 through KRS 211.852.

(b) The facility shall:

1. Provide or obtain radiology and other diagnostic services only when ordered by the attending physician;

2. Promptly notify the attending physician of the findings;

3. Assist the resident in making transportation arrangements to and from the source of service, if the resident needs assistance; and

4. File in the resident's clinical record signed and dated reports of x-ray and other diagnostic services.

(10) Clinical records.

(a) The facility shall maintain clinical records on each resident in accordance with accepted professional standards and practices that are:

1. Complete;

2. Accurately documented;

3. Readily accessible; and

4. Systematically organized.

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

(c) The facility shall safeguard clinical record information against loss, destruction, or unauthorized use;

(d) The facility shall keep confidential all information contained in the resident's records, regardless of the form or storage method of the records, except when release is required by:

1. Transfer to another health care institution;

2. Law;

3. Third-party payment contract; or

4. The resident.

(e) The facility shall:

1. Permit each resident to inspect his or her records on request; and

2. Provide copies of the records to each resident no later than forty-eight (48) hours after a written request from a resident, at a photocopying cost not to exceed the amount customarily charged in the community.

(f) The clinical record shall contain:

1. Sufficient information to identify the resident;

2. A record of the resident's assessments;

3. The plan of care and services provided; and

4. The results of any preadmission screening conducted by the state; and

5. Progress notes.

(11) Disaster and emergency preparedness.

(a) The facility shall have detailed written plans and procedures to meet all potential emergencies and disasters, such as fire, severe weather, and missing residents.

(b) The facility shall train all employees in emergency procedures when they begin to work in the facility, periodically review the procedures with existing staff, and carry out staff drills using those procedures.

(12) Transfer agreement.

(a) The facility shall have in effect a written transfer agreement with one (1) or more licensed hospitals that reasonably assures that:

1. Residents shall be transferred from the facility to the hospital, and ensured of timely admission to the hospital when transfer is medically appropriate as determined by the attending physician; and

2. Medical and other information needed for care and treatment of residents and when the transferring facility deems it appropriate, for determining whether such residents can be adequately cared for in a less expensive setting than either the facility or the hospital, will be exchanged between the institutions.

(b) The facility shall be considered to have a transfer agreement in effect if the facility has attempted in good faith to enter into an agreement with a hospital sufficiently close to the facility to make transfer feasible.

(13) Quality assessment and assurance.

(a) A facility shall maintain a quality assessment and assurance committee consisting of:

1. The director of nursing services;

2. A physician designated by the facility; and

3. At least three (3) other members of the facility's staff.

(b) The quality assessment and assurance committee:

1. Meets at least quarterly to identify issues with respect to which quality assessment and assurance activities are necessary; and

2. Develops and implements appropriate plans of action to correct identified quality deficiencies.

EDWARD A. WILSON, Inspector General
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 4, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by November 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eric Friedlander/Delano Miller

(1) Type and number of entities affected: Approximately 300 long-term care facilities.

(a) Direct and indirect costs or savings to those affected: Due to the comprehensive nature of these changes, it is impossible to isolate an individual facility's costs associated with this regulation. Those facilities presently licensed and certified as intermediate care with over 120 beds will incur the greatest potential increase in costs due to increased staffing requirements relating to RN coverage and social services

requirements.

1. First year: There will be costs associated with changing over to this new licensure category, however these costs would be incurred anyway since these standards mirror the federal certification standards that these facilities will have to meet.

2. Continuing costs or savings: There may be continuing costs associated with increased staffing levels.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There should be no additional factors affecting competition.

(b) Reporting and paperwork requirements: Some paperwork requirements have changed, some documentation will be increased while some will be decreased or consolidated.

(2) Effects on the promulgating administrative body: This regulation was drafted to mirror federal guidelines. This should assist this division and providers by streamlining the licensure and certification survey process.

(a) Direct and indirect costs or savings: This regulation will not affect costs in that this agency will already be surveying under similar guidelines.

1. First year: $500 for reprinting this regulation.

2. Continuing costs or savings: No additional costs should be associated with this amendment since reprinting of this regulation is a part of this agency's continuing budget.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This amendment poses no additional paperwork requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This licensure category was developed to mirror federal standards. This process should make the licensure program more consistent with the federal certification program, and therefore less confusing to providers.

(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: No conflict exists.

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

(6) Any additional information or comments: No

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

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 CFR Part 483.

2. State compliance standards. 902 KAR 20:310, Facility specifications; nursing facilities; 902 KAR 20:300, Operation and services; nursing facilities.

3. Minimum or uniform standards contained in the federal mandate. Federal standards include: resident rights, admission and discharge rights, resident behavior and facility practices, quality of life, resident assessment, quality of care, nursing services, dietary services, physician services, specialized rehabilitation services, dental services, pharmacy services, infection control, physical environment, and administration.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes. There are additional standards relating to tuberculosis testing, infection control.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. All long-term care facilities must meet state requirements for the above areas. Kentucky has a historically high tuberculosis rate which make the additional standards necessary. The infection control standards reflect the program put in place in hospitals and long-term care facilities in 1989.

CABINET FOR HUMAN RESOURCES
Office of Inspector General

902 KAR 20:310. Facility specifications; nursing facility.

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

STATUTORY AUTHORITY: KRS 216B.042, 216B.105

NECESSITY AND FUNCTION: KRS 216B.042 and 216B.105 mandate that the Kentucky Cabinet for Human Resources regulates health facilities and health services. This regulation provides licensure requirements for structural specifications for the alteration and maintenance of existing nursing facilities.

Section 1. Definitions. (1) "Board" means the Commission for Health Economics Control in Kentucky.

(2) "License" means an authorization issued by the board for the purpose of operating a nursing facility.

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

Section 2. Preparation and Approval of Plans and Specifications. (1) Before alterations are begun to existing buildings or any change in existing nursing home facilities, the licensee or applicant shall submit plans to the licensure agency for approval.

(2) All architectural, mechanical and electrical drawings shall bear either the seal of an architect registered in the Commonwealth of Kentucky or the seal of a professional engineer registered in the Commonwealth of Kentucky, or both.

(3) Drawings shall not exceed thirty-six (36) by forty-six (46) inches when trimmed.

(4) All such plans and specifications must be approved by the licensure agency prior to commencement of alteration of existing buildings.

(5) Plans and specifications in specific detail as required by the Kentucky Building Code shall be submitted together with architectural and/or engineering stamps as required by KRS Chapters 322 and 323, to the Department of Housing, Buildings and Construction for determining compliance with the Kentucky Building Code. All such plans and specifications must be approved by the Department of Housing,

Buildings and Construction and appropriate local building permits shall be obtained prior to commencement of any alteration.

Section 3. Submission of Plans and Specifications. (1) First stage, schematic plans.

(a) Single line drawings of each floor shall show the relationship of the various departments or services to each other and the room arrangement in each department. The name of each room shall be noted. Drawings shall include typical patient room layouts (scaled one-fourth (1/4) inch to one (1) foot) with dimensions noted. The proposed roads and walks, service and entrance courts, parking and orientation shall be shown in a plot plan.

(b) If the project is an addition or is otherwise related to existing buildings on the site, the plans shall show the facilities and general arrangements of those buildings.

(2) Second stage, preliminary plans. Preliminary sketch plans shall include the following:

(a) Architectural: plans of basement and floors.

(b) Outline specifications.

1. General description of the alteration, including interior finishes, types and locations of acoustical material, and special floor covering;

2. Description of the air-conditioning, heating, and ventilation systems and their controls, duct and piping systems; and dietary, laundry, sterilizing, and other special equipment;

3. General description of electrical service including voltage, number of feeders, and whether feeders are overhead or underground.

(a) Working drawings. Working drawings shall be complete and adequate for bid, contract, and construction purposes. Drawings shall be prepared for each of the following branches of the work: architectural, structural, mechanical, and electrical. They shall include the following:

1. Architectural drawings.

a. Approach plan showing all new topography, newly established levels and grades, existing structures on the site (if any), new building structures, roadways, walks, and parking areas;

b. Plan of each basement, floor and roof;

c. Elevations of each facade;

d. Sections through building;

e. Required scale and full-size details;

f. Schedule of doors, windows, and room finishes;

g. Layout of typical and special rooms indicating all fixed equipment and major items of movable equipment. Equipment not included in contract shall be so indicated;

h. Conveying systems. Details of construction, machine and control space necessary, size and type of equipment, and utility requirements for the following: dumbwaiters-electric, hand, hydraulic; elevators-freight, passenger, patient; loading dock devices; pneumatic tube systems.

2. Structural drawings.

a. Plans for foundations, floors, roofs, and all intermediate levels with sizes, sections, and the relative location of the various structural members;

b. Dimensions of special openings;

c. Details of all special connections, assemblies, and expansion joints.

3. Mechanical drawings.

a. Heating, steam piping, and air-condition systems. Radiators and steam heated equipment, such as sterilizers, warmers, and steam tables; heating and steam mains and branches with pipe sizes; sizes, types, and capacities of boilers, furnaces, hot water heater with stokers; oil burners, or gas burners; pumps, tanks, boiler breeching, and piping and boiler room accessories; air-conditioning systems with required equipment, water and refrigerant piping, and ducts; supply and exhaust ventilation systems with heating/cooling connections and piping; air quantities for all room supply and exhaust ventilating duct openings.

b. Plumbing, drainage, and standpipe systems. Size and elevation of: street sewer, house sewer, house drains, street water main, and water service into the building; location and size of soil, waste, and water service with connections to house drains, clean-outs, fixtures, and equipment; size and location of hot, cold and circulating branches, and risers from the service entrance, and tanks; riser diagram of all plumbing stacks with vents, water risers, and fixture connections; gas, oxygen, and vacuum systems; standpipe and sprinkler systems where required; all fixtures and equipment that require water and drain connections.

4. Electrical drawings.

a. Electric service entrance with switches and feeders to the public service feeders, characteristics of the light and power current, transformers and their connections if located in the building;

b. Location of main switchboard, power panels, light panels, and equipment. Diagram of feeders and conduits with schedule of feeder breakers or switches;

c. Light outlets, receptacles, switches, power outlets, and circuits;

d. Telephone layout showing service entrance, telephone switchboard, strip boxes, telephone outlets, and branch conduits;

e. Nurses' call systems with outlets for beds, duty stations, door signal light, annunciators, and wiring diagrams;

f. Emergency electrical system with outlets, transfer switch, sources of supply, feeders, and circuits;

g. All other electrically operated systems and equipment.

(b) Specifications. Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanship, finishes and other characteristics of all materials and equipment and shall include:

1. Cover or title sheet;

2. Index;

3. Sections describing materials and workmanship in detail for each class of work;

4. Access to the work. Representatives of the appropriate state agencies shall have access at all reasonable times to the work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

Section 4. Compliance with Building Codes, Ordinances and Regulations. (1) This section may be administered independently from other sections of this regulation.

(2) General. Nothing stated herein shall relieve the sponsor from compliance with

building codes, ordinances, and regulations which are enforced by city, county, or state jurisdictions.

(3) The following requirements shall apply where applicable and as adopted by the respective agency authority:

(a) Requirements for safety pursuant to 815 KAR 10:020, as amended;

(b) Requirements for plumbing pursuant to 815 KAR 20:010 through 20:190, as amended;

(c) Requirements for air contaminants for incinerators pursuant to 401 KRS 59:020 and 401 KAR 61:010;

(d) Requirements for elevators pursuant to 815 KAR 4:010; and

(e) Requirements for making buildings and facilities accessible to and usable by the physically handicapped, pursuant to KRS 198B.260 and regulations promulgated thereunder.

(4) Prior to occupancy, facility must have final approval from appropriate agencies.

(5) All facilities shall be currently approved by the Fire Marshal's Office in accordance with the Life Safety Code, before relicensure is granted by the licensure agency.

Section 5. Facility Requirements and Special Conditions. (1) Independent facilities with a capacity of fifty (50) beds or less present special problems. The sizes of the various departments will depend upon the requirements of the facilities. Some functions allotted separate spaces or rooms in these general standards may be combined provided that the resulting plan will not compromise the standards of safety and of medical and nursing practices and the social needs of patients. In other respects, the general standards set forth herein, including the area requirements, shall apply.

(2) Facilities shall be available to the public, staff, and patients who may be physically handicapped with special attention given to ramps, drinking fountain height, mirrors, etc.

(3) The number of beds in a nursing unit shall not exceed sixty (60) unless additional services are provided, as deemed necessary by the licensure agency. At least two (2) rooms per nursing unit shall be designed for single person occupancy (one (1) bed) and shall have private toilet rooms with bath. At least sixty (60) percent of the beds shall be located in rooms designed for one (1) or two (2) beds.

Section 6. Nursing Unit. (1) Patient rooms. Each patient room shall meet the following requirements:

(a) Maximum room capacity: four (4) patients;

(b) Patient rooms shall be designed to permit no more than two (2) beds side by side parallel to the window wall. Not less than a four (4) foot space shall be provided between beds, and at least a three (3) foot space between the side of a bed and the nearest wall, fixed cabinet, or heating/cooling element. A minimum of four (4) feet is required between foot of bed and opposite wall, or foot of opposite bed in multibed rooms;

(c) Window. All patient rooms must have windows opening to the outside. Sill shall not be higher than three (3) feet above the floor and shall be above grade. Window area to be at least eight (8) percent of patient room floor area;

(d) Lavatory. In single and two (2) bed rooms with private toilet room, the lavatory may be located in the toilet room. Where two (2) patient rooms share a common toilet, a lavatory shall be provided in each patient room;

(e) Wardrobe or closet for each patient. Minimum clean dimensions: one (1) foot deep by one (1) foot and eight (8) inches wide with full length hanging space clothes rod and shelf;

(f) Cubicle curtains, or equivalent built-in devices for complete privacy for each patient in each multibed room and in tub, shower and toilet rooms;

(g) No patient room shall be located more than 120 feet from the nurses' station, the clean workroom, and the soiled workroom. No room shall be used as a patient room where the access is through another patient's room;

(2) Patient toilet rooms.

(a) A toilet room shall be directly accessible from each patient room and from each central bathing area without going through the general corridor. One (1) toilet room may serve two (2) patient rooms but not more than four (4) beds. The minimum dimensions of any room containing only a toilet shall be three (3) feet by five (5) feet;

(b) Toilets must be easily usable by wheelchair patients. Grab bars shall be provided at all toilets;

(c) At least one (1) toilet for each sex shall be provided for training purposes and access by wheelchairs. It shall be accessible from the nursing corridor, may be part of the bathing area and shall have a minimum size, of five (5) feet by six (6) feet;

(d) Doors to toilet rooms shall have a minimum width of two (2) feet and ten (10) inches to admit a wheelchair.

(3) Service areas in each nursing unit. The size of each service area will depend on the number and types of beds within the unit include:

(a) Nurses' station for nurses' charting, doctors' charting, communications, and storage for supplies and nurses' personal effects;

(b) Staff lounge area. The area shall have personal storage space and a toilet room for staff;

(c) Visitors toilet room. The facility shall provide a toilet room for visitors. The staff toilet room may serve as the visitors toilet room if marked and accessible;

(d) Clean workroom for storage and assembly of supplies for nursing procedures containing work counter, sink;

(e) Soiled workroom containing clinical sink, work counter with two (2) compartment sink, waste receptacles, and soiled linen receptacles;

(f) Medicine room adjacent to nurses' station with sink, refrigerator, locked storage, and facilities for preparation and dispensing of medication (may be designated area within clean workroom if a self-contained cabinet is provided). The controlled substances locker must be under double lock;

(g) Clean linen storage with enclosed storage space (may be a designated area within the clean workroom);

(h) Nourishment station with storage space, sink, hot plate and refrigerator for serving between-meal nourishments (may serve one (1) nursing unit on same floor);

(i) Equipment storage room for storage of IV stands, inhalators, air mattresses, walkers, and similar bulky equipment (may serve more than one (1) nursing unit on same floor);

(j) Patient baths. One (1) shower stall or one (1) bathtub required for each fifteen (15) beds not individually served. There shall be at least one (1) freestanding bathtub in each bathroom. Grab bars or patient lift with a safety device shall be provided at all bathing fixtures. Each bathtub or shower enclosure in central bathing facilities shall provide space for a wheelchair and attendant. Showers in central bathing facilities shall not be less than four (4) feet square, without curbs, and designed to permit use from a wheelchair. Soap dishes in showers and bathrooms shall be recessed;

(k) Stretcher and wheelchair parking area or alcove;

(l) Janitor's closet for storage of housekeeping supplies and equipment. Floor receptor or service sink;

(m) Bedpan washing facilities. Bedpan washing attachments are recommended for each patient room toilet. It will be acceptable, however, to have separate bedpan washing closets in each nursing unit, provided that they are so located that bedpans need not be carried through lobbies, dining and recreation areas, or day rooms.

(4) Patient's dining, TV viewing and recreation areas.

(a) The total areas set aside for these purposes shall be not less than thirty (30) square feet per bed for the first fifty (50) beds and twenty (20) square feet per bed for all beds in excess of fifty (50). Additional space shall be provided for outpatients if they participate in a day care program.

(b) Storage shall be provided for recreational equipment and supplies (e.g., wall cabinet and closets).

Section 7. Therapy Units. (1) If the facility has a physical therapy unit the following shall be provided (depending on the program):

(a) Office (may also serve for occupational therapy office);

(b) Exercise and treatment areas with sink or lavatory and cubicle curtains around treatment areas;

(c) Hydrotherapy areas with cubicle curtains around treatment areas;

(d) Storage for supplies and equipment; and

(e) Toilet rooms located for convenient access by physical therapy patient (may also serve occupational therapy patients).

(2) If the facility has an occupational therapy unit it shall include:

(a) Office space (may be shared with physical therapy office);

(b) Therapy area with sink or lavatory;

(c) Storage for supplies and equipment;

(d) Toilet room (not required if other toilet facilities are convenient).

(3) Personal care room with space for shampoo sink and barber chair (not required in facility of less than twenty-five (25) beds).

(4) If the facility has more than 120 beds, it shall provide the following:

(a) Office space for a social worker;

(b) Toilet room (not required if other toilet facilities are convenient).

Section 8. Dietary Department. If a commercial service will be used or meals will be provided by an adjacent hospital, dietary areas and equipment shall be designed to accommodate the requirements for sanitary storage, processing, and handling, otherwise the following shall be provided:

(1) Food preparation center with a lavatory but no mirror;

(2) Food serving facilities to accommodate patients and staff;

(3) Dishwashing room with commercial-type and a lavatory;

(4) Potwashing facilities;

(5) Refrigerated storage to accommodate three (3) day supply;

(6) Dry storage to accommodate three (3) day supply;

(7) Cart-cleaning facilities;

(8) Cart storage area;

(9) Waste disposal facilities;

(10) Can washing facilities;

(11) Staff dining facilities;

(12) Patient dining facilities;

(13) Janitor's closet with storage for housekeeping supplies and equipment, floor receptor or service sink; and

(14) Toilet room which is conveniently accessible to dietary staff with a two (2) door separation from food preparation area or dining area.

Section 9. Administration Department. The facility shall have adequate administrative, public, and staff facilities (e.g., offices, lobby, toilet facilities) to accommodate the needs of the public, patients, and staff without interfering with the provision of medical care services.

Section 10. Laundry. The following shall be included:

(1) Soiled linen room;

(2) Clean linen and mending room;

(3) Linen cart storage;

(4) Lavatories accessible from soiled, clean, and processing rooms;

(5) Laundry processing room with commercial type equipment sufficient to take care of seven (7) days' needs within the workweek;

(6) Janitor's closet with storage for housekeeping supplies and equipment, floor receptor or service sink; and

(7) Storage for laundry supplies.

(Subsections (5), (6) and (7) of this section need not be provided if laundry is processed outside the facility.)

Section 11. Storage and Service Areas. (1) Central storage room(s) with at least ten (10) square bed for first fifty (50) beds; and five (5) square feet per bed for eleven (11) beds over fifty (50), to be concentrated in one (1) area.

(2) Adequate secure storage space must be provided for staff and volunteer's personal belongings.

(3) Engineering service and equipment areas. The following shall be provided:

(a) Boiler room;

(b) Mechanical and electrical equipment room(s) (can be combined with boiler room);

(c) Adequate storage for building maintenance and engineering supplies;

(d) Storage room for housekeeping equipment (need not be provided if space is available in janitor's closets or elsewhere);

(e) Incinerator space. If the facility has an incinerator, it shall be in a separate room, in a designated area within the boiler room, or

outdoors;
(f) Yard equipment storage room for yard maintenance equipment and supplies.

Section 12. Details and Finishes. The facility shall be designed for maximum safety for the occupants to minimize the incidence of accidents. Hazards such as sharp corners shall be avoided. All details and finishes shall meet the following requirements:
(1) Details.
(a) Doors to patient toilet rooms and other rooms needing access for wheelchairs shall have a minimum width of two (2) feet and ten (10) inches.
(b) Such items as drinking fountains, telephone booths and vending machines shall be located so that they do not project into the required width of exit corridors.
(c) Handrails shall be provided on both sides of corridors used by patients in facilities with a clean distance of one-half (1/2) inch between handrail and wall.
(d) All doors to patient-room toilet rooms and patient-room bathrooms shall swing outward or shall be equipped with hardware which will permit access in any emergency.
(e) All doors opening onto corridors shall be swing-type except elevator doors. Alcoves and similar spaces which generally do not require doors are excluded from this requirement.
(f) Thresholds and expansion joint covers, if used, shall be flush with the floor.
(g) Grab bars and accessories in patient toilet, shower, and bathrooms shall have sufficient strength and anchorage to sustain a load of 250 pounds for five (5) minutes.
(h) Lavatories intended for use by patients shall be installed to permit wheelchairs to slide under.
(i) The location and arrangement of lavatories and sinks with blade handles intended for handwashing purposes shall provide sixteen (16) inches clearance each side of center line of fixture.
(j) Mirrors shall be arranged for convenient use by patients in wheelchairs as well as by patients in standing position.
(k) Towel dispensers shall be provided at all lavatories and sinks used for handwashing.
(l) If linen and refuse chutes are used, they shall be designed as follows:
1. Minimum diameter of gravity-type chutes shall be two (2) feet;
2. Chutes shall extend at least four (4) feet above the roof and shall be covered by a metal skylight glazed with thin plain glass or plastic.
(m) Ceiling heights.
1. The boiler room ceiling shall not be less than two (2) feet six (6) inches above the main boiler header and connecting piping with nine (9) feet headroom under piping for maintenance and access;
2. Corridors, storage rooms, patients' toilet room, and other minor rooms shall not be less than seven (7) feet and six (6) inches.
3. Ceilings in all other rooms shall not be less than eight (8) feet.
(n) Boiler room, food preparation centers, and laundries shall be insulated and ventilated to prevent any floor surface above from exceeding a temperature of eighty-five (85) degrees Fahrenheit.
(o) Noise reduction criteria. Provision shall be made to minimize sound transmission in:
1. Corridors in patient areas;
2. Nurses' stations;
3. Utility rooms;
4. Floor pantries; and
5. Lobbies and recreation areas.
(p) Special attention shall be given to sound transmission from boiler rooms, mechanical rooms, and kitchen, to patient bedroom areas.
(2) Finishes.
(a) Floors generally shall be easily cleanable and shall have the wear resistance appropriate for the location involved. Floors in kitchen and related spaces shall be waterproof and greaseproof. In all areas where floors are subject to wetting, they shall have a nonslip finish. Carpeting is not permitted in the following areas: kitchen, dishwashing room, soiled utility room, janitor's closet, soiled linen rooms, storage room, bathrooms, public toilet rooms, patient toilet rooms, hydrotherapy rooms, treatment rooms, and any other room where the floor is subject to repeated wetting or soiling.
(b) Adjacent dissimilar floor materials shall be flush with each other to provide an unbroken surface.
(c) Walls generally shall be washable and in the immediate area of plumbing fixtures, the finish shall be moisture-proof. Wall bases in dietary areas shall be free of spaces that can harbor insects.
(d) Ceilings generally shall be washable or easily cleanable. This requirement does not apply to boiler rooms, mechanical and building equipment rooms, shops and similar spaces.

Section 13. Elevators. All facilities where either patient beds or inpatient facilities such as diagnostic, recreation, patient dining or therapy rooms are located on other than the first floor, shall have electric or electrohydraulic elevators as follows:
(1) Number of elevators. All facilities with patient beds or residential facilities located on any floor other than the first floor shall have at least one (1) hospital-type elevator and such additional elevators as determined by the licensure agency from a study of the facility plan and the estimated vertical transportation requirements.
(2) Cars and platforms. Elevator cars and platforms shall be constructed of noncombustible material, except that fire-retardant-treated material may be used if all exterior surfaces of the cars are covered with metal. Cars of hospital-type elevators shall have inside dimensions that will accommodate a patient's bed and attendants and shall be at least five (5) feet wide by seven (7) feet and six (6) inches deep. Car doors shall have a clear opening of not less than three (3) feet and eight (8) inches. Cars of all other required elevators shall have a clear opening of not less than three (3) feet.
(3) Leveling. Elevators shall have automatic leveling of the two (2) way automatic maintaining type with accuracy within plus or minus one-half (1/2) inch.

Section 14. Foundations. Foundations shall rest on natural solid ground if a satisfactory soil is available at reasonable depths. Proper soil bearing values shall be established in accordance with recognized standards. If solid ground is not encountered at practical depths,

the structure shall be supported on driven piles or drilled piers designed to support the intended load without detrimental settlement.

Section 15. Mechanical Requirements. (1) General. Prior to completion of the contract and final acceptance of the facility, the architect and/or engineer shall obtain certification from the contractor that all mechanical systems have been tested and that the installation and performance of these systems conform to the requirements of the plans and specifications.

(2) Steam and hot water systems.

(a) Boilers. If boilers are used, a minimum of two (2) must be provided. The combined capacity of the boilers, based upon the published Steel Boiler Institute of Boiler and Radiator Manufacturer's net rating, must be able to supply 150 percent of the normal requirements of all systems and equipment.

(b) Covering. Boiler and smoke breeching, all steam supply piping and high pressure steam return piping, and hot water space heating supply and return piping shall be insulated.

(3) Temperatures and ventilating systems.

(a) Temperatures. A minimum temperature of seventy-one (71) degrees Fahrenheit, shall be provided for in all occupied areas in winter conditions. A maximum temperature of eighty-one (81) degrees Fahrenheit shall be provided for in occupied areas in summer conditions.

(b) Ventilation system details. All air-supply and air-exhaust systems shall be mechanically operated. All fans serving exhaust systems shall be located at the discharge end of the system. The ventilation rates shown in Section 17, Table 1 of this regulation, shall be considered as minimum acceptable rates and shall not be construed as precluding the use of higher ventilation rates if they are required to meet design conditions.

1. Outdoor ventilation air-intakes, other than for individual room units, shall be located as far away as practicable but not less than twenty-five (25) feet from the exhausts from any ventilating system or combustion equipment. The bottom of outdoor intakes serving central air systems shall be located as high as possible but not less than eight (8) feet above the ground level or, if installed through the roof, three (3) feet above roof level.

2. The ventilation systems shall be designed and balanced to provide the general pressure relationship to adjacent areas shown in Section 17, Table 1 of this regulation.

3. Room supply air inlets, recirculation, and exhaust air outlets installed in nonsensitive areas shall be located not less than than three (3) inches above the floor.

4. Corridors shall not be used to supply air to or exhaust air from any room, except that exhaust air from corridors may be used to ventilate bathrooms, toilet rooms, or janitor's closets opening directly into corridors.

5. Filters.

(a) Central systems that serve patient care areas shall be provided with filters rated at eighty (80) percent efficiency based upon the National Bureau of Standards Dust Spot Method with Atmospheric Dust.

(b) Central systems that serve only areas other than patient care areas shall be provided with filters rated at twenty-five (25) percent efficiency based upon the National Bureau of Standards Dust Spot Method with Atmospheric Dust.

6. Boiler rooms shall be provided with sufficient outdoor air to maintain combustion rates of equipment and required temperatures in the facility.

(4) Plumbing and other piping systems.

(a) Lavatories and sinks required in patient care areas shall have the water supply spout mounted so that its discharge point is a minimum distance of five (5) inches above the rim of the fixture. All fixtures used by medical and nursing staff, and all lavatories used by patients and food handlers shall be trimmed with valves which can be operated without the use of hands. Where blade handles are used for this purpose, they shall be at a distance from the center line of the sink to be operational.

(b) Clinical sinks shall have an integral trap in which the upper portion of a visible trap seal provides a water surface.

(5) Water supply system.

(a) Systems shall be designed to supply water to the fixtures and equipment on the upper floors at a minimum pressure of fifteen (15) pounds per square inch during maximum demand periods.

(b) Each water service main, branch main, riser and branch to a group of fixtures shall be valved. Stop valves shall be provided at each fixture.

(c) Hot, cold and chilled water piping and waste piping on which condensation may occur shall be insulated. Insulation of cold and chilled water lines shall include an exterior vapor barrier.

(d) Backflow preventers (vacuum breakers) shall be installed on hose bibbs and on all fixtures to which hoses or tubing can be attached such as janitor's sinks and bedpan flushing attachments.

(e) Bedpan flushing devices shall be provided.

(f) Hot water distribution systems shall be arranged to provide hot water at each fixture at all times.

(g) Plumbing fixtures which require hot water and which are intended for patient use shall be supplied with water which is controlled to provide a maximum water temperature of 110 degrees Fahrenheit at the fixture.

(h) Piping over food preparation centers, food serving facilities, food storage areas, and other critical areas shall be kept to a minimum and shall not be exposed. Special precautions shall be taken to protect these areas from possible leakage of, or condensation from, necessary overhead piping systems.

(6) Hot water heaters and tanks.

(a) The hot water heating equipment shall have sufficient capacity to supply the water at the temperature and amounts indicated below:

	Use		
	Clinical	Dietary	Laundry
Gal/hr/bed	6 1/2	4	4 1/2
Temp. F.	100-110	180*	140-180**

*Temperature may be reduced to 140 if chloritizer is used.

**If the temperature used is below 180, the facility shall utilize detergents and other additives to insure that the linens will be adequately cleaned.

(b) A hot water system which supplies fixtures utilized by patients shall be equipped with an

antiscald mixing valve.

(c) Storage tank(s) shall be provided and shall be fabricated of corrosion-resistant metal, or have noncorrosive lining.

(7) Plumbing approval. Prior to final approval of the plans and specifications by the licensure agency, the plumbing plans and specifications must be approved by the Division of Plumbing, Department of Housing, Buildings and Construction.

Section 16. Electrical Requirements. (1) Electrical requirements of the Kentucky Building Code shall apply where applicable.

(2) The wiring in each facility shall be inspected by a certified electrical inspector and a certificate of approval shall be issued to the facility, prior to occupancy. However, the wiring in existing buildings shall be approved by a certified electrical inspector only when the building has not been previously so approved for health care occupancy or where the State Fire Marshal finds that a hazardous condition exists.

(3) Switchboard and power panels. All breakers and switches shall be indexed.

(4) Lighting.

(a) All spaces occupied by people, machinery, and equipment within buildings, and the approaches thereto, and parking lots shall have electric lighting.

(b) Patients' bedrooms shall have general lighting and night lighting. A reading light shall be provided for each patient. A fixed receptacle type night light mounted approximately sixteen (16) inches above the floor, shall be provided in each patient room. Patients' reading lights and other fixed lights not switched at the door shall have switch controls convenient for use at the luminaire. All switches for control of light in patient areas shall be of the quiet operating type.

(c) Lighting levels for the facility shall comply with the requirements of Section 17, Table 2 of this regulation.

(5) Receptacles. Convenience outlets.

(a) Bedroom. Each patient bedroom shall have duplex receptacles on each side of the head of each bed (for parallel adjacent beds, only one (1) receptacle is required between the beds), receptacles for luminairies television and motorized beds, if used, and one (1) receptacle on another wall.

(b) Corridors. Duplex receptacles for general use shall be installed approximately fifty (50) feet apart in all corridors and within twenty-five (25) feet of ends of corridors.

(6) Nurses' calling system. A nurses' calling station shall be installed at each patient bed and in each patient toilet, bath, and shower room. The nurses' call in toilet, bath, or shower rooms, shall be an emergency call. All calls shall register at the nurses' station and shall actuate a visible signal in the corridor at the patients' door, in the clean workroom, soiled workroom, and nourishment station of the nursing unit. Nurses' call systems which provide two (2) way voice communications shall be equipped with an indicating light at each calling station which lights and remains lighted as long as the voice circuit is operative.

(7) Emergency electric service.

(a) General. To provide electricity during an interruption of the normal electric supply that could affect the nursing care, treatment, or safety of the occupants, an emergency source of electricity shall be provided and connected to certain circuits for lighting and power.

(b) Sources. The source of this emergency electric service shall be as follows:

1. An emergency generating set, when the normal service is supplied by one (1) or more central station transmission lines;

2. An emergency generating set or a central station transmission line, when the normal electric supply is generated on the premises.

(c) Emergency generating set.

1. The required emergency generating set, including the prime mover and generator, shall be located on the premises and shall be reserved exclusively for supplying the emergency electric system. The emergency generator set shall be sufficient kilowatt capacity to supply all electrical connections itemized in paragraph (d) of this subsection.

2. In facilities constructed prior to the effective date of this regulation which are supplied by at least two (2) dedicated and separate utility service feeders, an emergency generating set is not required.

(d) Emergency electrical connections. Emergency electric service shall be provided to circuits as follows:

1. Lighting.

a. Exitways and all necessary ways of approach thereto, including exit signs and exit direction signs, exterior of exits, exit doorways, stairways, and corridors;

b. Dining and recreation rooms;

c. Nursing station and medication preparation area;

d. Generator set location, switch-gear location, and boiler room;

e. Elevator; and

f. Night lights in patient rooms.

2. Equipment. Essential to life safety and for protection of important or vital materials:

a. Nurses' calling system;

b. Alarm system including fire alarm actuated at manual stations, water-flow alarm devices of sprinkler system if electrically operated, fire-detecting and smoke-detecting systems, paging or speaker systems if intended for issuing instructions during emergency conditions, and alarms required for nonflammable medical gas systems, if installed;

c. Fire pump, if installed;

d. Sewerage or sump-lift pump, if installed;

e. At least one (1) duplex receptacle located on the headwall in each patient room;

f. One (1) elevator, where elevators are used for vertical transportation of patients. Provide manual switch-over to operate other elevators.

g. Equipment such as burners and pumps necessary for operation of one (1) or more boilers and their necessary auxiliaries and controls, required for heating and sterilization; and

h. Equipment necessary for maintaining telephone service.

3. Emergency heating. An emergency heating system for the patient rooms, or the corridors of the facility designed at 150 percent efficiency, shall be required. Emergency heating of patient rooms or corridors shall not be required in areas where the facility is supplied by at least two (2) utility service feeders, each supplied by separate generating sources or a network distribution system fed by two (2) or more generators, with the facility feeders so

routed, connected, and protected that a fault any place between the generators and the facility will not likely cause an interruption of more than one (1) of the facility service feeders.

(e) Details. The emergency system shall be so controlled that after interruption of the normal electric power supply, the generator is brought to full voltage and frequency and connected within ten (10) seconds through one (1) or more primary automatic transfer switches to all emergency lighting, all alarms, nurses' call, equipment necessary for maintaining telephone service, and receptacles in patient corridors. All other lighting and equipment required to be connected to the emergency system shall either be connected through the above described primary automatic transfer switching or shall be subsequently connected through other automatic or manual transfer switching. Receptacles connected to the emergency system shall be distinctively marked for identification. Storage battery-powered lights shall not be used as a substitute for the requirement of a generator. Where fuel is normally stored on the site, the storage capacity shall be sufficient for twenty-four (24) hour operation of required emergency electric services. Where fuel is normally piped underground to the site from a utility distribution system, storage facilities on the site will not be required.

Section 17. Table 1 - Pressure Relationships and Ventilation of Certain Nursing Home Areas. Table 2 - Lighting Levels for Nursing Homes.

Table 1
Pressure Relationships and Ventilation of Certain Nursing Home Areas

Area Designation	Pressure Relationship to Adjacent Areas	Minimum Air Changes of Outdoor Air per Hour
Patient room	0	1
Patient room corridor	0	2
Treatment room	0	1
Physical and hydro-therapy; if applicable	N	2
Dining and recreation areas	0	2
Soiled workroom	N	2
Clean workroom	P	2
Toilet room	N	--
Bedpan room; if applicable	N	--
Bathroom	N	--
Janitor's closet	N	--
Linen and trash chute rooms	N	--
Food preparation center	0	2
Dishwashing area	N	--
Dietary dry storage	0	--
Laundry, general	0	2
Soiled linen sorting and storage	N	--
Clean linen storage	P	2

P = Positive N = Negative 0 = Equal -- = Optional

Table 1. Continued

Area Designation	Minimum Total Air Changes Per Hour	All Air Exhausted Directly to Outdoors
Patient room	4	--
Patient area corridor	4	--
Treatment room	6	Yes
Physical therapy and hydrotherapy; if applicable	6	--
Dining and recrea-tion areas	4	--
Soiled workroom	4	Yes
Clean workroom	4	--
Toilet room	10	Yes
Bedpan room; if applicable	10	Yes
Bathroom	10	Yes
Janitor's closet	10	Yes
Linen and trash chute room	10	Yes
Food preparation center	10	Yes
Dishwashing area	10	Yes
Dietary dry storage	2	--
Laundry, general	10	Yes
Soiled linen sorting and storage	10	Yes
Clean linen storage	2	--

Table 2
Lighting Levels for Nursing Homes Facilities

Area	Foot-candles*
Administrative and lobby areas, day	50
Administrative and lobby areas, night	20
Barber and beautician areas; if applicable	50
Corridors and interior ramps	20
Corridor night lighting	3
Dining area and kitchen	30
Doorways	10
Exit stairways and landings	5
Janitor's closet	15
Nurses' station, general, day	50
Nurses' station, general, night	20
Nurses' desk, for charts and records	70
Nurses' medicine cabinet	100
Patient care unit (or room), general	10
Patient care room, reading	30
Recreation area (floor level)	50
Stairways other than exits	30
Toilet and bathing facilities	30
Utility room, general	20
Utility room, work counter	50

*Minimum on task at anytime.

EDWARD A. WILSON, Inspector General
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 25, 1990
FILED WITH LRC: October 4, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by November 16, 1990, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eric Friedlander/Delano Miller

(1) Type and number of entities affected: Approximately 300 long-term care facilities.

(a) Direct and indirect costs or savings to those affected: There should be no additional costs due to this regulation for existing facilities.

1. First year: No additional costs.

2. Continuing costs or savings: No additional costs.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There should be no additional factors affecting competition.

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

(2) Effects on the promulgating administrative body: No additional affects, this division already surveys these facilities.

(a) Direct and indirect costs or savings: $500 for printing this regulation.

1. First year: $500 for printing this regulation.

2. Continuing costs or savings: No additional costs should be associated with this amendment since reprinting of regulation is a part of this agency's continuing budget.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This amendment poses no additional paperwork requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This licensure category was developed to mirror federal standards. This process should make the licensure program more consistent with the federal certification program, and therefore less confusing to providers.

(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: No conflict exists.

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

(6) Any additional information or comments:

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

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 CFR Part 483.

2. State compliance standards. 902 KAR 20:310, Facility specifications; nursing facilities; 902 KAR 20:300, Operation and services; nursing facilities.

3. Minimum or uniform standards contained in the federal mandate. Federal standards include: resident rights, admission and discharge rights, resident behavior and facility practices, quality of life, resident assessment, quality of care, nursing services, dietary services, physician services, specialized rehabilitation services, dental services, pharmacy services, infection control, physical environment, and administration.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The facility specifications are more specific under the state standards.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The increased specificity should serve to assist providers in understanding what type of facility to build.

CABINET FOR HUMAN RESOURCES
Department for Social Services

905 KAR 1:300. Standards for child-caring facilities.

RELATES TO: KRS Chapter 199.011, KRS 199.640 to KRS 199.670, 600.020, 615.010, and 620.020

STATUTORY AUTHORITY: KRS 194.030, KRS 194.050, 199.640(3), 199.645, 615.050

NECESSITY AND FUNCTION: KRS 199.640 authorizes the Cabinet to issue administrative regulations relating to standards of care and service for child-caring facilities. This proposed administrative regulation consolidates the provisions of 905 KAR 1:065, 1:091, 1:110, 1:120, and 1:200.

Section 1. Definitions. (1) "Temporary shelter" means a facility which provides nonsecure, residential care on a temporary or emergency basis.

(2) "Social services" means a planned program of assistance to help an individual move toward a mutual adjustment of the individual and his social environment.

(3) "Community resources" means services and activities available in the community that supplement those provided by the child-caring facility or child-placing agency in the care and treatment of children.

(4) "Youth-treatment center" means a residential treatment facility as defined in KRS 600.020 providing intensive professional treatment oriented services.

(5) "Treatment" means individualized management and care of a child utilizing professional staff and components of the treatment environment to assist the child in resolving his emotional conflict or behavioral disorder.

(6) "Board of directors" means that group which is by law or charter delegated the responsibility for governing the facility.

(7) "Advisory board" means a group of citizens approved by the board of directors who lends advice, counsel, and support to an agency.

(8) "Executive director" means the person employed by the board of directors to be responsible for the administration and management of an agency.

(9) "Treatment director" means the person responsible for supervising the day-to-day operation of the program for children served by the agency or facility.

(10) "Treatment team" means a representative group of people who provide services to the child and the child's family.

(11) "Individual treatment plan (ITP)" means a

plan of action developed and implemented to address the needs of an individual child.

(12) "Seclusion room" means a room in a youth treatment center for the temporary seclusion of a child in danger of harming self or others which may use a latching device to secure the door.

(13) "Latching device" means an instrument used to secure a seclusion room door that does not require the use of a key or combination.

(14) "Aftercare" means services provided to the child after discharge from a child-caring facility.

(15) "Safe physical restraint" means the use of the human body to safely control the actions of another.

(16) "Child-caring program" means the method of delivering child-caring services.

(17) "Division" means the Division of Licensing and Regulation, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

(18) "Living unit" means a building or part thereof in which children reside, not exceeding sixteen (16) beds.

(19) "Direct child-care staff" means any employee providing face-to-face care and supervision of children.

(20) "Case coordinator" means the individual on the treatment team who has responsibility for the coordinated implementation of the child's ITP.

(21) "Time-out" means a treatment intervention utilized by child-caring staff to separate a child from others in a nonsecure area for a time limited period not to exceed two (2) hours to permit the child to regain control over his behavior.

(22) "Indoor living areas" means those areas in the facility that are separate from hallways, bedrooms, kitchens, stairways, vestibules, bathrooms, closets, unfinished basements, and attics.

Section 2. Scope of Operations and Services. These standards pertain to the out-of-home care of children who may benefit by the experiences residential services can offer. Child-caring programs function within a continuum of care, providing an array of services to families and children. Types of child-caring programs covered by this regulation are temporary shelter, group homes, residential child care, and residential treatment services.

Section 3. Administration and Operation. (1) Licensing procedures.

(a) Initial licensure.

1. When applying for an initial license, the facility shall provide the following:

a. A complete application as determined by the cabinet;

b. A licensure fee of $155;

c. A copy of the Articles of Incorporation;

d. A mission statement of purposes, objectives, scope of services provided, and intake policy specifying kinds of children to be accepted for care;

e. A copy of the constitution and bylaws;

f. A list of officers, board members, and advisory board members, if any, including addresses and professions;

g. Names and titles of officers and terms of office;

h. A list of all staff including positions or title and qualifications; and

i. Applications for a child-caring facility license shall be in compliance with the applicable regulations or shall have submitted an acceptable plan for correction of violations relating to the particular child-caring facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the child-caring facility. Representatives of the division shall have access to the child-caring facility at any time. Regulatory violations identified during these inspections shall be transmitted in writing to the child-caring facility by the division. The child-caring facility shall submit a written plan for the elimination or correction of the regulatory violations to the inspecting agency within ten (10) days. The plan shall specify the dates by which each of the violations shall be corrected. Following a review of the plan, the Division shall notify the child-caring facility in writing of the acceptability of the plan. When a portion or all of the plan is unacceptable, the division shall specify the reasons for the unacceptability. In these cases, the child-caring facility shall modify or amend the plan and resubmit it to the division within ten (10) days.

2. A license shall be issued by the Cabinet for Human Resources when:

a. The facility has been approved by the State Fire Marshal; and

b. The facility has been surveyed by the Cabinet for Human Resources and it is determined that the facility qualifies for licensure.

(b) Renewal licensure. Facilities shall be relicensed annually from the date of issuance of the original license. To be eligible for relicensure, the facility shall:

1. Submit a renewal application;

2. Submit a relicensure fee of eighty (80) dollars; and

3. Comply with the applicable portions of this regulation.

(c) Every child-caring facility shall provide the following information as part of the annual inspection:

1. A list of officers, board members, and advisory board members, if any, including addresses and professions;

2. Names and titles of officers and terms of office; and

3. A list of all staff including positions or title and qualifications.

(d) The facility shall have an annual audit completed by an independent accounting firm or certified public accountant.

(e) The facility shall comply with its mission statement, child-caring program narrative, and all applicable federal and state regulations in regard to child-caring program operations.

(f) Applications for renewal licenses shall, as a condition precedent to licensure or relicensure, be in compliance with the applicable regulations relating to the particular child-caring facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the child-caring facility. The inspection procedures for relicensure shall be the same as set forth in Section 3 of this regulation.

(g) The license shall specify the types of care and service the facility is authorized to provide based upon the application and inspection.

(h) The facility shall provide only the types of care and services for which they are licensed.
(i) The licensed capacity of the facility shall not exceed the capacity specified by the State Fire Marshal's Office and the division.
(j) A license shall be issued for a specific physical location and for operation by a sponsoring organization.
(k) Licenses shall not be transferable.
(l) When a circumstance covered by the license changes, notification of the following shall be made to the division in advance to allow for approval before implementation:
1. Ownership or sponsorship;
2. Location;
3. Capacity; and
4. Services.
(m) The facility shall post its license in a place visible to the public.
(2) Board of directors.
(a) The facility shall have a board of directors consisting of a minimum of seven (7) members, the majority of whom shall be residents of Kentucky.
(b) The board of directors shall meet at least quarterly. Minutes of these meetings shall be taken and kept in written form.
(c) At least one (1) board meeting shall be held at each facility or agency in every calendar year. When a board of directors has responsibility for multiple facilities, a board committee:
1. May be appointed to meet at least once a year at each facility; and
2. Shall submit a written report of this meeting to the full board.
(d) The board of directors shall employ an executive director. The division shall be notified in writing of a change of the facility's executive director within seven (7) days.
(e) The board of directors shall be responsible for and have the authority to ensure the continuing compliance with the requirements of this regulation and all other relevant federal, state or local laws or regulations.
(f) The board of directors shall conduct and approve an annual evaluation of the performance of the executive director.
(g) The board of directors shall approve a written annual budget for the agency which ensures funding to meet all operating requirements.
(h) The board of directors shall in consultation with the executive director approve and annually review all written policies of the facility.
(i) The board of directors shall obtain a criminal records check of prior convictions or pleas of guilty of the executive director prior to employment.
(j) The board of directors shall approve a mission statement delineating:
1. The purposes;
2. Objectives;
3. Scope of services to be provided; and
(3) Executive director.
(a) The duties of the executive director shall be determined by the board of directors and shall include the following responsibilities:
1. Select, employ, and terminate staff;
2. Develop and implement facility policies as approved by the board of directors;
3. Provide professional help to the board of directors in:
a. Carrying out their responsibilities;
b. Interpreting the needs of the children and families served; and
c. Assisting in periodic evaluation of the facility's services;
4. Supervise the preparation of an annual budget for board consideration;
5. Keep the board informed of financial needs;
6. Provide financial statements on at least a quarterly basis;
7. Operate within the established budget;
8. Attend board meetings;
9. Ensure that orientation is provided for all new employees and continual training for all staff; and
10. Delegate appropriate duties to other staff.
(b) When the executive director is not on the premises, a designated staff person shall be responsible for the day-to-day operations of the child-caring program.
(4) Staff qualifications. Persons employed as executive director after the effective date of this regulation shall possess the following qualifications:
(a) An executive director shall possess a Master's degree in the human services field including:
1. Social work;
2. Sociology;
3. Psychology;
4. Guidance and counseling;
5. Education;
6. Religion;
7. Business administration;
8. Criminal justice;
9. Public administration; or
10. Child care administration;
11. Christian education;
12. Divinity;
13. Pastoral counseling; and
14. Two (2) years of work experience in management of a human services program or a Bachelor's degree with a major in social work, sociology, psychology, criminal justice, guidance and counseling, education, Christian education, divinity, pastoral counseling, religion, business administration, public administration, or child care administration and four (4) years work experience in human services programs.
(b) Persons employed after the effective date of this regulation other than the executive director employed in positions responsible for supervising, evaluating, or monitoring social work or other treatment staff shall possess at least:
1. A Master's degree in the human services area including the areas of social work, sociology, psychology, guidance and counseling, pastoral counseling and religion; and
2. Two (2) years work experience in the human services field.
(c) Employees responsible for social work, counseling, or planning and coordinating these services to children shall have at least a Bachelor's degree in the human services field.
(d) Persons employed in positions responsible for supervising, evaluating, or monitoring the daily work of direct child-care staff shall possess at least two (2) years of college and two (2) years of work experience in a child-caring facility; or a high school diploma or an equivalence certificate and at least five (5) years work experience in a child-caring facility.

(e) Persons employed in positions responsible for the daily direct care or supervision of children after the effective date of this regulation shall possess a high school diploma or equivalency certificate.

(f) If an employee is responsible for varied job responsibilities and falls within more than one (1) of the categories specified, the employee shall meet those qualifications which are the most rigorous.

(5) Staffing requirements.

(a) The facility shall have a written policy describing a child-to-direct-child-care staff ratio. This policy shall explain the assignment of these staff to ensure the health and safety of children and to implement the child-caring program.

(b) There shall be at least one (1) staff member present in each facility building when children are present if the staff-to-child ratios specified in subsection (c) of this section are met.

(c) There shall be at least one (1) direct care staff member to provide supervision for each ten (10) children or fraction thereof when children are present. There shall be at least one (1) direct care staff member for each five (5) children or fraction thereof under age six (6) when children are present.

(d) The facility shall have a written work schedule and a policy providing for utilization of relief staff.

(e) The facility shall employ an individual who is responsible for the overall planning and coordinating of social services to families and children.

(f) If a staff member is required to work more than six (6) consecutive days he shall be granted at least twenty-four (24) consecutive hours off duty. If a staff member is required to work seven (7) consecutive days, he shall be granted at least forty-eight (48) consecutive hours off.

(g) Social services staff shall not carry a case load of more than fifteen (15) children and their families.

(6) Personnel policies.

(a) All employees shall be at least eighteen (18) years of age. This does not include children involved in the facility's work program.

(b) There shall be a written job description which shall be reviewed and revised when necessary for each position which describes:

1. The duties of the position;
2. The skills necessary to fill the position; and
3. Identifies the immediate supervisor of the position.

(c) Upon employment personnel shall receive written facility policies and procedures to include the following:

1. Salary plan;
2. Leave provisions;
3. Working conditions;
4. Fringe benefits;
5. Employment and termination;
6. Job descriptions;
7. Staff evaluation;
8. Provisions for staff development;
9. Employee grievance;
10. Disciplinary action; and
11. Child-caring program narrative.

(d) Personnel orientation. Within one (1) month of initial employment personnel shall receive an orientation to facility policies and procedures.

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

1. Name, address, Social Security Number, date of employment, and date of birth;
2. Evidence of a current registration, certification, or licensure;
3. Records of participation of staff development;
4. Records of performance evaluation;
5. Criminal records check;
6. Records of physical exams related to employment as specified in the facility's policy;
7. Personnel actions;
8. Application for employment and resume or contract; and
9. Evidence of personnel orientation.

(f) If a criminal records check reveals a prior criminal conviction or plea of guilty pursuant to KRS Chapter 510 or a Class A felony, the applicant shall not be employed.

(g) The facility shall assure that at least one (1) staff person who is certified in first aid and CPR is on the premises when children are present.

(h) The facility shall have an ongoing staff development program for the administrative, professional, volunteer, and support personnel.

1. Records of attendance at workshops, conferences, and academic courses related to work responsibilities shall be kept on all employees.

2. The staff development program shall be under the supervision of a designated staff member.

3. All direct child care staff shall have at least forty (40) hours of annual training in the following:

a. Emergency and safety procedures;
b. Principles and practices of child care;
c. Behavior management; and
d. First aid.

(i) An employee under indictment or legally charged with felonious conduct shall be immediately removed from contact with children within the facility until the employee is cleared of the charge.

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

(7) Facility policies. There shall be written administrative policies which the facility follows covering all aspects of operation including:

(a) Administration;
(b) Personnel;
(c) Fiscal management;
(d) Physical plant;
(e) Case records;
(f) Child-caring program;
(g) Health and safety;
(h) Internal review and evaluation;
(i) Transportation of children;
(j) A description of organization structure, staffing, and allocation of responsibility and accountability;
(k) A child-caring program narrative describing in detail:

1. The services offered;
2. Methods and protocols for service delivery;
3. Goals of the services; and
4. Grievance procedures for children.

(8) Internal review and evaluation.

(a) Each facility shall provide and conduct a

self-evaluation of its services at least every three (3) years from the effective date of this regulation.

(b) Specific written criteria and procedures for evaluating the facility performance and management shall be established. These shall be approved by the board of directors.

(c) The required evaluation shall examine the following factors:

1. Child-caring program content in relation to the stated role and purpose of the facility.
2. Child-caring program effectiveness based on stated and measurable goals.
3. Roles of the board of directors and management staff.
4. Personnel policies.
5. Staffing patterns and job responsibilities.
6. Staff effectiveness.
7. Staff turnover, causes, and effects.
8. Staff training program.
9. Budgeting and fiscal management.
10. Physical facility management.
11. Classification of children.
12. Admissions, planned and unplanned discharges, and length of stay of children in care.
13. Emergency and safety procedures.
14. Dietary and menu evaluation.
15. Content of the treatment program as related to the needs of the child and family based upon a random review of treatment plans.
16. The service continuum from intake through aftercare.
17. The care-giving program, including practices in regard to food, sleep, personal possessions, clothing, health, discipline, recreation, religion, and education.
18. Review of incident reports.

(d) A copy of each three (3) year evaluation shall be kept on file at the facility and a copy shall be given to each member of the board of directors.

(e) Accreditation by the Council on Accreditation sponsored by the Child Welfare League of America or the Joint Commission on Accreditation of Health Care Organizations shall substitute for the three (3) year evaluation.

(f) The facility shall ensure that the rights of children and their families, including that of confidentiality, are protected in all phases of evaluation. Services shall not be denied or restricted to any client based upon his participation or lack thereof in the evaluation process.

(9) Interstate placements.

(a) Prior to accepting a child from another state or prior to placing a child outside Kentucky, the facility shall comply with all applicable provisions of KRS 615.030 to 615.040, Interstate Compact on Placement on Children; and KRS 615.010, Interstate Compact on Juveniles.

(b) When a child committed to the cabinet makes a brief visit out of state, not accompanied by facility personnel, the facility shall obtain prior consent from the social worker in the Department for Social Services who has case responsibility.

(c) When an emergency placement of a child into a licensed child-caring facility is made, compliance with KRS 615.030 to 615.040 shall be the responsibility of the placing agency. When the receiving facility is aware of noncompliance by the placing agency, then compliance shall become the responsibility of the receiving facility.

Section 4. Physical Plant. (1) Facilities shall comply with applicable state and local laws and regulations relating to construction, sanitation, and maintenance of buildings.

(2) The facility shall conform to the life safety code standards adopted by the State Fire Marshal's Office.

(3) A climate control system shall be provided. A minimum temperature of sixty-five (65) degrees Fahrenheit and a maximum temperature of eighty-five (85) degrees Fahrenheit shall be maintained in resident areas.

(4) The water supply shall be from an approved source and easily available from drinking fountains, the refrigerator, or cold water tap.

(5) Plumbing and waste disposal systems shall comply with state plumbing standards and applicable state laws and regulations regarding waste disposal systems.

(6) Housekeeping and maintenance services.

(a) Housekeeping. The buildings shall be maintained in a clean and safe condition.

(b) Maintenance. Requirements shall include:

1. Gas stoves, gas furnaces, gas heaters, and gas water heaters shall be ventilated to ensure the safety of the building's occupancy;
2. The facility shall ensure that the grounds are well kept and the exterior of the building, including the sidewalks, steps, porches, ramps, and fences are in good repair;
3. The interior of the building including walls, ceilings, floors, windows, window coverings, doors, plumbing, and electrical fixtures shall be in good repair. Windows and doors which may be opened for ventilation shall be screened;
4. Garbage and trash shall be stored in areas separate from those used for the preparation and storage of food and shall be removed from the premises regularly. Containers shall be cleaned regularly; and
5. A pest control program shall be in operation in the facility. Pest control services shall be provided by maintenance personnel of the facility or by contract with a pest control company. The pest control compounds shall be stored in a locked area.

(7) Bedrooms.

(a) Bedrooms shall not be used to sleep more than four (4) children and shall have at least three (3) linear feet between each bed or set of bunk beds.

(b) Bedrooms sleeping children above age three (3) shall be equipped with individual beds for each child. Each bed shall not be less than thirty (30) inches wide nor less than five (5) feet in length and shall be long and wide enough to accommodate the child's size. Children under the age of three (3) shall be provided with a standard size crib or baby bed. Each bed shall be equipped with a support mechanism and a clean mattress.

(c) Beds occupied by children shall be placed so that a child shall not experience discomfort because of proximity to radiators, heat outlets, or exposure to drafts.

(d) There shall be separate sleeping quarters for boys and girls over the age of five (5), except for siblings when indicated by individualized treatment plans.

(e) Closet space and drawer space shall be provided for each child to accommodate personal belongings.

(f) Children shall not be housed in rooms, detached buildings, or other enclosures which

have not been previously inspected and approved for resident use.

(g) Each child shall be provided with clean sheets, pillowcases, a pillow, and blankets. Sheets and pillowcases shall be changed and laundered at least weekly or more frequently when needed. Waterproof mattress coverings shall be provided.

(8) Indoor living areas.

(a) An indoor living area of at least thirty-five (35) square feet per child shall be provided by the facility.

(b) Indoor living areas shall be provided with comfortable furnishings for the number of children served.

(9) Bathrooms.

(a) Each living unit shall have a minimum of one (1) wash basin with hot and cold water, one (1) flush toilet, and one (1) bath or shower with hot and cold water for every six (6) children, or fraction thereof, residing within the living unit.

(b) Each bathroom shall be supplied with toilet paper, towels, soap, and wastebaskets.

(c) Bathtubs and showers shall have enclosures or screens for individual privacy. When more than one (1) toilet is located in the same bathroom, each toilet shall be partitioned and include a door capable of remaining closed.

(d) Each bathroom shall contain at least one (1) nondistorting mirror secured to the wall at a convenient height.

Section 5. Health, Safety, and Nutritional Requirements. (1) Health.

(a) Every facility shall have written policies and procedures for health and medical care including provisions for illness and emergency care.

(b) Services of a physician shall be made available to the children. When services of a licensed physician are not available in the community, the facility shall request the assistance of the county health department or the Cabinet's Division of Maternal and Child Health located in Frankfort, Kentucky.

(c) Staff shall follow licensed physician orders for medicines, prescriptions, and medical care.

(d) Within forty-eight (48) hours of admission to a facility excluding weekends and holidays, and annually thereafter, each child shall have a physical examination under the supervision of a licensed physician unless it has been documented that the child has received an examination during the past twelve (12) months. The examining physician shall report in writing observations and findings including:

1. The developmental history of the child, illnesses, operations, and immunizations if available to the physician;
2. Any limitations the child may have which may prevent participation in activities scheduled by the facility;
3. Visual and auditory examinations;
4. Recommendations and orders for future care, treatment, and examinations;
5. TB skin tests unless contraindicated by a physician; and
6. Any other tests for communicable disease as indicated by the medical and social history of the child.

(e) Upon admission, the facility shall consult with a physician when there is evidence that the child may require medical attention.

(f) The facility shall develop procedures for children requiring specific provisions for infectious medical conditions.

(g) A separate health record shall be maintained for each child. Health records shall be kept on the premises and be made available to physician, nurse, or designated staff. The health record shall contain the following:

1. Copy of annual physical examination, including any recommendations for treatment;
2. Previous and continuing health and medical history when available;
3. Records or reports of tests, immunizations, periodic reexaminations, and physicians' orders and instructions;
4. Reports and dates of dental examinations and treatments;
5. Authorization for regular and emergency medical, dental, and surgical care signed by the legal custody holder upon admission;
6. Documentation of all medication administered to the child; and
7. Documentation of all special provisions made for the child in accordance with physician orders.

(h) Each child's medical needs shall be provided for as recommended by a licensed physician.

(i) Each child cared for by the facility shall be immunized within thirty (30) days of admission and comply with the requirements of KRS 214.034 and all other statutes and regulations pertaining to immunizations.

(j) If a child dies while in the care of a facility or in any home operated or supervised by the facility:

1. The facility shall immediately notify the county coroner and the child's parent, guardian or custodian, and the case worker;
2. A verbal report of the death shall be made immediately to the Commissioner of the Department for Social Services;
3. A written comprehensive report from the executive director outlining the circumstances shall be forwarded to the Office of the Commissioner, Department for Social Services, on the next working day following the verbal report; and
4. If a child's death occurred as a result of alleged abuse or neglect, the executive director shall follow reporting procedures specified in KRS 620.030 (1) and (2).

(k) Every facility shall take immediate action for medical care in cases of illnesses and emergencies.

(l) Upon discharge, medical information shall follow the child when release forms have been obtained.

(m) The facility, within one (1) week after a child's admission, shall schedule an appointment for a dental examination unless an examination has been performed in the six (6) months preceding the admission. Emergency dental needs shall be treated by a licensed dentist as they arise.

(n) Every child age two (2) years and above shall be examined at least annually by a licensed dentist.

(o) The facility shall document the information required in this subsection and shall assure the confidentiality of this information.

(p) The facility shall maintain a continuous program of personal hygiene.

(2) Safety.

(a) The facility shall provide a safe environment and shall comply with the life safety code standards adopted by the State Fire Marshal's Office.

1. Children with physical and mental handicaps shall be protected.

2. Children shall be instructed in fire prevention. Matches, open flame, or combustible materials shall be used by children only under direct supervision of staff. Staff shall instruct children in fire emergency procedures.

3. The facility shall maintain and post a current, written emergency fire evacuation plan and diagrams, including evacuation routes and procedures and locations of fire extinguishers. Documented fire and other emergency drills shall be performed monthly.

4. Emergency plans shall designate suitable shelters in case of severe storm warnings, flash flooding, tornados, and other emergency situations.

(b) Sports activities shall be supervised by staff. The presence of a Red Cross-Certified Lifeguard shall be required when children swim. If the facility has a swimming pool, it shall conform to applicable state statutes and regulations.

(c) Donated home processed foods are prohibited.

(d) Transportation.

1. When transportation is provided directly, contracted for, or arranged by a facility, these requirements shall apply:

a. The facility shall comply with state laws pertaining to vehicles, drivers, and insurance;

b. Each child shall have a seat and remain seated while the vehicle is in motion;

c. Seat belts, when provided, shall be used to secure individual children;

d. All vehicles used to transport children off campus shall have seats for each passenger as manufactured standard equipment;

e. A vehicle containing children shall never be left unattended; and

f. The maximum number of children, when any are under the age of six (6), a driver shall supervise alone is five (5). The applicable staff-child ratios of this regulation shall apply after this number. Children under forty (40) inches tall or forty (40) pounds in weight shall not be transported unless restrained in an approved safety seat pursuant to Kentucky Revised Statutes.

2. The vehicle shall not pick up and deliver children under the age of six (6) to a location which requires the child to cross the street or highway unless accompanied by an adult.

3. The following standards shall be met when transportation is provided by any means other than licensed public transportation:

a. The vehicle shall be maintained in a safe mechanical and operable condition.

b. A thorough inspection of the vehicle shall be made and documented by a qualified mechanic at least annually.

c. If the driver is not in his seat, the motor shall be turned off, keys removed, and brake set.

(3) Nutritional requirements.

(a) Children shall be served nutritious meals.

1. Meals shall meet the dietary allowances of the Food and Nutrition Board of the National Research Council which include foods from the four (4) basic food groups.

2. Amounts shall accommodate the needs of each child as to age, activity of each child in care, and prescribed diet or ITP.

(b) Each child shall be encouraged to eat the food served, but shall not be subjected to coercion.

(c) Orders for modified diets from licensed physicians shall be followed by the facility.

(d) Menus shall be planned at least one (1) week in advance and shall be dated and posted. Menus shall be kept on file for one (1) year.

(e) At least three (3) meals a day shall be provided at regular intervals except when children receive meals at school. No more than fourteen (14) hours shall lapse between the evening meal and the morning meal except for weekends and holidays.

1. Nourishing snacks shall be provided and may be part of the daily food needs but they shall not replace regular meals. These snacks shall be recorded on the menu.

2. Meals shall be scheduled at set times each day so that meals are not hurried, allowing time for conversation.

3. Food shall not be used as a punishment.

4. Only pasteurized milk and milk products and U.S. Government inspected meat shall be served to the children.

5. Foods shall be prepared to preserve nutritive value and heighten flavor and appearance.

6. Children and staff are to be served the same foods unless differences in age or special dietary needs are factors.

(f) Table service shall be provided for all those capable of eating at a table.

1. Tables and chairs shall be of a height which corresponds to the size of the children served. They shall be constructed of material that can be easily sanitized.

2. Children who have not had opportunities to learn how to handle food with the usual table service shall be managed in a way that they will not be embarrassed or subjected to ridicule.

(g) Persons handling food shall wear clean outer garments and shall keep their hands and fingernails clean while handling food, drink, utensils, or equipment.

(h) Written reports of sanitary inspections by municipal, county, or federal authorities shall be kept on file at the facility. The sanitation of facilities shall meet local, state, and federal regulations.

(i) If a facility subcontracts food services, all applicable federal and state regulations shall apply.

Section 6. General Requirements. (1) Promotional use of children.

(a) Exploitation of children for promotional purposes is prohibited.

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

(c) Children shall not be used personally for fund-raising purposes for the facility, except as indicated in paragraph (d) of this subsection.

(d) If pictures, slides, recordings, or other private and personal effects of children are used in fund-raising or promotional efforts of facilities:

1. Written permission shall be obtained from parents or guardians.

2. If the child is committed to the Cabinet for Human Resources, permission shall be obtained from an authorized representative of the cabinet.

(2) Clothing and personal possessions.

(a) Through agreement with the child's custody holder, the facility shall provide each child with clothing and footwear which is clean, well-fitting, and seasonal.

(b) Clothing shall be age and sex appropriate and acceptable according to the standards of the surrounding community.

(c) Each child shall be provided individual articles of personal hygiene.

(d) The facility shall allow children to have personal belongings and property consistent with the regulations and facility policies.

(3) Children's money.

(a) The facility shall have written policies and procedures relating to money belonging to children.

(b) If arrangements are not made with a financial institution for the establishment and maintenance of children's accounts, the facility shall:

1. Establish an account for each child who wishes to have an account; and

2. Shall provide each child who maintains an account with a quarterly written report of the account's balance, deposits, withdrawals, and interest earned, if any.

(c) The facility shall give each school age child a weekly allowance.

(d) Within thirty (30) days of discharge, funds belonging to a child shall be transferred with or returned to the child.

(4) Visitation and communication.

(a) The facility shall have written policies concerning visitation and communication.

(b) The facility shall ensure that arrangements for visitation are not in conflict with the ITP.

(c) All scheduled visits shall be documented in the case record.

(d) The facility, in accordance with the ITP and agency policy, shall allow a child access to a telephone to permit the child to make and receive phone calls.

(5) Religion, culture, and ethnic heritage.

(a) The facility shall demonstrate consideration for and sensitivity to the racial, cultural, ethnic, or religious backgrounds of children in care. The facility, in conjunction with the custodian, shall make available to a child in care cultural or ethnic activities appropriate to the child's cultural or ethnic background.

(b) Opportunity shall be provided each child in care to practice the religious beliefs and faith of the child's individual or family preference if the practice is not destructive. A child may be encouraged to participate in religious activities, but shall not be coerced to do so.

(6) Education.

(a) When a facility operates its own school program, it shall have written policies and procedures regarding the development and implementation of the educational program. These policies and procedures shall include:

1. School attendance;
2. Teaching staff;
3. School records;
4. Educational supplies, equipment, and facilities; and
5. Individual educational plans and use of community school.

(b) Facilities shall ensure that the children attend an accredited educational program the number of days required by law.

(c) Each child shall be enrolled in an accredited educational program within one (1) week of admission.

(d) School-age children who are ineligible or unable to attend an accredited school shall have an educational program specific to the individualized needs of the child which may include a General Education Diploma or vocational training.

(e) When facilities operate their own educational programs, maintenance of school records shall comply with state law and regulations of educational bodies having jurisdiction.

(f) The facility shall provide a quiet area and designated time for study.

(7) Work and chore assignments.

(a) An assigned chore or work assignment shall not place the child in physical danger.

(b) A chore assignment shall be posted within the child's living quarters.

(c) Children may be given jobs for which they receive payment which shall be clearly differentiated from chores expected of any child in relation to the routines of daily living. This work shall be done in compliance with child labor laws.

(d) If a child intentionally destroys or damages property or equipment, the child may be required to make restitution.

(e) Work assignments outside of daily routine chores at the facility shall not be used as a form of punishment.

1. Additional chore assignments beyond what is regularly assigned to a child may be performed as restitution for intentional property damage made by the child.

2. Additional chore or work assignments may be given to a child for violation of facility rules only upon mutual agreement between the child and supervisory child-caring staff. The child shall not be coerced to enter into an agreement.

(f) Children shall be given rest periods of at least ten (10) minutes during each hour worked.

(g) Use of children to perform chores or work assignments shall not negate the facility's ultimate responsibility for the maintenance of the facility nor the employment of staff sufficient to maintain the facility.

(8) Discipline.

(a) Facilities shall have written policies and procedures governing disciplinary actions.

(b) Discipline shall be utilized as an educational tool and be related to the child's actions initiating the disciplinary process.

(c) Discipline shall be consistent both with the child's ITP and in response to the child's lack of control or misbehavior.

(d) The following practices shall not be allowed:

1. Cursing;
2. Screaming;
3. Name calling;
4. Threatening of physical harm;
5. Intimidation;
6. Humiliation;
7. Denial of food or sleep;
8. Spanking;
9. Hitting;
10. Unnecessarily rough handling;
11. Paddling; or
12. Any other physical punishment.
13. Denial of visitation with family or custody holder.

(e) Children shall not directly discipline other children.

(f) Handcuffs, weapons, mechanical restraining, or other restraining devices shall not be used.

(g) Children placed in a time-out area shall be in sight or sound of staff. Staff shall check the child at least every five (5) minutes until it is determined the child is ready to continue normal activities.

(h) Safe physical restraint shall be used only to prevent a child from injury to self or others or to prevent serious disruption of the facility's program.

(i) Safe physical restraint shall not be used as punishment or for the convenience of staff.

(j) In facilities where safe physical restraint is used, the facility shall have clearly written policy and procedures governing the safe physical restraint of children. Direct child-caring staff shall be trained in methods of safe physical restraint utilized by the facility.

(k) The program director shall daily review the uses of safe physical restraint to assure compliance with facility policies.

14. The entire group shall not be punished due to the misbehavior of one (1) or more individual group members.

(9) Suspected child abuse or neglect. Staff shall report all incidents of suspected child abuse or neglect in accordance with KRS 620.030(1) and (2).

Section 7. Child-caring Program Services. (1) Admissions and intake.

(a) The facility shall have clearly defined written policies and procedures for admissions that identify the age, sex, and detailed description of the type of child served.

(b) Acceptance of a referral shall be based on the assessment that the child's need is one which the services of the facility are designed to address and which cannot be met in a less restrictive setting. The facility shall not accept into care any child for whom services cannot be provided based on the child-caring program's mission statement and child-caring program's narrative.

(c) The facility shall have a written placement agreement with the child's custodian.

(d) There shall be a preadmission interview with the child.

(e) The following information regarding the child shall be obtained by the facility from the child's custodian during intake:

1. Commitment order or signed voluntary admission form;

2. Verification of birth;

3. Immunization record; and

4. Social history and needs assessment which includes medical, educational, developmental, and family history.

(f) Written consents pertaining to the child's care shall be obtained from the child's custodian for:

1. Photographs, video, and audio tapes;

2. Emergency and routine medical care; and

3. Release of case record information.

(g) Prior to admission, the child and custodian shall be informed in writing of their rights and facility responsibilities including policies pertaining to services offered to the child.

(h) Upon admission, the child shall be oriented to life at the facility including rules and consequences for violation of the rules.

(i) A child under age six (6) may be placed only in temporary shelter care unless the child is a member of a sibling group being placed in residential child care.

(2) Casework planning.

(a) The facility shall have written policy and procedures for the individual treatment planning (ITP) process including assessment, assignment of a treatment team, designation of a case coordinator, development, implementation, and evaluation of the ITP and family involvement.

(b) An initial assessment shall be completed by designated staff within five (5) hours of admission to include:

1. Identifying information;

2. Presenting problem;

3. History (developmental, social, emotional); and

4. Current level of functioning including strengths and weaknesses.

(c) An initial ITP shall be developed by designated staff and implemented within five (5) hours of admission.

(3) Comprehensive assessment and treatment plan.

(a) A comprehensive emotional and behavioral assessment of each child shall be completed by the treatment team and entered in the case record within twenty-one (21) days of admission including the following:

1. A history of previous emotional, behavioral, and substance abuse problems and treatment;

2. The child's current emotional, behavioral, and developmental functioning including strengths and weaknesses;

3. A psychiatric evaluation when recommended by the treatment team;

4. A psychological evaluation when recommended by the treatment team;

5. Other functional evaluations of language, self-care, social affective, and visual-motor functioning when recommended by the treatment team;

6. Social assessment which includes environment and home, religion, developmental history, family dynamics and composition, education; and

7. Recommendations for provision of treatment.

(b) A coordinated treatment team approach shall be utilized in the development, implementation, and evaluation of comprehensive ITPs.

(c) Comprehensive ITPs shall be developed and implemented per the individual needs of the child, and the child's family when appropriate, and shall include at a minimum:

1. Short-term and long-term goals and objectives;

2. Time frames projected for completion of goals and objectives;

3. Methods for accomplishing goals and objectives;

4. Persons responsible for completion of goals and objectives; and

5. Projected discharge date and placement plans.

(d) The ITP shall be developed within twenty-one (21) days of admission. Treatment team reviews of the child's and family's progress toward meeting treatment goals shall occur at least monthly. Every effort shall be made to involve the child and his family in the

monthly treatment team reviews. Treatment team evaluation of the comprehensive ITP shall occur at least on a quarterly basis. Additional assessments shall be completed upon the recommendation of the treatment team. This information shall be documented and maintained in the child's record.

(e) The child shall be offered the opportunity to sign ITPs and ITP reviews signifying understanding of the ITP. If the child refuses to sign or is too young to understand the circumstances, this shall be documented in the record. The child and his family or custodian shall receive a copy of the ITP.

(4) Treatment environment. The daily child-caring program shall be planned in the following manner to create an atmosphere conducive to treatment:

(a) The facility shall have written policies and procedures describing its daily routines, rules, activities, and child and staff interactions.

(b) The daily child-caring program shall be planned to provide a framework for daily living and shall be reviewed and revised as the needs of individual children or living group change.

(c) The daily routine shall be written and available to children.

(d) Rules shall be clearly defined in language that children can understand.

(e) Staff shall interact with children in a warm, supportive, constructive, and confidential manner. Children shall be treated with respect.

(f) Counseling and interviewing with a child and the child's family shall be conducted in a private area.

(g) Daily recreational activities shall be available to promote mastery of developmental tasks, development of relationships, and increase self-esteem in accordance with the child's ITP.

(h) The facility shall provide recreational equipment to implement the recreational program. Equipment necessary for the recreational program shall be maintained in usable and safe condition.

(5) Discharge and aftercare.

(a) The facility shall have written policy and procedures which describe the conditions under which a child may be discharged including criteria for emergency discharges and discharges not in accordance with the ITP.

(b) The approval of the program director shall be required for all unplanned discharges.

(c) Discharge planning shall begin with the development of the ITP and subsequent ITP reviews the treatment team shall consider:

1. Identification of placement;
2. Community resources to provide support for youth; and
3. Family services.

(d) A predischarge conference shall be held to ensure that the child and family are prepared for the successful transition into placement. The parent, guardian or custodian, the child, and the treatment team shall attend this conference.

(e) The child shall have at least one (1) preplacement visit prior to discharge.

(f) The agency shall prepare a written discharge summary within thirty (30) days following the date of discharge. A copy shall be provided to the custody holder. This summary shall include:

1. Information related to progress toward completion of ITP goals;
2. Barriers to treatment;
3. Treatment methods used in working with the child;
4. Date of discharge;
5. Reason for discharge;
6. Name and telephone number; and
7. Address of person or agency to whom the child was discharged.

(g) Aftercare services shall be offered in cases where no other agency has responsibility for the child's transition or adjustment to a new environment. Upon discharge, the following needs of the child shall be assessed for aftercare services:

1. Education;
2. Medical;
3. Vocational;
4. Mental health services;
5. Legal; and
6. Social.

(6) Case records.

(a) The facility shall maintain current individual case records on each child in a confidential and secure manner which shall include the following:

1. Identifying information including:
a. The child's name;
b. The child's date of birth;
c. The child's former residences;
d. The name, address, and occupation of parents;
e. The date of admission; and
f. The type of commitment;
2. Commitment order or custodian's consent form for admission;
3. Birth and immunization certificates;
4. Education;
5. Medical and dental records which may be maintained separately from the case record;
6. Assessment data or social history;
7. ITPs and reviews;
8. Incident reports;
9. Chronological recordings;
10. Correspondence with courts, family, and Department for Social Services;
11. Discharge summary; and
12. A signed consent form.

(b) The facility shall document at least weekly progress made by the child and his family toward meeting treatment goals.

(c) The facility shall record aftercare services it provides until services are terminated.

(d) The facility shall have a written policy which shall comply with applicable federal and state laws and regulations regarding maintenance, security, and disposal of case records maintained by the facility.

(e) The facility shall not disclose information concerning a child or his family to any person not directly involved in the case without the written consent of the custodian of the child.

(f) When requests are made by individuals or agencies to review case records of committed children, the facility shall immediately forward the request to the Commissioner, Department for Social Services, Cabinet for Human Resources, Frankfort, Kentucky 40621.

(g) Identifying or personal information including Social Security cards, birth certificates, or drivers license shall be released to the child at discharge if this information is not a part of adoptive records which have been sealed.

(h) The facility shall comply with KRS 199.640 regarding records.

(i) After the discharge of a child, the case record shall be maintained at the facility for a minimum of three (3) years. After three (3) years, the case record may be either transferred to the Department for Social Services' Records Section so that it shall be sent to the Library and Archives Department in the Education and Humanities Cabinet, Frankfort, Kentucky 40601, or maintained permanently at the facility.

(j) If the facility ceases to operate, case records shall be transferred to the Department for Social Services, 275 East Main Street, Frankfort, Kentucky 40621.

(k) When a case record is sent to the Archives and Library Department, the facility shall maintain a file to include:

1. The name, case number, date of birth; and
2. The date the case record was sent to the Department for Social Services.

Section 8. Youth Treatment Center. The following additional requirements shall apply to facilities providing intensive treatment oriented services.

(1) Professional treatment services. When a child has an assessed need for professional psychological or psychiatric treatment services and other professional treatment services not provided by the facility, the facility shall secure these services either directly or by contract.

(a) After assessment and development of the ITP, the treatment team shall identify services to meet the needs of the child and his family. These services shall be provided by the facility or arranged through contract with another qualified agency or individual. These services may include the following:

1. Individual counseling;
2. Family counseling;
3. Group counseling;
4. Psychiatric counseling; and
5. Other recognized specialized therapies.

(b) The child shall receive individual counseling from a social worker or other treatment professional as determined by the treatment team.

(c) The child and his family shall be offered family counseling from a social worker or other treatment professional staff as determined by the treatment team.

(d) Group counseling may be offered by the facility but shall be conducted by a trained social worker or other treatment professional as determined appropriate by the treatment team and under the supervision of the program director.

(2) Staffing requirements.

(a) There shall be no less than one (1) direct child-caring staff for each four (4) children during hours when children are awake. During regular sleeping hours at night, a minimum of one (1) direct child-caring staff for each eight (8) children shall be maintained, provided that at least one (1) staff member remains awake on active duty. If all direct child-caring staff sleep during the children's night sleeping hours, a minimum ratio of one (1) staff for each four (4) children shall be maintained.

(b) There shall be a staff member designated as treatment director other than the executive director that is responsible for the supervision, evaluation, and monitoring of the treatment program, social work and other treatment staff. This designated staff member may carry a case load of families and children, however, may not spend less than fifty (50) percent of his time in the supervision of the treatment program.

(3) Seclusion rooms.

(a) Facilities shall have clearly defined written policies and procedures for placement of a child into a seclusion room.

(b) A seclusion room shall be only utilized when the child is in danger of harming self or others and efforts made to de-escalate the child's behavior prior to placement into the seclusion room have been proven to be ineffective. The seclusion room shall not be utilized as punishment or for the convenience of staff.

(c) Approval from the program director or treatment staff designee shall be obtained prior to the individual placement of a child into a seclusion room.

(d) More than one (1) child shall not be placed into the seclusion room at one time.

(e) Objects that may be used for self harm shall be removed from the child before he is placed into the seclusion room.

(f) A child's clothing except belts and shoes shall not be removed while placed into a seclusion room.

(g) A child shall not be placed into a seclusion room with a latching device for longer than one (1) hour within a twenty-four (24) hour period. The child may be released from seclusion in less than one (1) hour provided his behavior is stabilized.

(h) If a child requires a second placement into a latched seclusion room, a treatment team meeting shall be conducted by the program director within twenty-four (24) hours of placement into the seclusion room to reassess the child's ITP.

(i) All staff shall have a copy of the policies and procedures for placement of a child into a seclusion room.

(j) Staff shall have at a minimum sixteen (16) hours of annual training on techniques of de-escalation, safe physical restraint, and proper use of the seclusion room.

(k) When a child is in the seclusion room, a staff member shall visually observe the child every five (5) minutes.

(l) Staff shall document the following in the client record:

1. Interventions to de-escalate the child's behavior prior to placement into the seclusion room;
2. Date and time of placement into the seclusion room;
3. Date and time of removal from the seclusion room;
4. Reason for placement into the seclusion room;
5. Names of staff involved;
6. Program director's or designee's approval;
7. Five (5) minute visual observation by staff of the child's placement; and
8. Intervention provided by treatment staff when the child leaves the seclusion room.

(m) A room used for a seclusion room shall:

1. Be lighted, ventilated, and maintained at a temperature consistent with the rest of the facility and all areas observable when the door is closed.
2. The room shall be at least fifty-six (56) square feet in size.

3. The room shall be free from exposed objects that allow the child to do self-harm.

(n) Immediately upon the child's exit from a seclusion room, treatment staff shall provide therapeutic intervention.

(o) If a latch is utilized to secure the door of the seclusion room, it shall not require the use of a key or combination.

(p) An incident report shall be completed on the child's placement into the seclusion room, reviewed, and signed by the program director.

Section 9. Temporary Shelter. (1) Temporary shelter facilities providing child care on an emergency basis shall have an intake service on a twenty-four (24) hour-a-day, seven (7) day-a-week basis.

(2) When a temporary shelter facility is part of a larger organization providing other child-caring or child-placing services, there shall be a designated person to act as director of the temporary shelter facility.

(3) The temporary shelter facility shall orient each child to the procedures regarding safety and evacuation. Upon admission, each child shall be screened by facility staff for signs of illness or communicable disease. This does not supersede the requirements of Section 5 (1)(d) of this regulation that the child be examined by a licensed physician.

(4) The temporary shelter shall maintain daily recordings on the behavior and attitudes of the child.

(5) Temporary shelters shall be exempt from the requirements of Sections 5 (1)(m), 6(3)(n)1 and 2, and 7(1), (2), (3), (4), and (5) of this regulation. When a child remains in temporary shelter for more than sixty (60) days, the requirements of Section 7(1), (2), (3), (4), and (5) of this regulation shall apply and the facility shall document the reason the child remains.

(6) The facility shall have clearly defined written policies and procedures for admissions that identify the age, sex, and detailed description of the type of child served.

(7) The child shall be oriented to life at the facility including rules and consequences for violation of the rules.

(8) The facility shall comply with the recordkeeping provisions of KRS 199.640.

(9) Temporary shelter facilities shall employ nighttime staff who shall remain awake during the sleeping hours of the children.

Section 10. Group Homes. The following additional requirements apply to group home programs as defined in KRS 199.011.

(1) The group home shall present evidence of compliance with applicable local zoning ordinances prior to initial licensure from the Cabinet for Human Resources.

(2) The group home shall comply with KRS Chapter 424 by publishing a notice of intent to locate. The group home shall hold a public hearing if requested by citizens in the community or appropriate local governmental entity. Information obtained at the hearing shall be made available to the public and the Cabinet for Human Resources.

(3) The staff-to-child ratio shall be one (1) child-caring staff member for each four (4) children or fraction thereof. An on-duty staff member who is away from the group home with a child may be included for the computation of this ratio.

(4) The group home child-caring program shall utilize community resources; children shall be encouraged to participate in community activities.

(5) Group homes shall utilize the public school system or an accredited private school.

Section 11. Independent Living. The following additional requirements apply to facilities providing independent living programming.

(1) The child-caring facility shall develop and implement written policies and procedures which address its independent living program including:

(a) A curriculum for teaching and practicing of independent living skills including employment, education, money management, interpersonal skills, use of community resources, and basics of nutrition and food preparation;

(b) A plan for aftercare services; and

(c) A plan for services from cooperating agencies.

(2) When an independent living program exists outside of the facility, the program director shall document that local fire and building codes are met. This standard shall supersede the standard in Section 5(2) of this regulation.

(3) A staff person shall be responsible for and have daily direct contact with each child in the independent living program.

(4) The facility shall maintain documentation for each youth concerning:

(a) An assessment of the youth's readiness to live independently;

(b) Progress each youth has made in independent living skills training;

(c) Assistance to the youth in finding and keeping in touch with family when possible;

(d) Staff observation of the living arrangements; and

(e) Progress in educational program.

(5) The independent living programs shall be exempt from the following provisions of this regulation:

(a) Section 3(2)(a);

(b) Section 3(5)(b), (c), (d), (f);

(c) Section 5(3)(a), (b), (c), (d), (e), (f), (g), (h), (i);

(d) Section 6(7)(b), (c), (e), (f); and

(e) Section 7(3)(a), (b), (c), (d), (e).

Section 12. Repeal. The following regulations are hereby repealed:

(1) 905 KAR 1:065, Operation of child care institutions;

(2) 905 KAR 1:091, Standards for facilities and agencies;

(3) 905 KAR 1:110, Treatment oriented child care;

(4) 905 KAR 1:120, Treatment of adjudicated delinquents;

(5) 905 KAR 1:200, Alternative to detention shelters, nonsecure facilities operated as child-caring agencies and institutions.

LARRY MICHALCZYK, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 20, 1990
FILED WITH LRC: September 26, 1990 at 2 p.m.
PUBLIC HEARING: A public hearing on this regulation will be held on November 21, 1990 at 9 a.m. in the Employment Services Conference Room, 2nd Floor, Cabinet for Human Resources,

275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by November 16, 1990: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul Gibson

(1) Type and number of entities affected: 59 licensed private child-caring facilities and group homes providing 24-hour residential care to children.

(a) Direct and indirect costs or savings to those affected: There are no indirect costs or savings to affected entities as a result of this regulation. Direct costs are for increased staffing costs as a result of lower adult/child ratios.

1. First year: There are no direct or indirect costs or savings to affected entities as a result of this regulation.

2. Continuing costs or savings: There are no indirect costs or savings to affected entities as a result of this regulation. Direct costs will increase with addition of direct care staff needed to comply with 905 KAR 1:300.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are not other factors involved nor should these regulations affect existing competition.

(b) Reporting and paperwork requirements: Minor revisions in recordkeeping and information required to be kept on file were made. Requirements for licensure application and relicensure were lessened from previous regulations. Self-evaluation every three years will cause most agencies to retain documentation longer.

(2) Effects on the promulgating administrative body: This regulation should enable licensing surveyors to more effectively evaluate child-caring facilities' compliance by the fact that the regulation is more definitive than before. The Cabinet for Human Resources is responsible for regulating the aforementioned program.

(a) Direct and indirect costs or savings: Some minor direct costs for retraining licensing staff on the new regulation will be incurred.

1. First year: Direct cost first year for retraining staff is estimated at less than $2,000 which includes retraining for this regulation.

2. Continuing costs or savings: No direct or indirect costs beyond the first year is anticipated.

3. Additional factors increasing or decreasing costs: There are no other factors involved that affect costs.

(b) Reporting and paperwork requirements: Reporting procedures and paperwork requirements for the Cabinet for Human Resources should not change from existing practice.

(3) Assessment of anticipated effect on state and local revenues: This regulation will greatly assist licensing surveyors in interpreting this regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: As KRS 199.640 requires the cabinet to regulate child-caring facilities, no other alternatives were available.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: We have not been able to identify any statutes, KARs or government policies that conflict, overlap, or duplicate this regulation.

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

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict with other regulations or policies.

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? No. The cabinet is required to regulate private child-caring agencies and this regulation will be used to license all such agencies in Kentucky.

CABINET FOR HUMAN RESOURCES
Department for Social Services

905 KAR 1:310. Standards for child-placing agencies.

RELATES TO: KRS 199.011, 199.640, 199.650, 199.660, 199.670, 600.020, 615.010, 620.020

STATUTORY AUTHORITY: KRS 194.050, 199.640(3), 615.050

NECESSITY AND FUNCTION: KRS 199.640 requires that the cabinet issue administrative regulations relating to standards of care and service for child-placing agencies. This proposed administrative regulation combines provisions of 905 KAR 1:005.

Section 1. Definitions. (1) "Preschool child" means a child under six (6) years of age.

(2) "Infant" means a child under two (2) years of age.

(3) "Board of directors" means that group which is by law or charter delegated the responsibility for governing the agency.

(4) "Advisory board" means a group of citizens approved by the board of directors who lends advice, counsel, and support to an agency.

(5) "Executive director" means the person employed by the board of directors to be responsible for the overall administration and management of an agency.

(6) "Program director" means the person responsible for supervising the day-to-day operation of the program for children served by the agency or facility.

(7) "Aftercare" means services provided to the child after discharge from a child-placing facility.

(8) "Division" means the Division of Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40621.

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

(10) "Social services" means a planned program of assistance to help an individual move toward a mutual adjustment of the individual and his environment.

(11) "Community resources" means services and activities available in the community that supplement those provided by the child-placing agency in the care and treatment of children.

(12) "Individual treatment plan (ITP)" means a plan of action developed and implemented to address the needs of an individual child.

Section 2. Administration and Operation. (1) Licensing procedures.

(a) Initial licensure.

1. When applying for an initial license, the agency shall provide the following:

a. A complete application as determined by the cabinet;

b. A licensure fee of $155;

c. A copy of the articles of incorporation;

d. A mission statement of purposes, objectives, scope of services provided, and intake policy specifying kinds of children to be accepted for care;

e. A copy of the constitution and bylaws;

f. A list of officers, board members, and advisory board members, if any, including addresses and professions;

g. Names and titles of officers and terms of office;

h. A list of all staff including positions or title and qualifications; and

i. Applications for child-placing facility licenses shall be in compliance with the applicable regulations or shall have submitted an acceptable plan for correction of violations relating to the particular child-placing facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the child-placing facility. Representatives of the division shall have access to the child-placing facility at any time. Regulatory violations identified during inspections shall be transmitted in writing to the child-placing facility by the division. The child-placing agency shall submit a written plan for the elimination or correction of the regulatory violations to the inspecting agency within ten (10) days. The plan shall specify the dates by which each of the violations shall be corrected. Following a review of the plan, the division shall notify the child-placing facility in writing of the acceptability of the plan. When a portion or all of the plan is unacceptable, the division shall specify the reasons for the unacceptability. In these cases, the child-placing facility shall modify or amend the plan and resubmit it to the division within ten (10) days.

2. A license shall be issued by the cabinet when the agency has been surveyed by the cabinet and it is determined that the agency qualifies for licensure.

(b) Renewal licensure. Agencies shall be relicensed annually from the date of issuance of the original license. To be eligible for relicensure, the agency shall:

1. Submit a renewal application;

2. Submit a relicensure fee of eighty-five (85) dollars; and

3. Comply with the applicable portions of this regulation.

(c) Every child-caring agency shall provide the following information as part of the annual inspection:

1. A list of officers, board members, and advisory board members, if any, including addresses and professions;

2. Names and titles of officers and terms of office; and

3. A list of all staff including positions or title and qualifications.

(d) The agency shall comply with its mission statement, child-caring program narrative, and all applicable federal and state regulations in regard to child-caring program operations.

(e) The agency shall have an annual audit completed by an independent accounting firm or a certified public accountant.

(f) All applications for licenses shall, as a condition precedent to licensure or relicensure, be in compliance with the applicable regulations relating to the particular child-placing facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the child-placing facility. The inspection procedure for relicensure shall be the same as set forth in this section.

(g) The license shall specify the types of care and service the agency is authorized to provide based upon the application and inspection.

(h) The agency shall provide the types of care and services for which they are licensed.

(i) A license shall be issued for a specific physical location and for operation by a sponsoring organization.

(j) Licenses shall not be transferable.

(k) Notification of the following shall be made to the division in advance to allow for approval before implementation:

1. Ownership or sponsorship;

2. Location;

3. Capacity; and

4. Services.

(l) The agency shall post its license in a place visible to the public.

(2) Board of directors.

(a) The agency shall have a board of directors consisting of a minimum of seven (7) members, the majority of whom shall be residents of Kentucky.

(b) The board of directors shall meet quarterly in every calendar year. Minutes of these meetings shall be taken and kept in written form.

(c) One (1) meeting of the board of directors shall be held at each agency location in every calendar year. When a board of directors has responsibility for multiple agency locations, a board committee may be appointed:

1. To meet at least once a year at each agency location; and

2. Shall submit a written report of this meeting to the full board.

(d) The board of directors shall employ an executive director. The division shall be notified in writing of a change in the facility's executive director within seven (7) days.

(e) The board of directors shall be responsible for and have the authority to ensure the continuing compliance with the requirements of all relevant federal, state or local laws or regulations.

(f) The board of directors shall conduct and approve an annual evaluation of the performance of the executive director.

(g) The board of directors shall approve a written annual budget for the agency which ensures funding to meet all operating requirements.

(h) The board of directors shall in consultation with the executive director approve and annually review all written policies of the agency.

(i) The board of directors shall obtain a criminal records check of prior convictions or pleas of guilty of the executive director prior to employment.

(j) The board of directors shall approve a

mission statement delineating:
1. The purposes;
2. Objectives;
3. Scope of services to be provided; and
4. Intake policy specifying kinds of children to be accepted for care.
(3) Executive director.
(a) The duties of the executive director shall be determined by the board of directors and shall include the following responsibilities:
1. Select, employ, and terminate staff;
2. Develop and implement agency policies approved by the board of directors;
3. Provide professional help to the board of directors in:
a. Carrying out their responsibilities;
b. Interpreting the needs of the children and families served; and
c. Assisting in periodic evaluation of the agency's services;
4. Supervise the preparation of an annual budget for board consideration;
5. Keep the board informed of financial needs;
6. Provide financial statements to the board of directors on a quarterly basis;
7. Operate within the established budget;
8. Attend board meetings;
9. Ensure that orientation is provided for new employees and continual training for staff; and
10. Delegate appropriate duties to other staff.
(b) When the executive director is not on the premises, a designated staff person shall be responsible for the day-to-day operations of the child-caring program.
(4) Staff qualifications. Persons hired after the effective date of this regulation as executive director shall possess the following qualifications:
(a) An executive director shall possess a master's degree in any of the following human services field:
1. Social work;
2. Sociology;
3. Psychology;
4. Guidance and counseling;
5. Education;
6. Religion;
7. Christian education;
8. Divinity;
9. Business administration;
10. Pastoral counseling;
11. Criminal justice;
12. Public administration; or
13. Child care administration; and
14. Two (2) years of work experience in management of a human services program or a nachelor's degree with a major in social work, sociology, psychology, criminal justice, guidance and counseling, education, religion, Christian education, divinity, and pastoral counseling, business administration, public administration, or child-care administration and four (4) years work experience in human services programs.
(b) Persons other than the executive director employed in positions responsible for supervising, evaluating, or monitoring social work or other professional staff shall possess:
1. A master's degree in the human services area including the areas of social work, sociology, psychology, guidance and counseling, education, business administration, criminal justice, public administration, or child-care administration; and
2. At least two (2) years work experience in the human services field.
(c) All licensed child-placing agencies shall have one (1) member of the social work staff designated as placement director who shall hold:
1. A master's degree in social work or a related field; or
2. A bachelor's degree in social work or a related field and a minimum of two (2) years professional child-placing experience in working with children and families including foster care or adoptive placements.
(d) A child-placing agency using the service of a social worker not on the staff of the agency shall document that the social worker meets the qualifications as required in this section. An agreement for this provision of service shall be on file at the agency and shall specify the qualifications of the social worker.
(e) Social workers shall be supervised by the placement director.
(f) Employees responsible for social work, counseling, or planning and coordinating services to children shall have at least a bachelor's degree in the human services field.
(g) Social services staff shall not carry a caseload of more than twenty (20).
5. Personnel policies.
(a) Employees shall be at least eighteen (18) years of age.
(b) There shall be a written job description which shall be reviewed and revised for each position which:
1. Clearly describes the duties of the position and the skills necessary to fill the position; and
2. Identifies the position's immediate supervisor.
(c) Personnel upon employment shall receive written agency policies and procedures to include the following:
1. Salary plan;
2. Leave provisions;
3. Working conditions;
4. Fringe benefits;
5. Employment and termination;
6. Job descriptions;
7. Staff evaluation;
8. Provisions for staff development;
9. Employee grievance;
10. Disciplinary action; and
11. Child-caring program narrative.
(d) Personnel orientation. Personnel within one (1) month of initial employment shall receive an orientation to agency policies and procedures.
(e) Current personnel records shall be maintained for each employee which include the following:
1. Name, address, Social Security number, date of employment, and date of birth;
2. Evidence of current registration, certification, or licensure;
3. Records of participation of staff development;
4. Records of performance evaluation;
5. Criminal records check;
6. Records of physical exams related to employment;
7. Personnel actions;
8. Application for employment and resume or contract; and
9. Evidence of personnel orientation.
(f) If a criminal records check reveals a prior criminal conviction or plea of guilty to charges pursuant to KRS Chapter 510 or a Class A

felony, the applicant shall not be employed.

(g) The agency shall have an ongoing staff development program for the administrative, professional, volunteer, and support personnel.

1. Records of attendance at workshops, conferences, and academic courses related to work responsibilities shall be kept on employees.

2. The staff development program shall be under the supervision of a designated staff member.

(h) An employee under indictment or legally charged with felonious conduct shall be immediately removed from contact with children until the person is cleared of the charge.

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

(6) Agency policies. There shall be written administrative policies which the agency follows covering all aspects of operation including:

(a) Administration;

(b) Personnel;

(c) Fiscal management;

(d) Case records;

(e) Child-placing program;

(f) Internal review and evaluation;

(g) Transportation of children;

(h) A description of organization structure, staffing, and allocation of responsibility and accountability; and

(i) A child-placing program narrative describing in detail:

1. The services offered;

2. Methods and protocols for service delivery;

3. Qualifications of personnel involved in the delivery of the services; and

4. Goals of the services.

(7) Internal review and evaluation.

(a) Each agency shall provide for and conduct a self-evaluation of overall agency performance and management of its services at least every three (3) years from the effective date of this regulation.

(b) Specific written criteria and procedures for evaluating the overall agency performance and management shall be established. These shall be approved by the board of directors.

(c) The required evaluation shall examine the following factors:

1. Child-placing program content in relation to the stated role and purpose of the agency.

2. Child-placing program effectiveness based on stated and measurable goals.

3. Roles of the board of directors and management staff.

4. Personnel policies.

5. Staffing patterns and job responsibilities.

6. Staff effectiveness.

7. Staff turnover, causes, and effects.

8. Staff training program.

9. Budgeting and fiscal management.

10. Placements, planned and unplanned discharges, and length of stay of children in care.

11. Content of the child-placing program as related to the needs of the child and family based upon a random review of casework plans.

12. The service continuum from intake through aftercare.

(d) A copy of each annual evaluation shall be kept on file at the agency and a copy shall be given to each member of the board of directors.

(e) Accreditation by the Council on Accreditation sponsored by the Child Welfare League of America or the Joint Commission on Accreditation of Health Care Organization shall substitute for the three (3) year evaluation.

(f) The child-placing agency shall ensure that the rights of children and their families, including that of confidentiality, are protected in all phases of evaluation. Services shall not be denied or restricted to any client based upon his participation or lack thereof in the evaluation process.

Section 3. Interstate Placements. (1) Prior to accepting a child from another state or prior to placing a child outside Kentucky, the child-placing agency shall comply with all applicable provisions of KRS 615.030 to 615.040, Interstate Compact on Placement and Children; and KRS 615.010, Interstate Compact on Juveniles.

(2) When a child committed to the cabinet makes a brief visit out of state, not accompanied by agency personnel, the agency shall obtain prior consent from the social worker in the Department for Social Services who has case responsibility.

(3) If an emergency placement of a child into a licensed child-placing agency is made, compliance with KRS 615.030 to 615.040 shall be the responsibility of the placing agency.

Section 4. Orientation and Training of Foster and Adoptive Homes. (1) Each child-placing agency shall provide orientation and training to prospective foster and adoptive parents to include the following:

(a) Agency program description with mission statement, information about the rights and responsibilities of parents, and background information about foster or adopted children.

(b) Examples of actual experiences from parents who have fostered and adopted special needs children to include:

1. Examination of the stages of grief;

2. Identification of the behaviors linked to each stage; and

3. Consideration of the long-term effects of separation and loss on children.

(c) Examination of family functioning, values, and expectations of the adoptive or foster family. Identification of changes which may occur in the family unit with placement of a child and discipline issues.

(d) Examination of how a placement may affect family:

1. Functioning;

2. Adjustment problems;

3. Identity issues; and

4. Disruptions.

(e) Specific requirements and responsibilities of foster and adoptive families.

Section 5. Evaluation of Potential Foster Homes. (1) The functions of recruitment and response to inquiries by prospective foster parents shall be performed by the child-placing agency social work staff. An application shall not be given without an interview to determine if the application process may proceed.

(2) The agency shall be responsible for approving the home as acceptable for children based upon a home study and shall be conducted as a series of planned interviews and home visits by the social worker. Children shall be placed only in approved foster homes.

(3) The agency shall keep a written record of the findings of this study and the evidence on which these findings are based.

(4) The foster home study shall record personal interviews both joint and separate with all members of the household.

(5) The foster home study shall include the following information:

(a) Attitudes of household members toward placement of a foster child into the home.

(b) Observations of foster family functioning including interpersonal relationships and patterns of interaction.

(c) The foster parents' ability to accept the child's relationship with the child's natural parents.

(d) Information regarding nonfamilial relationships.

(e) Certification by a licensed physician regarding the family's physical ability to provide necessary care for the child.

(f) Standards of household safety, housekeeping, and cleanliness are acceptable.

(g) Water supply and sanitation compliance with all state and local health requirements.

(h) Suitability of in- and out-of-door play space according to the age and needs of the child.

(i) Accessibility of the home to the community resources.

(j) A criminal records check and child abuse registry check on any adult residing in the household.

(k) Verification of all marriages and divorces of the prospective foster parents.

(l) A minimum of three (3) written references.

(6) An agency shall not have more than two (2) children under two (2) years of age placed in the same foster home at the same time except for:

(a) Sibling groups who may remain together.

(b) Temporary shelters that are limited to serving children under two (2) years of age.

(c) Homes where three (3) or more adults reside and the maximum number of infants shall not exceed three (3) at one (1) time.

(7) A foster home shall be selected for a particular child based upon the individual needs of the child.

(8) The worker shall explain the terms of each placement and the foster parents shall certify in writing that supervision from the agency will be allowed. This shall be documented in the case record.

(9) The total number of children shall not exceed six (6) in number, including the foster parent's own children, except when the needs of the individual child indicate the necessity of keeping sibling groups together. Justification for exceptions shall be documented in the record.

(10) A child shall not without prior notification to and written authorization from the Kentucky Interstate Compact Administrator:

(a) Be placed with persons who normally reside in another state; or

(b) Be permitted to go with any person to take up residence in another state.

(11) Homes providing care of foster children shall not be used simultaneously for any other social services, including day care centers or homes for the elderly. This shall not preclude foster parents being approved for adoption or adoptive parents being approved as foster parents.

(12) All approved foster homes in use shall be evaluated on an annual basis. The results of evaluations shall be recorded in the case record.

(13) Each agency shall have a written agreement which states the responsibilities of the agency and the foster parents.

(14) The child shall participate in the intake process and in the decision that placement is appropriate to the extent that:

(a) His age, maturity and adjustment;

(b) The nature of family relationships; and

(c) Circumstances necessitating placement justify participation.

(15) The agency shall maintain an ongoing orientation and training program for its foster families. Records of all orientation and training shall be maintained.

Section 6. Placement Process. The following shall be the responsibility of the child-placing agency with exception of those children committed or otherwise made the legal responsibility of the Cabinet for Human Resources. In these cases, services shall be coordinated by Cabinet for Human Resources and agency staff; however, final casework responsibility shall be the responsibility of the Cabinet for Human Resources.

(1) The agency social worker shall be responsible for developing an individual treatment plan (ITP) for each child and their biological family. The plan shall include the type and extent of services to be given the biological family to rehabilitate the home.

(2) The biological parents and child shall be included in developing the placement plan unless contraindicated.

(3) The foster placement shall be located as near as possible to the natural parent's home to facilitate visiting.

(4) There shall be a semiannual review of the child's natural home.

(5) Each child shall have a period of preparation for the placement unless circumstances preclude this preparation. The circumstances shall be documented in the case record.

(6) Preplacement visitation by the child under agency supervision shall be scheduled before final placement in the foster home unless circumstances, which shall be documented in the case record, preclude these visits.

(7) Prior to placement, the social worker shall hold meetings with the child to prepare him for the placement.

(8) Social services to the natural parents and the child shall be adapted to their individual capacities, needs, and problems. When parents refuse social services, it shall be documented in the record.

(9) Planning for the child regarding matters such as visitation, health, and education shall be developed with the parents, the social worker, and foster parents.

(10) Requests for a removal of a child from a foster home shall be explored immediately and documented by the social worker.

(11) Preparation for a child's return to the natural family shall be supervised by a social worker. The natural family shall participate in planning for the child's return. When the child has not had regular contact with his natural family, plans for the child's return home shall include prior visits between the child and the family and at least one (1) preliminary visit of the child to his parents' home. When the child is committed to the Cabinet for Human Resources and the parents reside a considerable distance from the agency, attempts shall be made for providing services to the parents. When the

agency is unable to provide services directly to the natural parents, the executive director of the agency shall request the Cabinet for Human Resources to provide services. These efforts shall be documented in the case record. Provisions shall be made for exchange of information at least quarterly and if circumstances warrant.

(12) The agency shall provide for the semiannual review of the children in foster care to assure that foster care continues to be the best plan for each child.

Section 7. Supervision of Children in Foster Homes. (1) The agency shall maintain continuing supervision of the child and foster home while the child is in placement. The agency shall assure that the child is receiving care in accordance with his needs. The agency shall provide information to the foster parents regarding the child's behavior and development.

(2) Upon placement of a child in a foster home, the responsible worker shall make at a minimum monthly supervisory visits to the home. The individual needs of the child shall dictate when more frequent visitation is necessary. The number of contacts and the rationale shall be specified in the plan.

(3) The agency shall document every effort to see that the legal rights of parents and the child are protected and that the family ties are maintained between the child and his parents.

(4) Each child shall have clothing for his exclusive use comparable in quality and variety to that worn by other children with whom he will associate.

(5) The agency shall be responsible for seeing that children comply with state school attendance laws.

(6) The agency shall secure psychological and psychiatric services, vocational counseling, and other services when indicated by the child's needs.

(7) When the plan for long-term foster care for a child has been determined and justified, the plan shall be reassessed annually.

Section 8. Maintenance of Foster Care Records. (1) The agency shall maintain records on each child, his family, and on the foster families. These records shall show the reasons for placement changes and steps taken to insure success.

(2) Social work staff shall document in case records the results of regular social service and progress toward goals which have been established for the child and family.

(3) Copies of all correspondence relating to the child shall be maintained.

(4) The date of discharge and the name and address of the persons or organization to whom the child is discharged shall be recorded.

(5) The discharge recording shall reflect the reason for the discharge.

(6) All case records shall be maintained in conformity with existing laws and regulations pertaining to confidentiality, KRS 61.878, 199.430(3), 199.640, and 200 KAR 1:020.

Section 9. Evaluation of Potential Adoptive Homes. (1) The agency shall select as adoptive parents applicants:

(a) Who are capable of providing for the child's care, support, education, and character development; and

(b) Who have the ability to understand and accept the child's characteristics, potential, and limitations.

(2) Adoptive placement of a child shall not be made prior to the approval of a home as an adoptive home.

(3) The agency shall complete a written study of the adoptive home which shall include the following:

(a) Personal interviews, both joint and separate, shall be conducted with each member of the household.

(b) Worker's evaluation of the home situation.

(c) The functioning of the total household shall be considered in determining the suitability of the home.

(d) Three (3) written references indicating the suitability of the home and of the potential adoptive parents.

(4) The written study of the home of the applicant documents:

(a) Attitudes of household members toward placement of an adoptive child into the home.

(b) Observations of the functioning of the potential adoptive family including interpersonal relationships and patterns of interaction.

(c) The nonfamilial relationships.

(d) Certification by a licensed physician regarding the physical and mental ability of the family to provide necessary care for the child.

(e) Standards of household safety, housekeeping, and cleanliness are acceptable.

(f) Water supply and sanitation compliance with all state and local health requirements.

(g) Suitability of in- and out-of-door play space according to the age and needs of the child.

(h) Accessibility of the home to community resources.

(i) A criminal records check on each adult residing in the household.

(j) Verification of all marriages and divorces of the potential adoptive parents.

(k) The economic circumstances of the potential adoptive parents are sufficient to meet the needs of the child.

(5) Agencies shall clearly define the qualifications they require of potential adoptive applicant.

Section 10. Adoption Placement Process. (1) A child shall not be placed for adoption until the parental rights of biological parents and alleged parents are terminated by a circuit court order in accordance with Kentucky Revised Statutes.

(2) Parents shall not be induced to terminate parental rights by a promise of financial aid or other consideration.

(3) The authority granted to agencies licensed by the cabinet authorizing them to place a child for adoption shall not be used to facilitate adoptive placements planned by doctors, lawyers, clergymen, and others outside the agency.

(4) A developmental history of the adoptive child and social history of the biological parents shall be obtained. Information shall be obtained from direct study and observation of the child by the social worker, pediatrician, foster parents, and when indicated, by the nurse, psychologist and other consultants. To comply with KRS 199.520 and 199.572, child-placing agencies shall assist the biological parents in completing forms

prescribed by Cabinet for Human Resources policy and procedure.

(a) The child's developmental history shall include as much of the following as is available:

1. Birth and health history;
2. Early development;
3. Characteristic ways of the child of responding to people and situations;
4. Deviations from the range of normal development;
5. The experiences of the child prior to the decision to place him for adoption;
6. Maternal attitudes during pregnancy and early infancy;
7. Continuity of parental care and affection;
8. Foster care placements; and
9. Separation experiences.

(b) Information that may affect the child's normal development shall be obtained from biological mother and father about their family background may include:

1. Name;
2. Age;
3. Nationality;
4. Education;
5. Religion;
6. Occupation; and
7. Information to determine whether there are any significant hereditary factors or pathology, including illnesses of the biological mother or father.

(c) Information shall be obtained from the mother, if possible:

1. To the identity of the biological father for purposes of determination of the father's parental rights; and
2. Establishment of the possible hereditary endowments. If either biological parent is unavailable, unwilling, or unable to assist with the completion of information necessary to comply with KRS 199.520 and 199.572, the agency shall document information to the extent possible from existing case records.

(5) A medical examination shall be made by a licensed physician to determine:

(a) The state of the child's health;
(b) Significant factors that may interfere with normal development; and
(c) The implications of any medical problems.

(6) Before placement of the child, conditions under which adoptive parents accept the child shall be agreed upon. This written agreement shall embody the following provisions:

(a) The adoptive parents shall comply with KRS 199.470 and agree to file an adoptive petition at a time agreeable to them and the agency.

(b) The adoptive parents agree to:

1. Permit supervision by the agency during the period of time after placement; and
2. Preceding the final judgment by the circuit court.

(c) The agency is responsible for providing the adoptive parents with:

1. Written information regarding the child's background;
2. Medical history;
3. Current behavior; and
4. Medical information necessary to comply with KRS 199.520.

(d) The adoptive parents and the agency shall agree that the child may be removed from the family at the request of either party before the filing of the adoptive petition.

(7) Preplacement meetings shall be arranged for the adoptive parents and any child one (1) month of age or older.

(8) When preparing the child for placement with the selected adoptive parents, the agency shall discuss with the child his readiness to accept this placement in accordance with the child's age and ability to understand.

(9) Siblings who have had a relationship with one another shall be placed together unless it is determined to be more beneficial for them to be placed in separate homes. Continued contact between siblings in separate homes shall be maintained when possible. When siblings have been separated in placements:

(a) The case record shall reflect a valid basis for the separation;

(b) The decision to separate siblings shall be made by the executive director of the agency.

Section 11. Supervision of Adoptive Homes. (1) The agency placing a child shall remain responsible for him until the adoption has been granted. This responsibility involves the following:

(a) Two (2) meetings by the worker with the child and the family including both adoptive parents when not a single parent adoption, one (1) of which shall be in the home before filing of the adoption petition.

(b) Awareness of changes in the adoptive family including health, education, and behavior.

(2) Upon request of the Cabinet for Human Resources, the agency shall provide information as required in KRS 199.510 which is necessary to report to the court to proceed with the adoption. Upon the request of the cabinet for filing with the appropriate circuit court, the agency placing the child shall:

(a) Prepare a confidential report to the court; and

(b) Shall forward the original and one (1) copy of this report and a copy of information required by KRS 199.520 and 199.572 to the Cabinet for Human Resources.

(3) If the court finds the adoptive parents to be unsuitable and refuses to grant a judgment, the agency shall remove the child from the home.

Section 12. Maintenance of Adoptive Case Record. (1) The agency shall maintain a case record from the time of the application for services through the completed legal adoption and termination of agency service on:

(a) Each child accepted for care;
(b) His family; and
(c) Each adoptive applicant.

(2) The case record shall contain material on which the agency decision may be based and shall:

(a) Include information and documents needed by the courts;

(b) Preserve information about the child and his family;

(c) Include a narrative or summary of the services provided with copies of all legal and other pertinent documents; and

(d) Include all information gathered during the intake study including the following:

1. A description of facts about the child's family situation which necessitated placement of the child away from his family and/or termination of parental rights;
2. A certified copy of the order of the circuit court terminating parental rights and committing the child to the agency for the purpose of adoption;
3. Verification of the child's birth record

and the registration number;
4. A copy of the child's medical record up to the time of placement;
5. A copy of the required study of the adoptive home;
6. Date of placement in the adoptive home;
7. A statement of the basis of the selection of this home for the child;
8. A record of after-placement services with dates of contacts and observations;
9. Dates of filing of petition and granting of judgments and other significant court proceedings relative to the adoption; and
10. Child's adoptive name.
(3) Where there is need to share background information with one of the parties to a completed adoption or to have the benefits of information from a closed adoption record to offer services following completion of an adoption, the agency shall comply with KRS 199.570.
(4) Records on adoption which contain pertinent information shall be maintained indefinitely following final placement of a child. Each individual record shall be sealed and secured from unauthorized scrutiny.

Section 13. Repeal. 905 KAR 1:005, Operation of child placing agencies, is hereby repealed.

LARRY MICHALCZYK, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 20, 1990
FILED WITH LRC: September 26, 1990 at 2 p.m.
PUBLIC HEARING: A public hearing on this regulation will be held on November 21, 1990 at 9 a.m. in the Employment Services Conference Room, 2nd Floor, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by November 16, 1990: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul Gibson
(1) Type and number of entities affected: 24 licensed private child-placing agencies providing foster care and adoption services to children.
(a) Direct and indirect costs or savings to those affected: There are no direct costs or savings or indirect savings to affected entities as a result of this regulation. Facilities may experience some indirect administrative costs in three years resulting from self-evaluation requirement.
1. First year: There are no direct or indirect costs or savings to affected entities as a result of this regulation.
2. Continuing costs or savings: There are no direct costs to affected entities as a result of this regulation. Agencies may experience a small increase in expenses when the self-evaluation is due after a three year period.
3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no other factors involved nor should this regulation affect existing competition.
(b) Reporting and paperwork requirements: Minor revisions in recordkeeping and information required to be kept on file were made. Requirements for licensure application and relicensure were lessened from previous regulations. Self-evaluation every three years will cause most agencies to retain documentation longer.
(2) Effects on the promulgating administrative body: This regulation should enable licensing surveyors to more effectively evaluate child-caring facilities' compliance by the fact that the regulation is more definitive than before. The Cabinet for Human Resources is responsible for regulating the aforementioned programs.
(a) Direct and indirect costs or savings: Some minor direct costs for retraining licensing staff on the new regulation will be incurred. This is estimated to be less than $2,000.
1. First year: Direct cost first year for retraining staff is estimated at less than $2,000.
2. Continuing costs or savings: No direct or indirect costs beyond the first year is anticipated.
3. Additional factors increasing or decreasing costs: There are no other factors involved that affect costs.
(b) Reporting and paperwork requirements: Reporting procedures and paperwork requirements for the Cabinet for Human Resources should not change from existing practice.
(3) Assessment of anticipated effect on state and local revenues: An increase of licensure application fees was included to comply with state law. The increased revenue will have a minor impact on the state budget and will be used to defray costs of licensure inspections.
(4) Assessment of alternative methods; reasons why alternatives were rejected: As KRS 199.640 requires the cabinet to regulate child-caring facilities, no other alternatives were available.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: We have not been able to identify any statutes, KARs or government policies that conflict, overlap, or duplicate this regulation.
(a) Necessity of proposed regulation if in conflict: See answer to 5 above.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no conflict with other regulations or policies.
(6) Any additional information or comments: There is no additional information.
TIERING: Was tiering applied? No. The cabinet is required to regulate private child-caring agencies and this regulation will be used to license all such agencies in Kentucky.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Family Services

905 KAR 6:070. Program state plan for CSBG.

RELATES TO: KRS 273.410 to 273.453, 42 USC 9901-9912
STATUTORY AUTHORITY: KRS 194.050, 273.453, 42 USC 9901-9912
NECESSITY AND FUNCTION: 42 USC 9901-9912 - "Community Services Block Grant Program," enacted August 13, 1981, authorizes grants to states to ameliorate the causes of poverty in communities within the state. KRS 194.050 authorizes the Cabinet for Human Resources to

adopt regulations necessary to implement programs mandated by federal law, or to qualify for receipt of federal funds and to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this regulation is to implement the Kentucky Community Services Block Grant Program which shall comply with applicable state and federal laws and regulations. This regulation includes the substance of 905 KAR 6:050; therefore, 905 KAR 6:050 is no longer necessary.

Section 1. (1) The "Community Services Block Grant Program Plan for the Commonwealth of Kentucky" for fiscal year 1991, is hereby adopted by reference as the plan for utilization of CSBG funds. The plan includes:

(a) Assurances as required by federal law and regulations;

(b) Provisions for use of funds by community action agencies;

(c) Programmatic considerations such as geographic areas to be served;

(d) Client eligibility, and complaint procedures; and

(e) Fiscal considerations such as administration, required match, and allocation formula.

(2) The "Community Services Block Grant Program Plan" may be reviewed during regular working hours at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky.

Section 2. 905 KAR 6:050, State plan for CSBG program, is hereby repealed.

LARRY MICHALCZYK, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: October 8, 1990
FILED WITH LRC: October 10, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation will be held on November 21, 1990 at 9 a.m. in the Employment Services Conference Room, Second Floor, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by November 16, 1990: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Joyce Young

(1) Type and number of entities affected: 23 federally funded community action agencies will be affected by the proposed regulations. The regulations will affect all of the community action agencies throughout the state as all receive federal Community Services Block Grant funds from the Department for Social Services.

(a) Direct and indirect costs or savings to those affected: There will not be any direct and indirect costs or savings to the community action agencies as the proposed regulations only add detail and clarify issues that were required or recommended by the federal monitors during their last program site review. Failure to make the requested changes may result in the reduction or loss of federal funding for these programs.

1. First year: There will not be any direct and indirect costs or savings during the first year for the community action agencies because the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

2. Continuing costs or savings: There will not be any continuing costs or savings for the community action agencies because the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the community action agencies because the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

(b) Reporting and paperwork requirements: There will not be any change in the community action agencies reporting and paperwork requirements because the agencies are currently regulated by the same kind of regulations. For example, the agencies are monitored each fiscal year by the Department for Social Services using the current regulations during their review process. If any deficiencies are discovered during the review, the agency has to prepare and submit a plan of corrective action to the department. The proposed regulations will not change the monitoring review process nor the plan of corrective action process. There will not be any increase because the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only add detail and clarify issues in the current regulations. The proposed regulations will improve the language of the regulations but does not effect the way in which the department administers the community action agencies.

(a) Direct and indirect costs or savings: There will not be any direct and indirect costs or savings to the Department for Social Services as the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

1. First year: There will not be any direct and indirect costs or savings during the first year for the Department for Social Services because the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

2. Continuing costs or savings: There will not be any continuing costs or savings for the Department for Social Services because the proposed regulations add detail and clarify issues in order to improve the already existing regulations.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or effect competition for the Department for Social Services because the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements because the community action

agencies are currently regulated by the same kind of regulations. For example, the agencies are monitored each fiscal year by the Department for Social Services using the current regulations during their review process. If any deficiencies are discovered during the review, the agency has to prepare and submit a plan of corrective action to the department. The proposed regulations will not change the monitoring review process nor the plan of corrective action process. There will not be any increase because the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect of state and local revenues as the proposed regulations will not affect the community action agencies' funds.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered because the proposed regulations only add detail and clarify issues in order to improve the already existing regulations.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate in the proposed regulations.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate in the proposed regulations.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate in the proposed regulations.

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? No. Tiering was not applied as the existing agencies are the only entities in the state that are eligible to receive Community Services Block Grant funds funded by the U.S. Department of Health and Human Services made available by Public Law 97-35 and its successors.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:025. Payments for nursing facility and intermediate care facility for the mentally retarded services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456; 42 USC 1396, a, b, c, d, g, i, l, n, o, p, r, r-2, r-3, r-5, s

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for nursing care facility services and intermediate care facility for the mentally retarded services.

Section 1. Definitions. For purpose of Sections 2 through 6 of this regulation, the following definitions shall prevail unless the specific context dictates otherwise:

(1) "Allowable cost" means that portion of the facility's cost which may be allowed by the cabinet in establishing the reimbursement rate. Generally, cost is considered allowable if the item of supply or service is necessary for the provision of the appropriate level of patient care and the cost incurred by the facility is within cost limits established by the cabinet, i.e., the allowable cost is "reasonable."

(2) "Ancillary services" means those direct services for which a separate charge is customarily made, and which except for ventilator therapy services and brain injury unit services are retrospectively settled on the basis of reasonable allowable cost at the end of the facilities' fiscal year. Ancillary services are limited to the following:

(a) Physical, occupational and speech therapy.

(b) Laboratory procedures.

(c) X-ray.

(d) Oxygen and other related oxygen supplies.

(e) Respiratory therapy (excluding the routine administration of oxygen).

(f) Psychological and psychiatric therapy (for intermediate care facilities for the mentally retarded only).

(g) Ventilator therapy services, subject to the coverage limitations shown in the reimbursement manual.

(3) "Nursing facility (NFs) means facilities certified to the Medicaid program by the state survey agency as meeting all nursing facility requirements and all conditions of participation in the Medicare program.

(4) "Nursing facilities with waiver (NFs/W)" means facilities certified to the Medicaid program by the state survey agency as meeting all NF requirements except the nurse staffing requirement for which an NF waiver has been granted by the survey agency.

(5) "Hospital based nursing facilities" means those nursing facilities in the same building with or attached to an acute care hospital and which share common administration, nursing staff, and ancillary services with the hospital; however, those facilities classified as hospital based skilled nursing facilities on June 30, 1989 shall remain classified as hospital based nursing facilities.

(6) "Nursing services costs" are the direct costs associated with nursing services.

(7) "All other costs" are other care-related costs, other operating costs, capital costs, and indirect ancillary costs.

(8) The "basic per diem cost" for each major cost category (nursing services costs and all other costs) is the computed rate arrived at when otherwise allowable costs are trended and adjusted in accordance with the inflation factor, the occupancy factor, and the median cost center per diem upper limits.

(9) "Inflation factor" means the comparison of allowable routine service costs, not including fixed or capital costs, with an inflation rate to arrive at projected current year cost increases, which when added to allowable costs, including fixed or capital costs, yields

projected current year allowable costs. The inflation factor shall be included for rates computed on August 3, 1985, and thereafter.

(10) "Incentive factor" means the comparison of the basic per diem cost (for facilities qualifying for a cost savings incentive) with the upper limit for the appropriate cost arrays using the cost savings incentive (CSI) percentage (and taking into consideration the maximum allowable CSI amount for each cost array) to arrive at the actual dollar amount of cost savings incentive return to be added to the basic per diem cost.

(11) "Maximum allowable cost" means the maximum amount which may be allowed to a facility as reasonable cost for provision of an item of supply or service while complying with limitations expressed in related federal or state regulations.

(12) "Upper limit" means the maximum level at which the cabinet shall reimburse, on a facility by facility basis, for routine services.

(13) "Occupancy factor" means the imposition of an assumed level of occupancy used in computing unadjusted basic per diem rates.

(14) "Prospective rate" means a payment rate of return for routine services based on allowable costs and other factors, and includes the understanding that except as specified such prospective rate shall not be retroactively adjusted, either in favor of the facility or the cabinet.

(15) "Routine services" means the regular room, dietary, medical social services, nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Routine services include but are not limited to the following:

(a) All general nursing services, including administration of oxygen and related medications, handfeeding, incontinency care and tray services.

(b) Items which are furnished routinely and relatively uniformly to all patients, such as patient gowns, water pitchers, basins and bed pans. Personal items such as paper tissues, deodorants, and mouthwashes are allowable as routine services if generally furnished to all patients.

(c) Items stocked at nursing stations or on the floor in gross supply and distributed or utilized individually in small quantities, such as alcohol, applicators, cotton balls, band-aids and tongue depressors.

(d) Items which are utilized by individual patients but which are reusable and expected to be available in an institution providing a nursing facility level of care, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable medical equipment.

(e) Laundry services including personal clothing to the extent it is the normal attire for everyday facility use, but excluding dry cleaning costs.

(f) Other items or services generally available or needed within a facility unless specifically identified as ancillary services. (Items excluded from reimbursement include private duty nursing services and ambulance services costs.)

(16) "Nursing facility with a mental retardation specialty (NF/MRS)" means a skilled nursing facility in which at least fifty-five (55) percent of the patients have demonstrated special needs relating to the diagnosis of mental retardation.

Section 2. Reimbursement for Nursing Facilities (NFs) and Intermediate Care Facilities for the Mentally Retarded (ICF-MRs). All nursing facilities (NFs) or intermediate care facilities for the mentally retarded (ICF-MRs) participating in the Medicaid program shall be reimbursed in accordance with this regulation. Payments made shall be in accordance with the requirements set forth in 42 CFR 447.250 through 42 CFR 447.280 and the coverage requirements specified in 907 KAR 1:022, Nursing facility and intermediate care facility for the mentally retarded services. A nursing facility desiring to participate in Medicaid shall be required to participate in the Medicare program unless the nursing facility has been granted a waiver of the nursing facility nurse staffing requirement and, as a result, is prohibited from participation in Medicare. The Medicaid program does not recognize multilevel nursing facilities, and therefore all participating beds in nursing facilities (not including ICF-MRs) must participate in Medicaid as the same type of bed (i.e., NF or NF with waiver).

Section 3. Basic Principles of Reimbursement. (1) Payment shall be on the basis of rates which are reasonable and adequate to meet the costs which are required to be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the cabinet (Kentucky Medical Assistance Program Nursing Facility Reimbursement Manual, dated October 1, 1990 which is hereby incorporated by reference) and supplemented by the use of the Medicare reimbursement principles. The Kentucky Medical Assistance Program Nursing Facility Reimbursement Manual may be reviewed during regular working hours (8 a.m. to 4:30 p.m.) in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office.

Section 4. Implementation of the Payment System. The cabinet's reimbursement system is supported by the Medicare Principles of Reimbursement, with the system utilizing such principles as guidelines in unaddressed policy areas. The cabinet's reimbursement system includes the following specific policies, components or principles:

(1) Prospective payment rates for routine services shall be set by the cabinet on a facility by facility basis, and shall not be subject to retroactive adjustment except as specified in this section, including the provisions contained in subsections (13) and (14) of this section. Prospective rates shall be cost based annually, and may be revised on an interim basis in accordance with procedures set by the cabinet. An adjustment to the prospective rate (subject to the maximum payment for that type of facility) shall be considered only if a facility's increased costs are attributable to one (1) of the following reasons: governmentally imposed minimum wage increases; the direct

effect of new licensure requirements or new interpretations of existing requirements by the appropriate governmental agency as issued in regulation or written policy which affects all facilities within the class; or other governmental actions that result in an unforeseen cost increase. The amount of any prospective rate adjustment shall not exceed that amount by which the cost increase resulting directly from the governmental action exceeds on an annualized basis the inflation allowance amount included in the prospective rate for the general cost area in which the increase occurs. For purposes of this determination, costs shall be classified into two (2) general areas, salaries and other. The effective date of interim rate adjustment shall be the first day of the month in which the adjustment is requested or in which the cost increase occurred, whichever is later.

(2) The prospective rate shall not exceed, on a facility by facility basis, an administratively established maximum payment for that type of facility as applicable (except that ICF-MRs shall have no administratively set upper limit). The state shall set a uniform rate year for NFs and ICF-MRs (July 1 - June 30) by taking the latest cost data available as of May 16 of each year and trending the facility costs to July 1 of the rate year. Appropriate cost report adjustments will be made for the period between July 1, 1990 and October 1, 1990 to account for the fact a nursing facility rate adjustment related to nursing home reform shall be made effective October 1, 1990. (Unaudited, partial year, or budgeted cost data may be used if a full year's audited data is unavailable. Unaudited reports are subject to adjustment to the audited amount. Facilities paid on the basis of partial year or budgeted cost reports shall have their reimbursement settled back to allowable cost, with usual upper limits applied. Facilities whose rates are subject to settlement back to cost will not be included in the arrays until such time as the facilities are no longer subject to cost settlement.) The following specific policies shall be used with regard to determination, application, and exclusion from upper limits.

(a) Nursing facility arrays. For purposes of setting upper limits the freestanding NFs (exclusive of the NF/MRs, NF/IMDs, and NF/pediatric facilities) shall be divided into urban and rural arrays. The urban array shall include all facilities within a standard metropolitan statistical area (SMSA). The rural array shall include all facilities in non-SMSA counties. For purposes of arraying, current multilevel facilities (i.e., SNF and ICF) shall be considered as one (1) facility, and the composite or overall rate for the facility shall be paid for services rendered in either level during the period of time preceding the first survey agency occurring on or after October 1, 1990 (with separate levels ceasing to exist for Medicaid purposes at the time of the first survey). The urban and rural arrays shall be further broken down into a nursing cost center array and an "other cost center" array for each.

(b) Nursing facility upper limits. The following NF upper limits shall be applied:

1. The upper limit for nursing costs for freestanding NFs shall be set at 115 percent of the median of the array of each facility's cost per case mix unit (urban or rural as applicable). The upper limit for "other costs" for freestanding NFs shall be set at 115 percent of the median of the allowable per diem cost array for the facilities (urban or rural as applicable).

2. The upper limit for hospital based nursing facilities shall be set at 125 percent of the appropriate upper limit for freestanding facilities.

3. The upper limit for NF/MRS shall be set at 120 percent of the appropriate upper limit for freestanding facilities.

(c) Exclusions from nursing facility upper limits. The following exclusions from usual NF payment methodology and upper limits shall be applied.

1. Nursing facilities designated as institutions for mental diseases or as pediatric facilities shall be reimbursed at full reasonable and allowable prospective cost.

2. Hospital swing beds shall be paid at the average of NF payments for the preceding calendar year; the swing bed rates shall change effective January 1, 1991 and each January 1 thereafter.

3. Hospital dual licensed beds shall be paid at the hospital based facility upper limits.

4. Facilities recognized as providing ventilator dependent care shall be paid at an all-inclusive fixed rate which shall be equal to projected costs.

5. Facilities which are Medicaid certified head injury units providing preauthorized specialized rehabilitation services for persons with brain injuries shall be paid at an all-inclusive fixed rate which shall be set at $360 per diem.

(d) Other factors relating to costs and upper limit determination.

1. When the cabinet has made a separate rate adjustment as compensation to the facilities for minimum wage updates, the cabinet shall then adjust downward trending and indexing factors to the extent necessary to remove from the factors costs relating to the minimum wage updates already provided for by the separate rate adjustment. The purpose of the adjustment to the factors is to avoid paying the facilities twice for the same costs. When the trending and indexing factors include costs related to a minimum wage increase, the cabinet shall not make a separate rate adjustment, and the minimum wage costs shall not be deleted from the trending and indexing factors.

2. The allowable per diem cost for NFs (excluding swing beds, dual licensed hospital beds, and facilities with all inclusive rates) shall include (through June 30, 1991) thirty-eight (38) cents for nurse aide training; and one (1) dollar and thirty-eight (38) cents for implementation of universal precautions for disease control; and four (4) cents for medical director costs; these allowable cost amounts shall not be subject to adjustment or cost settlement.

3. A special access and treatment fee shall be added to the facility per diem (without regard to upper limits) for each individual identified as having care needs associated with high infectious or communicable diseases with limited treatment potential, such as hepatitis B, methicillin-resistant staphlococcus aureaus (MRSA), acquired immune deficiency syndrome (AIDS), or who test positive for human immuno-deficiency virus (HIV).

4. The maximum payment amounts for the prospective uniform rate year shall be adjusted each July 1 so that the maximum payment amount in effect for the rate year shall be related to the cost reports used in setting the facility rates for the rate year.

5. For purposes of administrative ease in computations, normal rounding may be used in establishing the maximum payment amount, with the maximum payment amount rounded to the nearest five (5) cents. Upon being set, the arrays and upper limits shall not be altered due to revisions or corrections of data except as specified in this subsection.

(3) The reasonable direct cost of ancillary services provided by the facility as a part of total care shall be compensated on a reimbursement cost basis as an addition to the prospective rate except for ventilator therapy and brain injury unit services which shall be paid on the basis of all-inclusive rates. Ancillary services reimbursement shall be subject to a year-end audit, retroactive adjustment and final settlement. Ancillary costs may be subject to maximum allowable cost limits under federal regulations. Any percentage reduction made in payment of current billed charges shall not exceed twenty-five (25) percent, except in the instance of individual facilities where the actual retroactive adjustment for a facility for the previous year reveals an overpayment by the cabinet exceeding twenty-five (25) percent of billed charges, or where an evaluation by the cabinet of an individual facility's current billed charges shows the charges to be in excess of average billed charges for other comparable facilities serving the same area by more than twenty-five (25) percent.

(4) Interest expense used in setting the prospective rate shall be an allowable cost if permitted under Medicare principles and if it meets these additional criteria:

(a) It represents interest on long-term debt existing at the time the vendor enters the program or represents interest on any new long-term debt, the proceeds of which are used to purchase fixed assets relating to the provision of the appropriate level of care. If the debt is subject to variable interest rates found in balloon-type financing, renegotiated interest rates shall be allowable. The form of indebtedness may include mortgages, bonds, notes and debentures when the principal is to be repaid over a period in excess of one (1) year; or

(b) It is other interest for working capital and operating needs that directly relate to providing patient care. The form of such indebtedness may include, but shall not be limited to, notes, advances and various types of receivable financing;

(c) For both paragraphs (a) and (b) of this subsection, interest on a principal amount used to purchase goodwill or other intangible assets shall not be considered an allowable cost.

(5) Compensation to owner/administrators shall be considered an allowable cost provided that it is reasonable, and that the services actually performed are a necessary function. Compensation shall include the total benefit received by the owner for the services he renders to the institution, excluding fringe benefits routinely provided to all employees and the owner/administrator. Payment for services requiring a licensed or certified professional performed on an intermittent basis shall not be considered a part of compensation. "Necessary function" means that had the owner not rendered services pertinent to the operation of the institution, the institution would have had to employ another person to perform the service. Reasonableness of compensation shall be based on total licensed beds (all levels). Compensation for owners and nonowner administrators (except for nonowner administrators of intermediate care facilities for the mentally retarded and dual licensed pediatric facilities) shall not exceed the amounts specified in the Nursing Facility Reimbursement Manual.

(6) The allowable cost for services or goods purchased by the facility from related organizations shall be the cost to the related organization, except when it can be demonstrated that the related organization is in fact equivalent to any other second party supplier, i.e., a relationship for purposes of this payment system is not considered to exist. A relationship shall be considered to exist when an individual (or individuals) possesses five (5) percent or more of ownership or equity in the facility and the supplying business; however, an exception to the relationship shall be determined to exist when fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(7) The amount allowable for leasing costs shall not exceed the amount which would be allowable based on the computation of historical costs, except that for nursing facilities entering into lease/rent arrangements as intermediate care facilities prior to April 22, 1976, intermediate care facilities for the mentally retarded entering into lease/rent arrangements prior to February 23, 1977, and nursing facilities entering into lease/rent arrangements as skilled nursing facilities prior to December 1, 1979, the cabinet shall determine the allowable costs of such arrangements based on the general reasonableness of such costs.

(8) Certain costs not directly associated with patient care shall not be considered allowable costs. Costs which shall not be allowable include political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), specified vehicle costs as shown in the Kentucky Medical Assistance Program Nursing Facility Reimbursement Manual, and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs unless such costs are incurred by administrators or owners.

(9) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the following methods shall be used for changes of ownership occurring before July 18, 1984:

(a) Determine the actual gain on the sale of the facility.

(b) Add to the seller's depreciated basis two-thirds (2/3) of one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to

arrive at the purchaser's cost basis.

(c) Gain shall be defined as any amount in excess of the seller's depreciated basis as computed under program policies at the time of the sale, excluding the value of goodwill included in the purchase price.

(d) A sale shall be any bona fide transfer of legal ownership from an owner(s) to a new owner(s) for reasonable compensation, which shall usually be fair market value. Lease-purchase agreements or other similar arrangements which do not result in transfer of legal ownership from the original owner to the new owner shall not be considered sales until legal ownership of the property is transferred.

(e) If an enforceable agreement for a change of ownership was entered into prior to July 18, 1984, the purchaser's cost basis shall be determined in the manner set forth in paragraphs (a) through (d) of this subsection.

(10) Notwithstanding the provisions contained in subsection (9) of this section, or in any other section or subsection of this regulation or the "Kentucky Medical Assistance Program Nursing Facility Reimbursement Manual," the cost basis for any facility changing ownership on or after July 18, 1984 (but not including changes of ownership pursuant to an enforceable agreement entered into prior to July 18, 1984 as specified in subsection (9)(e) of this section) shall be determined in accordance with the methodology set forth herein for the reevaluation of assets of skilled nursing and intermediate care facilities.

(a) No increase shall be allowed in capital costs.

(b) The allowable historical base for depreciation for the purchaser shall be the lesser of the allowable historical cost of the seller less any depreciation allowed to the seller in prior periods, or the actual purchase price.

(c) The amount of interest expense allowable to the purchaser shall be limited to the amount that was allowable to the seller at the time of the sale.

(11) Each facility shall maintain and make available any records (in a form acceptable to the cabinet) which the cabinet may require to justify and document all costs to and services performed by the facility. The cabinet shall have access to all fiscal and service records and data maintained by the provider, including unlimited on-site access for accounting, auditing, medical review, utilization control and program planning purposes.

(12) The following shall apply with regard to the annual cost report required of the facility:

(a) The year-end cost report shall contain information relating to prior year cost, and shall be used in establishing prospective rates and setting ancillary reimbursement amounts.

(b) New items or expansions representing a departure from current service levels for which the facility requests prior approval by the program shall be so indicated with a description and rationale as a supplement to the cost report.

(c) Cabinet approval or rejection of projections or expansions shall be made on a prospective basis in the context that if expansions and related costs are approved they shall be considered when actually incurred as an allowable cost. Rejection of items or costs shall represent notice that such costs shall not be considered as part of the cost basis for reimbursement. Unless otherwise specified, approval shall relate to the substance and intent rather than the cost projection.

(d) When a request for prior approval of projections or expansions is made, absence of a response by the cabinet shall not be construed as approval of the item or expansion.

(13) The cabinet shall perform a desk review of each year-end cost report and ancillary service cost to determine the necessity for and scope of a field audit in relation to routine and ancillary service cost. If a field audit is not necessary, the report shall be settled without a field audit. Field audits shall be conducted when determined necessary. A desk review or field audit shall be used for purposes of verifying cost to be used in setting the prospective rate or for purposes of adjusting prospective rates which have been set based on unaudited data; audits may be conducted annually or at less frequent intervals. An audit of ancillary cost shall be conducted as needed.

(14) Year-end adjustments of the prospective rate and a retroactive cost settlement shall be made when:

(a) Incorrect payments have been made due to computational errors (other than the omission of cost data) discovered in the cost basis or establishment of the prospective rate.

(b) Incorrect payments have been made due to misrepresentation on the part of the facility (whether intentional or unintentional).

(c) A facility is sold and the funded depreciation account is not transferred to the purchaser.

(d) The prospective rate has been set based on unaudited cost reports and the prospective rate is to be adjusted based on audited reports with the appropriate cost settlement made to adjust the unaudited prospective payment amounts to the correct audited prospective payment amounts.

(15) The cabinet may develop and utilize methodology to assure an adequate level of care. Facilities determined by the cabinet to be providing less than adequate care may have penalties imposed against them in the form of reduced payment rates.

(16) Each facility shall submit the required data for determination of the prospective rate no later than sixty (60) days following the close of the facility's fiscal year. This time limit may be extended at the specific request of the facility (with the cabinet's concurrence).

(17) Allowable prior year cost, trended to the beginning of the rate year and indexed for inflation, shall be subject to adjustment based on a comparison of costs with the facility's occupancy rate (i.e., the occupancy factor) as determined in accordance with procedures set by the cabinet. The occupancy rate shall not be less than actual bed occupancy, except that it shall not exceed ninety-eight (98) percent of certified bed days (or ninety-eight (98) percent of actual bed usage days, if more, based on prior year utilization rates). The minimum occupancy rate shall be ninety (90) percent of certified bed days for facilities with less than ninety (90) percent certified bed occupancy. The cabinet may impose a lower occupancy rate for newly constructed or newly participating facilities, or for existing facilities suffering a patient census decline as a result of a competing facility newly constructed or opened serving the same area. The cabinet may impose a lower occupancy rate during the first two (2)

full facility fiscal years an existing skilled nursing facility participates in the program under this payment system.

(18) Qualifying nursing facilities (but not including swing beds, dual licensed hospital beds, IMDs, pediatric facilities, and facilities with all-inclusive rates) shall earn a cost savings incentive (CSI). Facilities qualifying for the CSI (except for NF/MRSs) shall be those facilities whose rate within the applicable cost array is not in excess of 110 percent of the median of the array. The CSI shall be computed at ten (10) percent of the difference between the facility's cost and the upper limit for the array with the CSI amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array. NF/MRSs shall qualify for the CSI when the NF/MRS has costs less than the NF/MRS upper limit, and the CSI shall be ten (10) percent of the difference between the facility rate and the upper limit for the class of facility with the CSI amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array.

(19) Intermediate care facilities for the mentally retarded may qualify for a cost incentive and investment factor (CIIF) allowance based on a comparison of the facility rate with the CIIF schedule shown in this subsection. No return for investment risk shall be made to nonprofit facilities, and publicly owned and operated facilities shall not receive the incentive or investment return. Cost incentive and investment schedule for intermediate care facilities for the mentally retarded:

(Effective 10-1-90)

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$96.99 & below	$1.38	$.87
97.00 -102.99	1.29	$.75
103.00 -108.99	1.18	$.62
109.00 -114.99	1.06	$.47
115.00 -120.99	.92	$.31
121.00 -126.99	.76	$.13
127.00 -133.49*	.53	-

*There is no maximum payment limit for intermediate care facilities for the mentally retarded.

(20) Hold harmless. The NFs (but not including swing beds or dual licensed hospital beds) shall be entitled to a "hold harmless" amount for the period from October 1, 1990 through June 30, 1992. This hold harmless amount shall be the amount, if any, by which the July 1, 1990 allowable facility rate plus an adjustment for ancillary costs shifted to routine costs (less a nurse aide training per diem allowance of one (1) dollar and twenty (20) cents) exceeds the allowable facility rate as computed on October 1, 1990 and July 1, 1991 (excluding the revised nurse aide training per diem allowance and other per diem add-ons in recognition of OBRA 87 requirements) under the revised reimbursement system. For hold harmless purposes, the July 1, 1990 rate shall be increased by an inflation allowance using the appropriate data resources, incorporated index for inflation.

(21) An adjustment shall be made to the usual rate for ICF-MRs, IMDs, and pediatric facilities to account for those medical supplies, catheters, syringes, and diapers not payable under the pharmacy program (and no longer payable as ancillaries under the nursing facility payment system) which are thus included under the routine cost category.

(22) Case-mix. The nursing costs for each facility shall be divided by the average case weight (as measured by each patient's needs with regard to activities of daily living and special needs using a standardized measurement as shown in the Nursing Facility Reimbursement Manual with a range from one (1.0) (lowest level of intensity) to 4.12 (highest level of intensity) to derive the facility average case unit cost. The average case weight for the period October 1, 1990 through June 30, 1991 shall be based on Medicaid patient level of care determinations made during the period July 1, 1990 through September 30, 1990 for each facility. (The peer review organization (PRO) shall first determine whether a patient is high-intensity, low-intensity, or neither. For patients meeting patient status (high or low-intensity), the PRO will then determine the case weight). The average case weight thereafter shall be based on all level of care determinations made during the period covered by the cost report (or as appropriate the most recent period available or a projection if a fully or partial cost report is not available). The facility nursing rate shall be adjusted for each quarter throughout the year and shall be the product of the average case unit cost (subject to upper limits and with the CSI adjustment as appropriate) times the average case weight for the prior quarter (as determined using standard methodology and point-in-time analysis). The actual facility payment amount for nursing care shall thus be subject to adjustment each calendar quarter based on changes in facility average case weight, though the average case unit cost (based on prior year costs) remains the same.

(23) Nursing home reform costs. Effective October 1, 1990 and thereafter, facilities shall be required to request preauthorization for costs that must be incurred to meet nursing home reform costs in order to be reimbursed for the costs. The preauthorization request shall show the specific reform action that is involved and appropriate documentation of necessity and reasonableness of cost. Upon authorization by the Medicaid agency, the cost shall be allowable. A request for a payment rate adjustment may then be submitted to the Medicaid agency with documentation of actual cost incurred. The allowable additional amount shall then be added on the facility's rate (effective with the date the additional cost was incurred) without regard to upper limits or the CSI factor (i.e., the authorized nursing home reform cost shall be passed through at 100 percent of reasonable and allowable cost). Preauthorization shall not be required for nursing home reform costs incurred during the period July 1, 1990 through September 30, 1990; however, the actual costs incurred shall be subject to tests of reasonableness and necessity and shall be fully documented at time of the request for rate adjustment. Facilities may request multiple preauthorizations and rate adjustments (add-ons) as necessary for implementation of nursing home reform. Facility costs incurred prior to July 1, 1990 shall not (except for the costs previously

recognized in a special manner, i.e., the universal precautions add-on and the nurse aide training add-on) be recognized as being nursing home reform costs. The special nursing home reform rate adjustment shall be requested using forms and methods specified by the agency. A nursing home rate adjustment shall be included within the cost base for the facility in the rate year following the rate year for which the adjustment was allowed. No interim rate adjustments for nursing home reform shall be allowed for periods after June 30, 1992.

Section 5. Prospective Rate Computation. The prospective rate for each facility (taking into account the factors described in this regulation and the case mix methodology shown in the Nursing Facility Reimbursement Manual) shall reflect the following:

(1) The adjusted allowable cost for the facility;

(2) Adjustments to allowable cost related to occupancy;

(3) Adjustments to allowable cost related to application of upper limits;

(4) Adjustments to allowable cost related to application of the cost savings incentive factor, or for ICF-MRs, the cost incentive and investment schedule;

(5) Rates shall be recomputed quarterly based on revisions in the case mix assessment classification which affects the nursing services component as described in the Nursing Facility Reimbursement Manual; however, the cost basis and the upper limits shall be revised annually using the latest available cost reports and assessments from each provider;

(6) Adjustments as appropriate for costs shifted from ancillary to routine;

(7) Nursing home reform adjustments; and

(8) Hold harmless adjustments.

Section 6. Reimbursement Review and Appeal. Participating facilities may appeal cabinet decisions as to application of the general policies and procedures in accordance with the following:

(1) First recourse shall be for the facility to request in writing to the Director, Division of Reimbursement Operations, a reevaluation of the point at issue. This request shall be received within forty-five (45) days following notification of the prospective rate or forwarding of the desk review or audited cost report by the program. The director shall review the matter and notify the facility of any action to be taken by the cabinet (including the retention of the original application of policy) within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, if one is held, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) Second recourse shall be for the facility to request in writing to the Commissioner, Department for Medicaid Services, a review by a standing reimbursement review panel to be established by the commissioner. This request must be postmarked within twenty (20) days following notification of the decision of the Director, Division of Reimbursement Operations. Such panel shall consist of three (3) members: one (1) member from the Division of Reimbursement Operations, one (1) member from the Kentucky Association of Health Care Facilities, and one (1) member from the Department for Medicaid Services (but not within the Division of Reimbursement Operations) as designated by the Commissioner, Department for Medicaid Services, with such designated member to act as chairperson of the review panel. A date for the reimbursement review panel to convene shall be established within twenty (20) days after receipt of the written request. The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue. In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances in order to provide for equitable treatment and reimbursement of the provider. The attendance of the representative of the Kentucky Association of Health Care Facilities at review panel meetings shall be at the cabinet's expense.

Section 7. Implementation Date. The provisions of this regulation shall be effective with regard to payments for services provided on or after October 1, 1990.

Section 8. 907 KAR 1:036, Amounts payable for skilled nursing and intermediate care facility services, is hereby repealed.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 4, 1990 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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 nursing facilities and intermediate care facilities for the mentally retarded 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:
1. First year: $14.3 million (costs)
2. Continuing costs or savings: $14.3 million (costs)
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: None
(3) Assessment of anticipated effect on state and local revenues: None
(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:
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

907 KAR 1:102. Advanced registered nurse practitioner services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a, b, c, d
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of medical assistance. The cabinet, by regulation, shall comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to advanced registered nurse practitioner services for which payment shall be made by the Medical Assistance Program in behalf of both the categorically needy and the medically needy.

Section 1. Advanced Registered Nurse Practitioner (ARNP) Services. (1) Covered services shall include those furnished by a licensed participating advanced registered nurse practitioner (ARNP) to eligible medical assistance recipients through direct patient contact. Services shall be those which are within the scope of their practice as a licensed ARNP so long as the services are covered in the Medicaid program.
(2) Advanced registered nurse practitioners participating as nurse-midwifes or nurse anesthetists shall also comply with 907 KAR 1:095, Payment for nurse-midwife services; 907 KAR 1:100, Nurse-midwife services; 907 KAR 1:200, Nurse anesthetists' services; and 907 KAR 1:210, Payments for nurse anesthetists, as appropriate.

Section 2. Participation Requirements. An ARNP desiring to participate in the Medical Assistance Program shall:
(1) Meet all applicable requirements of state laws and conditions for practice as a licensed ARNP. A current copy of the ARNP's license shall accompany each participation application;
(2) Enter into a provider agreement with the Cabinet for Human Resources, Department for Medicaid Services to provide ARNP services; and
(3) Provide and bill for the services in accordance with the terms and conditions of the provider participation agreement.

Section 3. Service Limitations. (1) Limitations applicable with regard to services provided by physicians (as described in 907 KAR 1:009) shall also be applicable with regard to ARNPs.
(2) Immunizations provided by ARNPs are not covered.
(3) When an ARNP and a physician perform the same service on the same day within a common practice, only one (1) of the services shall be covered.
(4) When an ARNP provides and bills an office visit, an office visit or consultation by a physician in a common practice with the ARNP for a visit by the same patient on the same day is not covered. When a physician(s) provides and bills an office visit, an office visit or consultation by an ARNP in a common practice with the physician for a visit by the same patient on the same day is not covered.
(5) When an ARNP refers a patient to a physician based on medical necessity, the necessity for the referral shall be documented in the patient's record or chart.

Section 4. Implementation Date. Coverage for services under this regulation shall be implemented for services performed by a participating advanced registered nurse practitioner on or after October 1, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 5, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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: 227 advanced registered nurse practitioners.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: *
1. First year:
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: *Costs reflected in companion payment regulation 907 KAR 1:104.
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

907 KAR 1:104. Payments for advanced registered nurse practitioner services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a, b, c, d, 42 USC 447.200
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of medical assistance. The cabinet, by regulation, shall comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for advanced registered nurse practitioners.

Section 1. General Requirements Relating to Payments. Participating licensed advanced registered nurse practitioners shall be paid only for covered services rendered to eligible medical assistance recipients which are within the scope of their practice as a licensed advanced registered nurse practitioner.

Section 2. Payments. (1) For services provided on or after October 1, 1990, licensed participating advanced registered nurse practitioners shall be reimbursed at usual and customary actual billed charges up to the fixed upper limit per procedure established by the cabinet at seventy-five (75) percent of the physicians' fixed upper limit per procedure.
(2) An ARNP employed by a primary care center, federally qualified health center, or comprehensive care center shall not bill directly.

Section 3. This regulation shall be effective with regard to services provided on and after October 1, 1990.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 28, 1990
FILED WITH LRC: October 5, 1990 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on November 21, 1990 at 9 a.m. in the Department for Employment Services Conference Room, Second Floor West, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by November 16, 1990, five days prior to 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: 227 advanced registered nurse practitioners.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings:
1. First year: $500,000 (cost).
2. Continuing costs or savings: $800,000 (cost).
3. Additional factors increasing or decreasing costs: Additional providers and services provided in the second year.
(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:

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

REPRINT

COMPILER'S NOTE: The following regulation is being reprinted to show the inclusion of the words "or charges" in Section 1. This change was proposed by the agency after the regulation was amended after hearing, but did not appear in the Administrative Register.

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

907 KAR 1:015. Payments for hospital outpatient services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520 empowers the cabinet, by regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation sets forth the method for determining amounts payable by the cabinet for hospital outpatient services.

Section 1. Outpatient Hospital Services. For services provided on or after July 1, 1990, [In accordance with the provisions of 42 CFR 447.321,] the cabinet shall reimburse participating hospitals for outpatient services at the rate of sixty-five (65) percent of usual and customary charges billed to the Medical Assistance Program with a [. There is no] settlement (except for out-of-state hospitals) to the lower of [the lower of] cost or charges [, if lower,] at the year end. [or charges, nor may] Charges or costs shall not be transferred between the inpatient and outpatient service units. **Laboratory services shall be paid based on the Medicare allowable payment rates as specified in 907 KAR 1:029, Payments for laboratory services. For laboratory services with no established allowable payment rate, the payment shall be based on sixty-five (65) percent of usual and customary actual billed charges with no settlement to cost.**

[Section 2. The payment provisions shown in Section 1 of this regulation shall be effective for services provided on or after July 1, 1988.]

ROY BUTLER,, Commissioner
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: September 4, 1990
FILED WITH LRC: September 5, 1990 at noon

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the October 11 & 12, 1990 Meeting

The October meeting of the Administrative Regulation Review Subcommittee was held on Thursday, October 11, 1990 at 10 a.m. and on Friday, October 12, 1990 at 10 a.m. in Room 110 of the Capitol Annex. Representative Mark D. O'Brien, Chairman, called the meeting to order, and the secretary called the roll. The minutes of the September 12 & 13, 1990 meeting were approved.

Present October 11, 1990 were:

Members: Representative Mark D. O'Brien, Chairman; Senators Gene Huff, Pat McCuiston, and Bill Quinlan; Representatives Jim Bruce, Tom Kerr and Ronny Layman.

Present October 12, 1990 were:

Members: Representative Mark D. O'Brien, Chairman; Senators Gene Huff and Bill Quinlan; Representatives Jim Bruce, Ronny Layman and Tom Kerr.

Guests: Representative John Harper; Charlotte Mullins, George Russell, Carla Arnold, State Board of Elections; Arthur Hatterick, Jr., Personnel Board; Tommy Greenwell, Chuck Vineyard, Dan Egbers, Department of Personnel; Scott Akers, Ray Kring, Revenue Cabinet; Douglas Clapper, Board of Barbering; Nancy Brinly, Board of Physical Therapy; Tom Young, Mac Lang, Department of Fish and Wildlife Resources; Alan Hamilton, Mike Noyes, Roger Nesbitt, Department of Agriculture; David W. Phillips, John Hornback, Jack A. Wilson, Catherine Hargraves, Maxine Goebel, John T. Smither, Kay Harker, Division of Water; Linda Stacy, Betty Beshoar, Pat Haight, Division of Waste Management; Chris Johnson, Coleman R. Gilbert, Mark Bubenzer, Justice Cabinet; Sandy Pullen, Transportation Cabinet; Gary Bale, Debbie Hendricks, Rita Osborne, Diane Teasley, Beth Hargett, Debbie Schumacher, Randall T. Butler, Perry Watson, Clarence Salyer, Department of Education; Earl Baldwin, Linda D. Kuhnhenn, Eastern Kentucky University; George Parsons, John T. Barker, Kathy Williams, Department of Vocational Rehabilitation; Patrick Watts, Department of Insurance; Lee M. MacCracken, George Edward Overbey, Phyllis Fannin, Michael Alexander, Jack Kaninberg, Susan Smith, Public Service Commission; John Gray, Cindy Schweickart, Jayne M. Arnold, Commission for Health Economics Control; Janice Kline, Anita Moore, Barbara Coleman, Michael Cheek, Jeanne Southworth, Karen Doyle, Don Hughes, Ked Fitzpatrick, Sharon McClellan, Jerry Whitley, Cabinet for Human Resources; Bradley Smith, Arnold Thurman, Sam Crawford, Kentucky Farm Bureau Insurance; Sara Nicholson, Kentucky Hospital Association; Ted Bradshaw, Independent Insurance Agents of Kentucky; Robert Spurlin, Kentucky Central Insurance; Sherry Yager, Capital Holding; John Underwood, Kentucky Association of Health Care Facilities; Joseph E. Smith, Alliant Health Systems; Gary Larimore, Ky. Rural Water Association; Gil McCarty, P.I.E. Mutual Insurance Company; Marnel Moorman, David Allen, Kentucky Education Association.

LRC Staff: Susan Wunderlich, Joe Hood, Gregory Karambellas, Donna Pierce, Peggy Jones, Susan Eastman, Mark York, and Tom Willis.

The Subcommittee determined that the following administrative regulation does not comply with statutory authority:

Education and Humanities Cabinet: Department of Education: Office of School Administration and Finance: School Terms, Attendance, and Operation

702 KAR 7:100 (Elegibility of fifth and sixth graders for participation on more than one team at the same time.) Upon motion by Representative Layman, the Subcommittee approved the motion that this regulation be found deficient on the grounds that the eligibility decision should be made at the local level.

Public Protection and Regulation Cabinet: Department of Insurance: Trade Practices and Frauds

806 KAR 12:094 (Unfair property and casualty insurance claims settlement practices.) Representative Kerr stated that: (1) the Supreme Court ruled that there was a private cause of action under the Unfair Claims Settlement Practices Act and the Consumer Protection Act; (2) the NAIC Model regulation, upon which this regulation is based, provides that this regulation is not appropriate for a state that allows a private cause of action; (3) the regulation, itself, makes the same statement and provides that it is simply "guidance", and (4) it is not clear what the agency intends by its regulation. He added that he did not question the contents of the regulation or the duty of the Department to implement its statutory mandate. Representative Kerr added that the statutory authority to promulgate this regulation was not clear, and that the General Assembly needs to review the Supreme Court ruling to determine what legislation is necessary. Since a motion that the regulation did not comply with statutory authority would ensure legislative review, Representative Kerr made, and the Subcommittee approved, a motion that this regulation did not comply with statutory authority.

Cabinet for Human Resources: Department for Health Services: Health Services and Facilities

902 KAR 20:006 (Certificate of need process.) Comments relating to this regulation were submitted by the Kentucky Hospital Association; Alagia, Day, Marshall, Mintmire & Chauvin; and other interested parties. The agency proposed the following amendments: (1) Sections 4(2) and 8(4)(f) were amended to comply with the drafting requirements of KRS 13A.222(4); (2) Section 4(13) was amended to require notification of an applicant of final action on a CON application by regular mail rather than certified mail; (3) Section 10 was amended by adding a new subsection (4) to provide that a public hearing may be requested within 30 days of the Commission's notification to those affected of its final determination on a request for an advisory opinion; (4) Section 6(1) was amended to provide that nonsubstantive review status also could be granted in emergency circumstances that require immediate action because of a threat to patient life, health and safety. In addition, applicants would be permitted to alleviate the threat to patient life, health and safety prior to nonsubstantive review, if

application for nonsubstantive review is submitted within 30 days of the emergency. Representative Kerr stated that the time within which a decision shall be made on a reconsideration request had been deleted from applicable statutes during the 1990 Regular Session. He added that the regulation did not specify when requests for reconsideration shall be acted on by the Commission. Representative Kerr proposed an amendment to Section 5 that would require the Commission to consider reconsideration requests no later than 30 days following receipt of the requests and to make a decision no later than 30 days following the public hearing on the request. The Subcommittee and the agency were in agreement on these amendments. The Subcommittee approved a motion amending the regulation as provided above.

Chairman O'Brien stated that comments had been received requesting amendments to many of the sections of this regulation, including: Section 2, relating to quality of services; Section 4, relating to batching review cycles, and to the requirement that letters of intent be filed in cases where the statute does not require the filing of letters of intent to initiate action it permits; Section 8 relating to progress reports for certificates of need issued for specific service areas; and Section 9, relating to the requirement to notify the Commission of intent to offer services when such services are exempt from CON review.

Chairman O'Brien asked agency personnel if it had amendments relating to the items specified in the paragraph above. Agency personnel stated that it did not. Chairman O'Brien asked if agency personnel had agreed to amendments relating to these items to be offered at another legislative subcommittee meeting at which this regulation would be considered. Agency personnel stated that they were aware of additional amendments that had been discussed and would be offered at another legislative subcommittee meeting.

Chairman O'Brien stated that the Subcommittee and its staff had spent a great deal of time considering this regulation and all parties' comments and requests. Chairman O'Brien, Representatives Kerr and Bruce pointed out that action may be taken by another legislative subcommittee, as provided by the two committee review under KRS Chapter 13A. They added that the second subcommittee did not acquire jurisdiction over a regulation until after it had been reviewed by the Subcommittee, and had been referred to it by LRC. Since a regulation could be amended at a meeting of the Administrative Regulation Review Subcommittee, the second subcommittee could not know in advance the exact nature of the regulation that would be referred to it, until it is referred to it. Premature negotiations with an agency would often be pointless. If an agency decided to wait until a regulation was referred to the second subcommittee, and if members of the second subcommittee negotiated changes before the review by this Subcommittee, this would subvert the intent of KRS Chapter 13A. It would also result in preventing this Subcommittee from thoroughly discussing issues raised or proposing amendments to resolve the issues. This would deprive the Subcommittee, the public, and other interested parties of the hearing and action required by KRS Chapter 13A. Representative Bruce stated that a regulation is not automatically referred to a specific committee after it has been considered by the Subcommittee; that LRC would determine to which committee the regulation would be referred; that the subject matters normally assigned to the Interim Joint Committee on State Government could include the subject matter of this proposed regulation. He added that referral to the Interim Joint Committee on State Government would ensure that the regulation was referred to an unbiased subcommittee.

The Subcommittee approved a motion that: (1) this regulation did not comply with statutory authority; and (2) the Subcommittee recommends that this regulation be referred to the Interim Joint Committee on State Government.

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

Commerce Cabinet: Department of Agriculture: Fairs and Shows

302 KAR 15:010 (Administration; state aid to local fairs.) This regulation was amended to conform to the drafting requirements of KRS 13A.222 and to incorporate a required form by reference. Section 3(1) was amended to read "official groups recognized by the extension service or the Office of Secondary Vocational Education" rather than "groups recognized by the Fair Council" relating to qualification for state funds.

Agricultural Marketing

302 KAR 38:010 (Agricultural product logo program.) This regulation was amended to incorporate a required form by reference. Also, statutory cites were corrected.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water: Public Water Supply

The following administrative regulations contain provisions found in regulations that were declared deficient during the 1988-1990 Interim. The basis for the finding of deficiency was restricted to the fees established in those regulations. It was pointed out, and the Subcommittee accepted that, although these regulations were similar to the expired regulations, they do not contain any material that gave rise to the finding of deficiency.

Each of these administrative regulations was amended to delete the sections that repealed regulations that had expired pursuant to KRS 13A.330. Under KRS Chapter 13A, the Regulations Compiler expunges these administrative regulations. Expiring and being removed by operation by law precludes the necessity for a repeal by the agency.

Additional amendments are noted with each regulation.

401 KAR 8:100 (Design, construction and approval of new or modified facilities.) This administrative regulation was amended to conform to the drafting requirements of KRS 13A.222(4)(b), and KRS 13A.225(1)(a). The agency proposed an amendment to Section 1(5)(b). As originally filed, a professional engineer's seal was not required for: (1) plans and specifications for semipublic water supplies, or public water system projects, for repair or maintenance of existing systems that did not exceed $2,000 in cost; or (2) public water

systems projects for construction, repair or maintenance of a new facility costing less than $25,000. Section 1(5)(b) was amended to provide that a professional engineer's seal is not required on plans and specifications for semipublic water supplies, or public water supply projects, in which expenditures for "the completed project" do not exceed $2,000.

401 KAR 8:150 (Disinfection and filteration.) Section 1(1) was amended to make it clear that chlorine residuals shall be reported monthly.

401 KAR 8:200 (Microbiological and turbidity monitoring.)

401 KAR 8:250 (Inorganic chemical sampling, analytical techniques and maximum contaminant levels.) This regulation was amended to conform to the drafting requirements of KRS 13A.222(4)(b).

401 KAR 8:350 (Corrosivity monitoring.) This regulation was amended to conform to the drafting requirements of KRS 13A.222(4)(b).

401 KAR 8:400 (Organic chemicals.)

401 KAR 8:420 (Volatile organic chemicals.) This regulation was amended to correct the citation of a federal regulation. Chairman O'Brien suggested that agency personnel meet with Subcommittee staff to review the citation of federal regulations, and other statutory authority, in this and other regulations. Agency personnel agreed. When the proper format is agreed upon, the agency will file the necessary amendments. An alternative amendment appears to have been suggested by the agency. The first amendment, changing the citation to 40 CFR 141.24, rather than the alternative, was made.

401 KAR 8:500 (Disinfection by-products.)

401 KAR 8:550 (Radionuclides.)

401 KAR 8:600 (Secondary standards.)

Education and Humanities Cabinet: Department of Education: Office of School Administration and Finance: School Terms, Attendance, and Operation

702 KAR 7:050 (Attendance; resident, nonresident.) Section 2(1) was amended to change the cite of "Section 4" to "Section 3". This was merely a typographical error.

Workforce Development Cabinet: Department of Vocational Rehabilitation: Administration

781 KAR 1:030 (Order of selection and economic need tests for vocational rehabilitation services.) Section 2(2)(j) was amended to add after "Supported employment services" the words "except as provided in subsection (1) of this section", relating to an economic needs test.

Public Service Commission: Utilities

807 KAR 5:058 (Integrated resource planning by electric utilities.) This administrative regulation was amended to provide the correct statutory authority citation; to provide a schedule for filing initial integrated resource plans by utilities; and to comply with the drafting requirements of KRS 13A.222.

Cabinet for Human Resources: Department for Social Insurance: Division of Management and Developement: Public Assistance

904 KAR 2:015 (Supplemental programs for the aged, blind and disabled.) The material incorporated by reference in this regulation was amended to provide information on forms for notification of decisions to facilities; and to amend Section 8(2) to provide that individuals with a medical history of previous psychiatric hospitalization are required to meet the criteria of mental illness regardless of the present diagnosis.

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

State Board of Elections: Forms and Procedures

31 KAR 4:010 (Voter identification cards.)

31 KAR 4:020 (Election costs, county clerk reimbersement form.)

31 KAR 4:030 (Reporting forms.)

31 KAR 4:040 (Special ballots cast in county clerk's office.)

31 KAR 4:050 (Removal procedure for precinct election officers.)

Personnel Board: Personnel Rules

101 KAR 1:325 (Probationary periods.)

Revenue Cabinet: General Administration

103 KAR 1:010 (Protests and appeals.)

Income Tax; Individual

103 KAR 17:041 (Tax deferral for combat zone service.)

103 KAR 25:081 (Sales tax collection; bracket system.)

103 KAR 25:091 (Use tax collection; bracket system.)

Sales and Use Tax; Service and Professional Occupations

103 KAR 26:070 (Construction contractors.)

Sales and Use Tax; Miscellanious Retailer Occupations

103 KAR 27:100 (Motor vehicles, mobile homes and trailers.)

Sales and Use Tax; Miscellanious Retail Transactions

103 KAR 28:051 (Leases and rentals.)

Sales and Use Tax; General Exemptions

103 KAR 30:140 (Energy and energy-producing fuels.)

103 KAR 30:200 (Occasional sales; sale of business.)

Sales and Use Tax; Administration and Accounting

103 KAR 31:011 (Methods of accounting for and remitting tax.)

103 KAR 31:080 (Coupons or redemption certificates.)

103 KAR 31:111 (Sales and purchases for resale.)

General Government Cabinet: Board of Barbering

201 KAR 14:100 (School advertising.)

201 KAR 14:130 (School fees for services.)

201 KAR 14:140 (School license.)

Board of Physical Therapy

201 KAR 22:031 (Therapist's licensing procedure.)

Tourism Cabinet: Department of Fish and Wildlife Services: Game

301 KAR 2:185 (Hunter education training.)

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water: Sanitary Engineering

401 KAR 6:320 (Certification of water well drillers.)

Public Water Supply
401 KAR 8:010 (Definitions.)
401 KAR 8:020 (Public and semipublic water supplies; general provisions.)
401 KAR 8:030 (Water treatment plants; water distribution systems; certification of operators.)
401 KAR 8:040 (Laboratory certification.)
401 KAR 8:050 (Fees.) It was pointed out that this administrative regulation replaced 401 KAR 6:015, and other regulations, that were found deficient during the 1988-90 Interim. This regulation contains only the fee structure portion of the previous regulations. Members of the Subcommittee questioned agency personnel on the nature and amount of appropriations enacted during the 1990 Regular Session, and on the specific fees and increases or decreases in the fees.
401 KAR 8:060 (Variances and exemptions.)
401 KAR 8:070 (Public notification.)
401 KAR 8:300 (Lead.)
401 KAR 8:440 (Special testing for unregulated synthetic organic chemicals.)
401 KAR 8:650 (Supplemental fluoridation.)
401 KAR 8:700 (Bottled water.)
Division of Waste Management: Standards Applicable to Generators of Hazardous Waste
401 KAR 32:030 (Pretransport requirements.)
Standards for Owners and Operators of Hazardous Waste Storage, Treatment and Disposal Facilities
401 KAR 34:120 (Liability requirements.)
401 KAR 34:250 (Miscellaneous units.)
Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities
401 KAR 35:120 (Liability requirements (IS).)
Hazardous Waste Permitting Process
401 KAR 38:040 (Changes to permits; expiration of permits.)
401 KAR 38:230 (Specific Part B requirements for miscellaneous units for disposal.)

Justice Cabinet: Juvenile Detention Facilities
500 KAR 6:210 (Application for construction, expansion or renovation.)
500 KAR 6:220 (Registration.)

Transportation Cabinet: Department of Vehicle Regulation: Motor Vehicle Tax
601 KAR 9:074 (Kentucky highway use license, records and taxes.)
601 KAR 9:140 (Temporary registration plates.)
Department of Highways: Traffic
603 KAR 5:105 (Annual permits for moving wood trusses.)

Education and Humanities Cabinet: Department of Education: Office of School Administration and Finance: School District Finance
702 KAR 3:190 (Maximum class sizes.)
Pupil Transportation
702 KAR 5:150 (Transportation of preschool children.)
School Terms, Attendence and Operation
702 KAR 7:065 (Designation of agent to manage high school interscholastic athletics.)
Office of Instruction: Instructional Services
704 KAR 3:035 (Annual professional development plan.)
Office of Education for Exceptional Children: Exceptional and Handicapped Programs
707 KAR 1:041 (Programs for deaf-blind children.)
707 KAR 1:045 (State plan for promotion of education of the blind.)
707 KAR 1:052 (Programs for children with communication disorders.)
707 KAR 1:053 (Programs for physically handicapped and other health impaired children.)
707 KAR 1:054 (Programs for the emotionally disturbed; behavior disordered.)
707 KAR 1:055 (Programs for home and hospital instruction.)
707 KAR 1:056 (Programs for children with specific learning disabilities.)
707 KAR 1:057 (Programs for mentally handicapped children.)
707 KAR 1:058 (Programs for multiple handicapped children.)
707 KAR 1:059 (Programs for visually handicapped children.)
707 KAR 1:070 (Nonpublic school program approval.)
707 KAR 1:080 (Appeals board.)

Eastern Kentucky University: Board of Regents
775 KAR 1:010 (Acquisition and disbursement of funds, accounting system-records and annual report.)
775 KAR 1:020 (Delegation of financial management responsibility.)
775 KAR 1:030 (Annual audit.)
775 KAR 1:040 (Purchase - inventories - sales of surplus property procedures.)
775 KAR 1:050 (Issuance of bonds.)
775 KAR 1:060 (Fund for excellence.)

Workforce Development Cabinet: Department of Vocational Rehabilitation: Administration
781 KAR 1:010 (Department of Vocational Rehabilitation appeal procedures.)
781 KAR 1:020 (General provisions for operation of the Department of Vocational Rehabilitation.)
Independent Living Rehabilitation
781 KAR 2:010 (Department of Vocational Rehabilitation, independent living rehabilitation services appeal procedures.)
781 KAR 2:020 (General provision for operation of the Department of Vocational Rehabilitation Independent Living Program.)

Public Protection and Regulation Cabinet: Department of Insurance: Trade Practices and Frauds
806 KAR 12:092 (Unfair life and health insurance claims settlement practices.)

Cabinet for Human Resources: Department for Health Services: Radiology
902 KAR 100:058 (Specific licenses to manufacture, assemble, repair of distribute products.)
Department for Social Services: Aging Services
905 KAR 8:140 (Hearing procedures for area agency on aging contractor selection actions.)
Department for Medicaid Services: Medicaid Services
907 KAR 1:010 (Payments for physicians' services.)
907 KAR 1:013 (Payments for hospital inpatients services.)
907 KAR 1:015 (Payments for hospital outpatient services.)
907 KAR 1:017 (Hospital indigent care assurance program (HICAP).)
907 KAR 1:470 (Durable medical equipment.)

Department for Mental Retardation Services: Institutional Care
908 KAR 3:080 (Policies and procedures of Hazelwood ICF - MR.)

The following regulations were deferred at the promulgating agency's request:

Department of Personnel: Classified
101 KAR 2:035 (Compensation plan and pay incentive systems.)
101 KAR 2:045 (Applications, qualifications and examinations.)
101 KAR 2:055 (Registers and job bank service.)
101 KAR 2:065 (Cerification and selection of eligibles for appointment.)
101 KAR 2:075 (Vacancies, detail to special duty and temporary overlap.)
101 KAR 2:095 (Classified service regulations.)
101 KAR 2:100 (Leave regulations.)
Unclassified
101 KAR 3:010 (Leave regulations for unclassified service.)
101 KAR 3:045 (Unclassified service; classification and compensation incentive systems.)

Revenue Cabinet: Department of Administrative Services: Sales and Use Tax; General Exemptions
103 KAR 30:091 (Sales to farmers.)

General Government Cabinet: Board of Pharmacy
201 KAR 2:074 (Pharmacy services in hospitals.) This administrative regulation was deferred until federal agency personnel can provide explicit guidance on federal requirements relating to the dispensing of drugs in hospitals.)

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division for Air Quality: General Administrative Procedures
401 KAR 50:010 (Definitions and abbreviations of terms used in Title 401 Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65.)
New Source Requirements; Nonattainment Areas
401 KAR 51:010 (Attainment status designations.)
New Source Standards
401 KAR 59:021 (New solid waste incinerators.)
401 KAR 59:023 (New medical waste or hazardous waste incinerators.)
Existing Source Standards
401 KAR 61:011 (Existing solid waste incinerators.)
401 KAR 61:013 (Existing medical waste and hazardous waste incinerators.)

Education and Humanities Cabinet: Department of Education: Office of Instruction: Instructional Services
704 KAR 3:410 (Preschool education program for four year old children.) Representative John Harper spoke to the Subcommittee, and following discussion, the agency agreed to defer this regulation.

The following regulations were deferred, as required by KRS Chapter 13A, because there was no representative from the promulgating agency at the Subcommittee meeting:

Workforce Development Cabinet: Department for Adult and Technical Education: Unclassified Personnel Regulations
780 KAR 6:010 (Classification plan.)
780 KAR 6:020 (Compensation plan.)
780 KAR 6:030 (Appointments.)
780 KAR 6:040 (Special appointments.)
780 KAR 6:050 (Probationary periods.)
780 KAR 6:060 (Attendence.)
780 KAR 6:070 (Records and reports.)
780 KAR 6:080 (Employee actions.)
780 KAR 6:090 (Disciplinary actions.)
780 KAR 6:100 (Appeals and hearings.)

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 11 a.m. until November 7, 1990 at 2 p.m.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees 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 STATE GOVERNMENT
Meeting of September 12, 1990

The Interim Joint Committee on State Government met September 12, 1990, and submits this report.

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

101 KAR 1:335 - Employee actions (Personnel Board)
101 KAR 1:375 - Employee grievances and complaints (Personnel Board)
101 KAR 1:400 - Promotion (Personnel Board)
105 KAR 1:040 - Actuarial assumptions and tables (Kentucky Retirement Systems)

INTERIM JOINT COMMITTEE ON BUSINESS ORGANIZATIONS AND PROFESSIONS
Meeting of September 14, 1990

The Interim Joint Committee on Business Organizations and Professions met on Friday, September 14, 1990, and submits this report:

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

Board of Nursing
201 KAR 20:310
Department of Alcoholic Beverage Control
804 KAR 2:007

The Committee adjourned at 2:30 p.m.

INTERIM JOINT COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
MEETING OF September 26, 1990

The Interim Joint Committee on Agriculture and Natural Resources met September 26, 1990, and submits this report:

The committee agreed not to consider or review the following administrative regulations:

401 KAR 32:050
401 KAR 34:020
401 KAR 34:050
401 KAR 34:060
401 KAR 34:070
401 KAR 34:090
401 KAR 34:100
401 KAR 34:130
401 KAR 34:165
401 KAR 34:360
401 KAR 35:010
401 KAR 35:020
401 KAR 35:130
401 KAR 35:190
401 KAR 36:070
401 KAR 37:010
401 KAR 37:030
401 KAR 37:040
401 KAR 37:050
401 KAR 37:110
401 KAR 38:010
401 KAR 38:050
401 KAR 38:060
401 KAR 38:070
401 KAR 38:090
401 KAR 38:100
401 KAR 38:500
401 KAR 42:200

The committee adjourned at 10:35 a.m., September 26, 1990.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS & REVENUE
Meeting of September 27, 1990

The Interim Joint Committee on Appropriations and Revenue, at its September 27, 1990 meeting, approved Administrative Regulation 103 KAR 30:095 & E. This is to advise you of the Committee's action.

INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of October 2-3, 1990

The Interim Joint Committee on Transportation met on Tuesday, October 2, 1990 and Wednesday, October 3, 1990, and submits this report:

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

601 KAR 9:125
603 KAR 5:240 & E

The Committee adjourned at 11:30 a.m.

INTERIM JOINT COMMITTEE ON STATE GOVERNMENT
Meeting of October 10, 1990

The Interim Joint Committee on State Government met October 10, 1990, and submits this report.

The Committee determined that the following administrative regulation complies with KRS Chapter 13A:

105 KAR 1:010 - Contributions & Interest Rates (Kentucky Retirement Systems)

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....E2

KRS Index.....E13

Subject Index.....E22

LOCATOR INDEX -- EFFECTIVE DATES

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

E 120

VOLUME 16

Emergency Regulation	16 Ky.R. Page No.	Effective Date
902 KAR 17:020E	2646	4-17-90
Replaced		9-13-90

Regulation	16 Ky.R. Page No.	Effective Date
201 KAR 2:074	1713	
Amended	2150	
201 KAR 22:052		
Amended	2440	8-17-90
201 KAR 22:053	2616	(See 17 Ky.R.)
201 KAR 22:101		
Amended	2441	8-17-90
201 KAR 22:110		
Amended	2443	8-17-90
808 KAR 12:020	2811	10-14-90
810 KAR 1:003		
Amended	2744	8-17-90
810 KAR 1:006		
Amended	2748	8-17-90

VOLUME 17

Emergency Regulation	17 Ky.R. Page No.	Effective Date
11 KAR 5:030E	5	5-21-90
Replaced	256	9-13-90
11 KAR 5:130E	7	5-21-90
Replaced		8-9-90
11 KAR 5:140E	7	5-21-90
Replaced		8-9-90
11 KAR 5:160E	9	5-21-90
Replaced		8-9-90
11 KAR 6:010E	11	5-21-90
Replaced		8-9-90
11 KAR 8:010E	13	5-21-90
Replaced		8-9-90
11 KAR 8:020E	14	5-21-90
Replaced		8-9-90
11 KAR 8:030E	16	5-21-90
Replaced		8-9-90
11 KAR 8:040E	18	5-21-90
Replaced		8-9-90
11 KAR 11:010E	20	5-21-90
Replaced		8-9-90
11 KAR 11:020E	20	5-21-90
Replaced		8-9-90
11 KAR 11:030E	21	5-21-90
Replaced		8-9-90
11 KAR 11:040E	23	5-21-90
Replaced		8-9-90
11 KAR 11:050E	23	5-21-90
Replaced		8-9-90
30 KAR 2:010E	24	6-13-90
Replaced	155	9-13-90
31 KAR 4:010E	870	7-26-90
31 KAR 4:020E	871	7-26-90
31 KAR 4:030E	871	7-26-90
31 KAR 4:040E	877	7-26-90
31 KAR 4:050E	877	7-26-90
101 KAR 2:035E	878	8-3-90
101 KAR 2:045E	881	8-3-90
101 KAR 2:055E	885	8-3-90
101 KAR 2:065E	886	8-3-90
101 KAR 2:075E	887	8-3-90
101 KAR 2:095E	888	8-3-90
101 KAR 3:045E	889	8-3-90
103 KAR 30:095E	183	6-20-90
Replaced	581	9-27-90
103 KAR 44:040E	1321	9-14-90
105 KAR 1:010E	891	8-1-90
Replaced	276	10-10-90
105 KAR 1:040E	184	6-28-90
Replaced	99	9-12-90
201 KAR 14:100E	893	7-23-90
201 KAR 14:130E	893	7-23-90
201 KAR 14:140E	894	7-23-90
301 KAR 2:044E	1322	8-23-90
302 KAR 1:055E	894	7-27-90
Replaced	157	8-22-90
302 KAR 1:070E	896	7-27-90
Replaced	1060	8-22-90
401 KAR 6:320E	898	7-20-90
401 KAR 8:010E	899	7-19-90
401 KAR 8:020E	902	7-19-90
401 KAR 8:030E	906	7-19-90
401 KAR 8:040E	909	7-19-90
401 KAR 8:050E	911	7-19-90
401 KAR 8:060E	912	7-19-90
401 KAR 8:070E	914	7-19-90
401 KAR 8:100E	918	7-19-90
401 KAR 8:150E	920	7-19-90
401 KAR 8:200E	921	7-19-90
401 KAR 8:250E	924	7-19-90
401 KAR 8:300E	926	7-19-90
401 KAR 8:350E	928	7-19-90
401 KAR 8:400E	929	7-19-90
401 KAR 8:420E	930	7-19-90
401 KAR 8:440E	934	7-19-90
401 KAR 8:500E	935	7-19-90
401 KAR 8:550E	938	7-19-90
401 KAR 8:600E	939	7-19-90
401 KAR 8:650E	940	7-19-90
401 KAR 8:700E	941	7-19-90
500 KAR 6:210E	942	7-18-90
500 KAR 6:220E	944	7-18-90
500 KAR 9:010E	944	7-19-90
Replaced	162	9-13-90
500 KAR 9:020E	945	7-19-90
Replaced	1061	9-13-90
500 KAR 9:030E	945	7-19-90
Replaced	164	9-13-90
500 KAR 9:040E	946	7-19-90
Replaced	1062	9-13-90

Emergency Regulation	17 Ky.R. Page No.	Effective Date
500 KAR 9:050E	946	8-7-90
Expired		10-9-90
500 KAR 9:060E	947	8-7-90
Expired		10-9-90
501 KAR 6:020E	947	7-19-90
Replaced	410	10-14-90
501 KAR 6:030E	1666	9-20-90
501 KAR 6:060E	949	7-19-90
Replaced	413	10-14-90
501 KAR 6:080E	950	7-19-90
Replaced	415	10-14-90
501 KAR 6:090E	951	7-19-90
Replaced	415	10-14-90
501 KAR 6:120E	952	7-19-90
Replaced	417	10-14-90
501 KAR 6:150E	25	5-18-90
Replaced		8-9-90
501 KAR 6:160E	1668	9-20-90
501 KAR 11:010E	954	7-19-90
Replaced	690	10-14-90
601 KAR 1:029E	26	6-14-90
Replaced	1062	9-4-90
601 KAR 1:160E	27	6-14-90
Replaced	1063	9-4-90
601 KAR 13:070E	1323	8-28-90
603 KAR 5:110E	954	8-2-90
603 KAR 5:111E	956	8-2-90
603 KAR 5:112E	1668	10-1-90
603 KAR 5:230E	958	7-31-90
603 KAR 5:240E	995	7-19-90
Replaced	1352	10-2-90
702 KAR 1:130E	996	7-19-90
Replaced	692	10-14-90
704 KAR 3:304E	996	7-19-90
Replaced	458	10-14-90
704 KAR 7:100E	997	7-19-90
Replaced	705	10-14-90
781 KAR 1:010E	186	7-3-90
781 KAR 1:020E	188	7-3-90
781 KAR 1:030E	192	7-3-90
781 KAR 1:040E	194	7-3-90
Replaced	789	10-14-90
781 KAR 1:050E	195	7-3-90
Replaced	791	10-14-90
781 KAR 1:060E	198	7-3-90
Replaced	794	10-14-90
781 KAR 1:070E	199	7-3-90
Replaced	796	10-14-90
781 KAR 2:010E	200	7-3-90
781 KAR 2:020E	202	7-3-90
806 KAR 12:092E	998	7-17-90
806 KAR 12:094E	1000	7-17-90
806 KAR 17:066E	1004	7-17-90
Replaced	1298	10-14-90
901 KAR 5:050E	28	6-12-90
Replaced	121	9-13-90
902 KAR 10:021E	28	5-16-90
Replaced		7-18-90
902 KAR 10:030E	29	5-16-90
Replaced		7-18-90
902 KAR 10:040E	1016	7-19-90
Replaced	1372	9-19-90
902 KAR 10:060E	30	5-16-90
Replaced		7-18-90
902 KAR 10:121E	30	5-16-90
Replaced		7-18-90
902 KAR 10:130E	30	5-16-90
Replaced		7-18-90
902 KAR 11:010E	204	6-21-90
Replaced	129	9-13-90
902 KAR 15:010E	1021	7-19-90
Replaced	1392	9-19-90
902 KAR 15:020E	1024	7-19-90
Replaced	500	9-19-90
902 KAR 17:010E	1670	10-4-90
902 KAR 20:006E	1028	7-19-90
902 KAR 20:008E	205	6-21-90
Replaced	133	9-13-90
902 KAR 20:133E	1035	7-19-90
Replaced	834	9-19-90
902 KAR 20:135E	207	6-21-90
Replaced	135	9-13-90
902 KAR 20:300E	1670	10-5-90
902 KAR 20:310E	1681	10-5-90
902 KAR 45:005E	207	7-11-90
Replaced	1395	9-19-90
902 KAR 45:110E	31	5-16-90
Replaced	222	7-11-90
Resubmitted	222	7-11-90
Replaced	526	9-19-90
902 KAR 45:120E	32	5-16-90
Replaced	222	7-11-90
Resubmitted	222	7-11-90
Replaced	528	9-19-90
902 KAR 55:010E	32	5-30-90
Replaced	136	9-13-90
903 KAR 1:010E	223	6-21-90
Replaced	137	9-13-90
903 KAR 5:270E	224	6-21-90
Replaced	138	9-13-90
904 KAR 2:006E	1325	9-14-90
904 KAR 2:015E	1035	8-2-90
904 KAR 2:016E	1331	9-14-90
904 KAR 2:035E	1040	7-19-90
Replaced	532	9-19-90
904 KAR 2:050E	1041	7-19-90
Replaced	1412	9-19-90
904 KAR 2:110E	1688	10-4-90
904 KAR 3:035E	1690	10-9-90
905 KAR 2:010E	225	6-21-90
Replaced	140	9-13-90
907 KAR 1:004E	1042	7-19-90
Replaced	535	9-19-90
907 KAR 1:006E	1052	7-19-90
Replaced	546	9-19-90
907 KAR 1:010E	232	7-11-90
907 KAR 1:011E	1053	7-19-90
Replaced	549	9-19-90
907 KAR 1:013E	234	7-11-90
907 KAR 1:014E	237	7-11-90
Replaced	557	9-19-90
907 KAR 1:015E	238	7-11-90
907 KAR 1:016E	238	7-11-90
Replaced	559	9-19-90
907 KAR 1:017E	1058	8-7-90
907 KAR 1:019E	1694	10-9-90
907 KAR 1:020E	1695	10-9-90
907 KAR 1:022E	1697	10-5-90
907 KAR 1:025E	1701	10-5-90
907 KAR 1:027E	239	7-11-90
Replaced	561	9-19-90
907 KAR 1:036E	241	7-11-90
Withdrawn		9-10-90
Resubmitted	1342	9-10-90
Replaced	1414	9-19-90
907 KAR 1:039E	248	7-11-90
Replaced	572	9-19-90
907 KAR 1:040E	249	7-11-90
Replaced	573	9-19-90
907 KAR 1:045E	250	7-11-90
Replaced	574	9-19-90
907 KAR 1:061E	1708	10-5-90
907 KAR 1:102E	1710	10-9-90
907 KAR 1:104E	1711	10-9-90

Emergency Regulation	17 Ky.R. Page No.	Effective Date
907 KAR 1:280E	251	7-11-90
Replaced	579	9-19-90
908 KAR 1:020E	252	6-21-90
Replaced	151	9-13-90
908 KAR 1:160E	253	6-21-90
Replaced	153	9-13-90

Regulation	17 Ky.R. Page No.	Effective Date
11 KAR 5:030		
Amended	256	9-13-90
30 KAR 2:010	155	9-13-90
31 KAR 4:010	1229	
31 KAR 4:020	1229	
31 KAR 4:030	1230	
31 KAR 4:040	1231	
31 KAR 4:050	1232	
101 KAR 1:325		
Amended	1114	
101 KAR 1:335		
Amended	95	9-12-90
101 KAR 1:375		
Amended	97	9-12-90
101 KAR 1:400	156	9-12-90
101 KAR 2:030		
Expired		7-13-90
101 KAR 2:035	1233	
101 KAR 2:040		
Expired		7-13-90
101 KAR 2:045	1236	
101 KAR 2:050		
Expired		7-13-90
101 KAR 2:055	1241	
101 KAR 2:060		
Expired		7-13-90
101 KAR 2:065	1243	
101 KAR 2:070		
Expired		7-13-90
101 KAR 2:075	1245	
101 KAR 2:090		
Expired		7-13-90
101 KAR 2:095	1246	
101 KAR 2:100		
Amended	1115	
101 KAR 3:010		
Amended	1121	
101 KAR 3:040		
Expired		7-13-90
101 KAR 3:045	1248	
103 KAR 1:010		
Amended	1126	
103 KAR 5:010		
Expired		7-13-90
103 KAR 5:015		
Expired		7-13-90
103 KAR 5:050		
Expired		7-13-90
103 KAR 5:070		
Expired		7-13-90
103 KAR 5:090		
Expired		7-13-90
103 KAR 5:110		
Expired		7-13-90
103 KAR 5:130		
Expired		7-13-90
103 KAR 5:140		
Expired		7-13-90
103 KAR 8:020		
Expired		7-13-90
103 KAR 8:030		
Expired		7-13-90

Regulation	17 Ky.R. Page No.	Effective Date
103 KAR 8:070		
Expired		7-13-90
103 KAR 16:040		
Expired		7-13-90
103 KAR 16:050		
Expired		7-13-90
103 KAR 16:070		
Expired		7-13-90
103 KAR 16:080		
Expired		7-13-90
103 KAR 16:090		
Expired		7-13-90
103 KAR 17:030		
Expired		7-13-90
103 KAR 17:040		
Expired		7-13-90
103 KAR 17:041	1250	
103 KAR 17:070		
Expired		7-13-90
103 KAR 18:110		
Amended	1524	
103 KAR 25:010		
Expired		7-13-90
103 KAR 25:020		
Expired		7-13-90
103 KAR 25:030		
Expired		7-13-90
103 KAR 25:040		
Expired		7-13-90
103 KAR 25:080		
Expired		7-13-90
103 KAR 25:081	1251	
103 KAR 25:090		
Expired		7-13-90
103 KAR 25:091	1252	
103 KAR 25:100		
Expired		7-13-90
103 KAR 26:040		
Expired		7-13-90
103 KAR 26:070		
Amended	1128	
103 KAR 27:010		
Expired		7-13-90
103 KAR 27:090		
Expired		7-13-90
103 KAR 27:100		
Amended	1130	
103 KAR 28:051		
Amended	1130	
103 KAR 28:070		
Expired		7-13-90
103 KAR 28:100		
Expired		7-13-90
103 KAR 28:110		
Expired		7-13-90
103 KAR 28:120		
Expired		7-13-90
103 KAR 30:090		
Expired		7-13-90
103 KAR 30:091	1254	
103 KAR 30:095	581	9-27-90
103 KAR 30:130		
Expired		7-13-90
103 KAR 30:140	1134	
103 KAR 30:200		
Amended	1136	
103 KAR 30:225		
Expired		7-13-90
103 KAR 31:010		
Expired		7-13-90
103 KAR 31:011	1256	

Regulation	17 Ky.R. Page No.	Effective Date
103 KAR 31:060		
Expired		7-13-90
103 KAR 31:080		
Amended	1137	
103 KAR 31:100		
Expired		7-13-90
103 KAR 31:110		
Expired		7-13-90
103 KAR 31:111	1257	
103 KAR 31:120		
Expired		7-13-90
103 KAR 31:140		
Expired		7-13-90
103 KAR 31:150		
Expired		7-13-90
103 KAR 35:030		
Expired		7-13-90
103 KAR 43:070		
Expired		7-13-90
103 KAR 43:080		
Expired		7-13-90
103 KAR 43:130		
Expired		7-13-90
103 KAR 43:210		
Expired		7-13-90
103 KAR 43:230		
Expired		7-13-90
103 KAR 43:240		
Expired		7-13-90
103 KAR 43:250		
Expired		7-13-90
103 KAR 43:270		
Expired		7-13-90
103 KAR 43:290		
Expired		7-13-90
103 KAR 43:300		
Expired		7-13-90
103 KAR 44:010		
Expired		7-13-90
103 KAR 44:040	1632	
105 KAR 1:010		
Amended	276	10-10-90
105 KAR 1:040		
Amended	99	9-12-90
201 KAR 1:068		
Amended	1525	
201 KAR 1:100		
Amended	1528	
201 KAR 8:140		
Amended	1777	
201 KAR 8:285		
Amended	1778	
201 KAR 9:300	1633	
201 KAR 9:305	1634	
201 KAR 14:100		
Amended	1139	
201 KAR 14:130		
Amended	1139	
201 KAR 14:140		
Amended	1140	
201 KAR 18:140		
Amended	278	
Withdrawn		9-4-90
201 KAR 19:005		
Amended	1779	
201 KAR 19:025		
Amended	1779	
201 KAR 19:030		
Amended	1780	
201 KAR 19:035		
Amended	1781	
201 KAR 19:040		
Amended	1785	
201 KAR 19:050		
Amended	1786	
201 KAR 19:056	1884	
201 KAR 19:060		
Amended	1787	
201 KAR 19:070		
Amended	1788	
201 KAR 19:085		
Amended	1788	
201 KAR 19:095		
Amended	1790	
201 KAR 19:100		
Amended	1792	
201 KAR 19:105		
Amended	1793	
201 KAR 20:310		
Amended	280	9-14-90
201 KAR 22:031		
Amended	1141	
201 KAR 22:053		
As Amended	34	
As Amended	1350	8-17-90
201 KAR 26:160		
Amended	101	8-17-90
301 KAR 1:015		
Amended	1793	
301 KAR 1:056	1884	
301 KAR 1:075		
Amended	1795	
301 KAR 1:122		
Amended	1796	
301 KAR 1:150		
Amended	1797	
301 KAR 1:200		
Amended	1799	
301 KAR 2:044		
Amended	1531	
301 KAR 2:047		
As Amended	35	6-27-90
301 KAR 2:110		
Amended	102	8-22-90
301 KAR 2:140		
Amended	1533	
301 KAR 2:170		
Amended	54	7-11-90
301 KAR 2:185	1259	
301 KAR 2:220		
Amended	1800	
302 KAR 1:055	157	8-22-90
302 KAR 1:070	160	
As Amended	1060	8-22-90
302 KAR 15:010		
Amended	1143	
As Amended	1712	
302 KAR 38:010	1261	
As Amended	1715	
401 KAR 5:085		
Expired		7-13-90
401 KAR 6:015		
Expired		7-13-90
401 KAR 6:020		
Repealed		7-19-90
401 KAR 6:040		
Expired		7-13-90
401 KAR 6:060		
Repealed		7-19-90
401 KAR 6:300		
Expired		7-13-90

Regulation	17 Ky.R. Page No.	Effective Date
401 KAR 6:320	581	
Amended	1421	
401 KAR 8:010	584	
Amended	1422	
401 KAR 8:020	588	
Amended	1425	
401 KAR 8:030	592	
Amended	1428	
401 KAR 8:040	597	
Amended	1432	
401 KAR 8:050	599	
401 KAR 8:060	601	
401 KAR 8:070	604	
Amended	1433	
401 KAR 8:100	609	
Amended	1437	
As Amended	1715	
401 KAR 8:150	612	
Amended	1439	
As Amended	1717	
401 KAR 8:200	614	
Amended	1440	
401 KAR 8:250	619	
401 KAR 8:300	622	
401 KAR 8:350	624	
Amended	1443	
401 KAR 8:400	626	
401 KAR 8:420	628	
401 KAR 8:440	633	
401 KAR 8:500	635	
401 KAR 8:550	639	
401 KAR 8:600	641	
401 KAR 8:650	643	
401 KAR 8:700	645	
401 KAR 32:030		
Amended	281	
Amended	1444	
401 KAR 32:050		
Amended	284	9-25-90
401 KAR 34:020		
Amended	287	9-25-90
401 KAR 34:050		
Amended	292	9-25-90
401 KAR 34:060		
Amended	295	9-25-90
401 KAR 34:070		
Amended	304	9-25-90
401 KAR 34:090		
Amended	310	9-25-90
401 KAR 34:100		
Amended	319	9-25-90
401 KAR 34:120		
Amended	328	
Amended	1445	
401 KAR 34:130		
Amended	333	9-25-90
401 KAR 34:165		
Amended	334	9-25-90
401 KAR 34:250	646	
Amended	1448	
401 KAR 34:360	648	9-25-90
401 KAR 35:010		
Amended	337	9-25-90
401 KAR 35:020		
Amended	340	9-25-90
401 KAR 35:120		
Amended	343	
Amended	1450	
401 KAR 35:130		
Amended	347	9-25-90
401 KAR 35:190		
Amended	349	9-25-90
401 KAR 36:070		
Amended	357	9-25-90
401 KAR 37:010		
Amended	359	9-25-90
401 KAR 37:030		
Amended	365	9-25-90
401 KAR 37:040		
Amended	367	9-25-90
401 KAR 37:050		
Amended	370	9-25-90
401 KAR 37:110	656	9-25-90
401 KAR 38:010		
Amended	372	9-25-90
401 KAR 38:040		
Amended	376	
Amended	1453	
401 KAR 38:050		
Amended	381	9-25-90
401 KAR 38:060		
Amended	385	9-25-90
401 KAR 38:070		
Amended	391	9-25-90
401 KAR 38:090		
Amended	394	9-25-90
401 KAR 38:100		
Amended	399	9-25-90
401 KAR 38:230	658	
Amended	1456	
401 KAR 38:500		
Amended	401	9-25-90
401 KAR 39:010		
Expired		7-13-90
401 KAR 39:020		
Expired		7-13-90
401 KAR 39:030		
Expired		7-13-90
401 KAR 39:070		
Expired		7-13-90
401 KAR 42:011	1635	
401 KAR 42:020	1637	
401 KAR 42:030	1638	
401 KAR 42:040	1640	
401 KAR 42:050	1641	
401 KAR 42:060	1643	
401 KAR 42:070	1645	
401 KAR 42:090	1646	
401 KAR 42:200	660	9-25-90
401 KAR 50:005		
Recodifed to 401 KAR 50:012		7-31-90
401 KAR 50:012		
Recodified from 401 KAR 50:005		7-31-90
401 KAR 50:010		
Amended	403	
Amended	1457	
401 KAR 50:036		
Expired		7-13-90
401 KAR 51:010		
Amended	407	
401 KAR 59:021	662	
Amended	1460	
401 KAR 59:023	672	
Amended	1470	
401 KAR 61:011	681	
Amended	1478	
401 KAR 61:013	686	
Amended	1481	
405 KAR 10:050		
Reprint	1654	12-13-88
500 KAR 6:210	1262	
500 KAR 6:220	1264	
500 KAR 8:010	1885	
500 KAR 9:010	162	9-13-90

Regulation	17 Ky.R. Page No.	Effective Date
500 KAR 9:020	163	
As Amended	1061	9-13-90
500 KAR 9:030	164	9-13-90
500 KAR 9:040	165	
As Amended	1062	9-13-90
500 KAR 9:050	1265	
Withdrawn		10-9-90
500 KAR 9:060	1265	
Withdrawn		10-9-90
501 KAR 6:020		
Amended	410	10-14-90
Amended	1807	
501 KAR 6:030		
Amended	103	9-13-90
Amended	1536	
Amended	1809	
501 KAR 6:040		
Amended	412	10-14-90
Amended	1538	
501 KAR 6:060		
Amended	413	10-14-90
501 KAR 6:070		
Amended	1811	
501 KAR 6:080		
Amended	415	10-14-90
501 KAR 6:090		
Amended	415	10-14-90
501 KAR 6:120		
Amended	417	10-14-90
501 KAR 6:160	1648	
501 KAR 9:020		
Expired		7-13-90
501 KAR 11:010	690	10-14-90
600 KAR 1:050		
Expired		7-13-90
600 KAR 3:010		
Amended	1812	
600 KAR 4:010		
Amended	1540	
601 KAR 1:025		
Amended	105	9-4-90
601 KAR 1:029		
Amended	165	
As Amended	1062	9-4-90
601 KAR 1:035		
Expired		7-13-90
601 KAR 1:150		
Expired		7-13-90
601 KAR 1:160	167	
As Amended	1063	9-4-90
601 KAR 9:074		
Amended	1146	
601 KAR 9:125		
Amended	419	10-2-90
601 KAR 9:140		
Amended	1150	
601 KAR 13:020		
Expired		7-13-90
601 KAR 13:070	1649	
601 KAR 14:010		
Amended	108	9-4-90
603 KAR 5:025		
Amended	1832	
603 KAR 5:070		
Amended	1834	
603 KAR 5:071		
Amended	1838	
603 KAR 5:075		
Amended	1839	
603 KAR 5:105	1266	
603 KAR 5:110		
Amended	1151	
Amended	1736	
603 KAR 5:111	1267	
Amended	1737	
603 KAR 5:112	1886	
603 KAR 5:230		
Amended	1153	
Amended	1739	
603 KAR 5:240	691	
As Amended	1352	10-2-90
701 KAR 5:020		
Amended	421	10-14-90
701 KAR 5:050		
Amended	422	10-14-90
702 KAR 1:025		
Repealed	168	9-13-90
702 KAR 1:026	168	9-13-90
702 KAR 1:035		
Amended	423	10-14-90
702 KAR 1:080		
Amended	424	10-14-90
702 KAR 1:100		
Amended	425	10-14-90
702 KAR 1:130	692	10-14-90
702 KAR 3:010		
Amended	1544	
702 KAR 3:020		
Amended	1545	
702 KAR 3:030		
Amended	426	
As Amended	1352	10-14-90
702 KAR 3:040		
Amended	1547	
702 KAR 3:045		
Amended	1548	
702 KAR 3:050		
Amended	1548	
702 KAR 3:060		
Amended	1549	
702 KAR 3:070		
Amended	1550	
702 KAR 3:075		
Amended	1552	
702 KAR 3:080		
Amended	1552	
702 KAR 3:090		
Amended	1553	
702 KAR 3:100		
Amended	1554	
702 KAR 3:110		
Amended	1555	
702 KAR 3:120		
Amended	427	10-14-90
702 KAR 3:130		
Amended	428	
As Amended	1353	10-14-90
702 KAR 3:170		
Amended	1556	
702 KAR 3:190		
Amended	429	
702 KAR 3:200		
Amended	109	
As Amended	1064	9-13-90
702 KAR 3:210		
Repealed	169	9-13-90
702 KAR 3:211	169	9-13-90
702 KAR 3:220	1651	
702 KAR 3:230	1652	
702 KAR 5:010		
Amended	431	10-14-90

Regulation	17 Ky.R. Page No.	Effective Date
702 KAR 5:020		
Amended	432	10-14-90
702 KAR 5:030		
Amended	435	
As Amended	1354	10-14-90
702 KAR 5:060		
Amended	436	10-14-90
702 KAR 5:090		
Amended	437	10-14-90
702 KAR 5:100		
Amended	438	10-14-90
702 KAR 5:110		
Amended	439	
As Amended	1355	10-14-90
702 KAR 5:120		
Amended	441	10-14-90
702 KAR 5:130		
Amended	442	10-14-90
702 KAR 5:140		
Amended	443	10-14-90
702 KAR 5:150	693	
702 KAR 6:070		
Expired		7-13-90
702 KAR 6:075	694	
As Amended	1356	10-14-90
702 KAR 7:010		
Amended	444	10-14-90
702 KAR 7:020		
Amended	446	10-14-90
702 KAR 7:030		
Amended	447	10-14-90
702 KAR 7:040		
Amended	448	10-14-90
702 KAR 7:050		
Amended	449	
702 KAR 7:060		
Repealed	695	10-14-90
702 KAR 7:061	695	10-14-90
702 KAR 7:065		
Amended	451	
Amended	1484	
702 KAR 7:070		
Expired		7-13-90
702 KAR 7:080		
Amended	452	10-14-90
702 KAR 7:090		
Amended	453	10-14-90
702 KAR 7:100	1269	
704 KAR 3:035		
Amended	455	
Amended	1485	
704 KAR 3:285		
Amended	111	9-13-90
704 KAR 3:304		
Amended	112	
Withdrawn		7-12-90
Amended	458	10-14-90
704 KAR 3:305		
Amended	113	9-13-90
704 KAR 3:320		
Repealed	169	9-13-90
704 KAR 3:321	169	9-13-90
704 KAR 3:325		
Amended	114	9-13-90
704 KAR 3:345		
Amended	116	9-13-90
704 KAR 3:355		
Expired		7-13-90
704 KAR 3:360		
Expired		7-13-90
704 KAR 3:380	170	
As Amended	1065	9-13-90
704 KAR 3:390	695	10-14-90
704 KAR 3:400	698	10-14-90
704 KAR 3:410	701	
Amended	1487	
704 KAR 5:050		
Amended	119	9-13-90
704 KAR 7:100	705	10-14-90
704 KAR 15:015		
Amended	459	10-14-90
704 KAR 20:005		
Amended	460	10-14-90
705 KAR 1:001	172	9-13-90
705 KAR 1:010		
Repealed	172	9-13-90
705 KAR 1:020		
Repealed	172	9-13-90
705 KAR 3:010		
Repealed	172	9-13-90
705 KAR 3:030		
Repealed	172	9-13-90
705 KAR 3:040		
Repealed	172	9-13-90
705 KAR 3:075		
Repealed	172	9-13-90
705 KAR 3:080		
Repealed	172	9-13-90
705 KAR 3:110		
Repealed	172	9-13-90
705 KAR 3:120		
Repealed	172	9-13-90
705 KAR 4:010		
Repealed	172	9-13-90
705 KAR 4:210		
Repealed	172	9-13-90
705 KAR 4:220		
Repealed	172	9-13-90
705 KAR 5:020		
Repealed	172	9-13-90
705 KAR 5:040		
Repealed	172	9-13-90
705 KAR 5:060		
Repealed	172	9-13-90
705 KAR 5:070		
Repealed	172	9-13-90
705 KAR 5:080		
Repealed	172	9-13-90
705 KAR 5:090		
Repealed	172	9-13-90
705 KAR 5:100		
Repealed	172	9-13-90
705 KAR 5:110		
Repealed	172	9-13-90
705 KAR 5:130		
Repealed	172	9-13-90
705 KAR 5:140		
Repealed	172	9-13-90
705 KAR 6:010		
Repealed	172	9-13-90
705 KAR 11:010		
Repealed	172	9-13-90
705 KAR 11:020		
Repealed	172	9-13-90
705 KAR 11:030		
Repealed	172	9-13-90
705 KAR 11:040		
Repealed	172	9-13-90
706 KAR 1:001	706	10-14-90
706 KAR 1:010		
Repealed		1-12-90
706 KAR 1:020		
Repealed	706	10-14-90

Regulation	17 Ky.R. Page No.	Effective Date
706 KAR 1:050		
Repealed		1-12-90
706 KAR 1:060		
Repealed	706	10-14-90
706 KAR 1:070		
Repealed	706	10-14-90
706 KAR 1:080		
Repealed	706	10-14-90
706 KAR 1:090		
Repealed	706	10-14-90
706 KAR 1:100		
Repealed	706	10-14-90
706 KAR 1:110		
Repealed	706	10-14-90
707 KAR 1:003		
Repealed		8-9-90
707 KAR 1:041		
Amended	1191	
707 KAR 1:045		
Amended	1192	
707 KAR 1:051		
Amended	1557	
707 KAR 1:052		
Amended	1195	
707 KAR 1:053		
Amended	1198	
707 KAR 1:054		
Amended	1200	
707 KAR 1:055		
Amended	1202	
707 KAR 1:056		
Amended	1204	
707 KAR 1:057		
Amended	1206	
707 KAR 1:058		
Amended	1209	
707 KAR 1:059		
Amended	1211	
707 KAR 1:070		
Amended	1212	
707 KAR 1:080		
Amended	1214	
707 KAR 1:140		
Amended	1566	
709 KAR 1:001	707	10-14-90
709 KAR 1:010		
Repealed	707	10-14-90
709 KAR 1:020		
Repealed	707	10-14-90
709 KAR 1:030		
Repealed	707	10-14-90
709 KAR 1:040		
Repealed	707	10-14-90
709 KAR 1:060		
Repealed	172	9-13-90
709 KAR 1:070		
Repealed	172	9-13-90
709 KAR 1:090		
Repealed	707	10-14-90
709 KAR 1:100		
Repealed	707	10-14-90
709 KAR 1:110		
Repealed	707	10-14-90
709 KAR 1:120		
Repealed	707	10-14-90
709 KAR 1:130		
Repealed	707	10-14-90
709 KAR 1:140		
Repealed	707	10-14-90
720 KAR 1:010		
Recodified to 782 KAR 1		7-5-90
720 KAR 1:020		
Recodified to 782 KAR 1		7-5-90
720 KAR 1:030		
Recodified to 782 KAR 1		7-5-90
720 KAR 1:040		
Recodified to 782 KAR 1		7-5-90
720 KAR 1:050		
Recodified to 782 KAR 1		7-5-90
765 KAR 1:010	708	10-14-90
765 KAR 1:020	709	10-14-90
765 KAR 1:030	709	10-14-90
765 KAR 1:040	710	10-14-90
765 KAR 1:050	711	10-14-90
765 KAR 1:060	712	10-14-90
765 KAR 1:070	712	10-14-90
775 KAR 1:010	1270	
775 KAR 1:020	1271	
775 KAR 1:030	1272	
775 KAR 1:040	1273	
775 KAR 1:050	1274	
775 KAR 1:060	1275	
780 KAR 1:010	713	10-14-90
780 KAR 2:010	714	10-14-90
780 KAR 2:020	715	10-14-90
780 KAR 2:030	716	10-14-90
780 KAR 2:040	717	10-14-90
780 KAR 2:045	1888	
780 KAR 2:050	718	10-14-90
780 KAR 2:060	719	10-14-90
780 KAR 2:070	720	10-14-90
780 KAR 2:080	721	10-14-90
780 KAR 2:090	722	10-14-90
780 KAR 2:100	723	10-14-90
780 KAR 2:110	725	10-14-90
780 KAR 2:120	726	10-14-90
780 KAR 2:130	727	10-14-90
780 KAR 2:140	728	10-14-90
780 KAR 3:010	730	10-14-90
780 KAR 3:020	731	10-14-90
780 KAR 3:030	732	10-14-90
780 KAR 3:040	733	10-14-90
780 KAR 3:050	734	10-14-90
780 KAR 3:060	735	10-14-90
780 KAR 3:070	736	10-14-90
780 KAR 3:080	741	10-14-90
780 KAR 3:090	742	10-14-90
780 KAR 3:100	743	10-14-90
780 KAR 3:110	745	10-14-90
780 KAR 3:120	746	10-14-90
780 KAR 3:130	748	10-14-90
780 KAR 3:140	749	10-14-90
780 KAR 3:150	750	10-14-90
780 KAR 4:010	751	10-14-90
780 KAR 4:020	754	10-14-90
780 KAR 5:010	755	10-14-90
780 KAR 5:020	755	10-14-90
780 KAR 5:030	756	10-14-90
780 KAR 5:040	757	10-14-90
780 KAR 5:050	757	10-14-90
780 KAR 6:010	1276	
780 KAR 6:020	1277	
780 KAR 6:030	1278	
780 KAR 6:040	1279	
780 KAR 6:050	1279	
780 KAR 6:060	1280	
780 KAR 6:070	1285	
780 KAR 6:080	1286	
780 KAR 6:090	1287	
780 KAR 6:100	1287	
780 KAR 7:010	758	10-14-90
780 KAR 7:020	760	10-14-90
780 KAR 7:030	761	10-14-90

Regulation	17 Ky.R. Page No.	Effective Date
780 KAR 7:040	762	10-14-90
780 KAR 7:050	762	10-14-90
780 KAR 7:060	763	10-14-90
780 KAR 7:070	764	10-14-90
780 KAR 8:010	765	10-14-90
780 KAR 9:010	766	10-14-90
780 KAR 9:020	767	10-14-90
780 KAR 9:030	768	10-14-90
780 KAR 9:040	769	10-14-90
780 KAR 9:050	771	10-14-90
780 KAR 9:060	774	10-14-90
780 KAR 9:070	776	10-14-90
780 KAR 9:080	776	10-14-90
780 KAR 9:090	778	10-14-90
781 KAR 1:010	779	
Amended	1491	
781 KAR 1:020	782	
Amended	1493	
781 KAR 1:030	787	
Amended	1497	
As Amended	1718	
781 KAR 1:040	789	10-14-90
781 KAR 1:050	791	10-14-90
781 KAR 1:060	794	10-14-90
781 KAR 1:070	796	10-14-90
781 KAR 2:010	797	
Amended	1499	
781 KAR 2:020	800	
Amended	1501	
782 KAR 1:010		
Recodified from 720 KAR 1		7-5-90
782 KAR 1:020		
Recodified from 720 KAR 1		7-5-90
782 KAR 1:030		
Recodified from 720 KAR 1		7-5-90
782 KAR 1:040		
Recodified from 720 KAR 1		7-5-90
782 KAR 1:050		
Recodified from 720 KAR 1		7-5-90
803 KAR 2:303		
Amended	1842	
803 KAR 2:305		
Amended	1843	
803 KAR 2:306		
Amended	1845	
803 KAR 2:307		
Amended	1847	
803 KAR 2:313		
Amended	1849	
803 KAR 2:316		
Amended	1851	
803 KAR 2:317		
Amended	1852	
803 KAR 2:318		
Amended	1854	
803 KAR 2:320		
Amended	1855	
803 KAR 2:413		
Amended	1858	
804 KAR 2:007		
Amended	461	9-14-90
804 KAR 3:091	1889	
804 KAR 4:015		
Amended	1860	
804 KAR 4:110		
Amended	1569	
804 KAR 4:250		
Amended	1861	
804 KAR 5:040		
Amended	1861	
806 KAR 9:220	803	10-14-90
806 KAR 12:090		
Expired		7-13-90
806 KAR 12:092	806	
Amended	1503	
806 KAR 12:094	809	
Amended	1505	
806 KAR 12:130		
Expired		7-13-90
806 KAR 17:065		
Expired		7-13-90
806 KAR 17:066	813	
Reprinted	1298	10-14-90
807 KAR 5:058	1289	
As Amended	1720	
808 KAR 1:050		
Amended	1571	
808 KAR 1:070		
As Amended	1066	9-13-90
808 KAR 3:020		
Amended	1572	
815 KAR 7:010		
Amended	462	
As Amended	1356	10-14-90
815 KAR 7:020		
Repealed	1365	10-14-90
815 KAR 7:025	827	
As Amended	1365	10-14-90
815 KAR 10:040		
Amended	257	
As Amended	1068	8-22-90
815 KAR 15:020		
As Amended	1085	8-22-90
815 KAR 20:010		
As Amended	1092	8-22-90
815 KAR 20:020		
Amended	472	10-14-90
815 KAR 20:071		
As Amended	1098	8-22-90
815 KAR 20:076		
As Amended	1099	8-22-90
815 KAR 20:120		
As Amended	1100	8-22-90
815 KAR 20:130		
As Amended	1108	8-22-90
815 KAR 30:050		
Expired		7-13-90
815 KAR 30:060	1890	
815 KAR 35:030	172	
As Amended	1111	8-22-90
815 KAR 45:070		
Expired		7-13-90
901 KAR 5:050		
Amended	121	9-13-90
901 KAR 5:070		
Amended	122	9-13-90
901 KAR 5:110		
Expired		7-13-90
902 KAR 2:130	174	
Withdrawn		7-20-90
902 KAR 2:140	175	9-13-90
902 KAR 10:010		
Amended	123	
Withdrawn		7-12-90
902 KAR 10:040		
Amended	474	
As Amended	1372	9-19-90
902 KAR 10:120		
Amended	480	
As Amended	1377	9-19-90
902 KAR 11:010		
Amended	129	9-13-90

Regulation	17 Ky.R. Page No.	Effective Date
902 KAR 13:050		
Amended	130	9-13-90
902 KAR 15:010		
Amended	496	
As Amended	1392	9-19-90
902 KAR 15:020		
Amended	500	9-19-90
902 KAR 17:010		
Amended	1863	
902 KAR 17:020		
As Amended	1112	9-13-90
902 KAR 20:006		
Amended	504	
Amended	1509	
As Amended	1724	
902 KAR 20:008		
Amended	133	9-13-90
902 KAR 20:026		
Amended	58	7-18-90
Amended	1572	
902 KAR 20:048		
Amended	67	7-18-90
Amended	1582	
902 KAR 20:051		
Amended	76	7-18-90
Amended	1590	
902 KAR 20:086		
Amended	84	7-18-90
Amended	1598	
902 KAR 20:116	1893	
902 KAR 20:127		
Repealed		7-19-90
902 KAR 20:132		
Repealed		7-19-90
902 KAR 20:133	834	9-19-90
902 KAR 20:135		
Amended	135	9-13-90
902 KAR 20:300	1894	
902 KAR 20:310	1905	
902 KAR 45:005		
Amended	512	
As Amended	1395	9-19-90
902 KAR 45:045		
Repealed	207	7-11-90
902 KAR 45:110		
Amended	526	9-19-90
902 KAR 45:120		
Amended	528	9-19-90
902 KAR 45:150		
Amended	529	
As Amended	1409	9-19-90
902 KAR 55:010		
Amended	136	9-13-90
902 KAR 100:010		
As Amended	39	6-27-90
902 KAR 100:058		
Amended	1215	
902 KAR 100:175		
Expired		7-13-90
903 KAR 1:010		
Amended	137	9-13-90
903 KAR 5:270		
Amended	138	9-13-90
904 KAR 2:006		
Amended	1608	
904 KAR 2:015		
Amended	1222	
As Amended	1731	
904 KAR 2:016		
As Amended	46	6-27-90
Amended	1616	
904 KAR 2:022		
Amended	1628	
904 KAR 2:035		
Amended	532	9-19-90
904 KAR 2:050		
Amended	534	
As Amended	1412	9-19-90
904 KAR 2:110		
Amended	1864	
904 KAR 3:035		
Amended	1867	
905 KAR 1:050		
Amended	138	9-13-90
905 KAR 1:071		
Expired		7-13-90
905 KAR 1:300	835	
Died*		9-5-90
Resubmitted	1913	
905 KAR 1:310	847	
Died*		9-5-90
Resubmitted	1925	
905 KAR 2:010		
Amended	140	9-13-90
905 KAR 6:070	1932	
905 KAR 8:140	854	
Amended	1515	
907 KAR 1:004		
Amended	535	9-19-90
907 KAR 1:005		
Amended	148	9-13-90
907 KAR 1:006		
Amended	546	9-19-90
907 KAR 1:010		
Amended	547	
Amended	1518	
907 KAR 1:011		
Amended	549	9-19-90
907 KAR 1:013		
Amended	554	
Amended	1520	
907 KAR 1:014		
Amended	557	9-19-90
907 KAR 1:015		
Amended	558	
Amended	1523	
Reprinted	1944	
907 KAR 1:016		
Amended	559	9-19-90
907 KAR 1:017	1295	
907 KAR 1:019		
Amended	1871	
907 KAR 1:020		
Amended	1872	
907 KAR 1:022		
Amended	1874	
907 KAR 1:025	1934	
907 KAR 1:027		
Amended	561	9-19-90
907 KAR 1:031		
Amended	562	9-19-90
907 KAR 1:036		
Amended	564	
As Amended	1414	9-19-90
907 KAR 1:039		
Amended	572	9-19-90
907 KAR 1:040		
Amended	149	
Withdrawn		6-25-90
Amended	573	9-19-90
907 KAR 1:045		
Amended	574	9-19-90
907 KAR 1:060		
Amended	1879	

Regulation	17 Ky.R. Page No.	Effective Date
907 KAR 1:061		
Amended	576	9-19-90
Amended	1880	
907 KAR 1:095		
Amended	1883	
907 KAR 1:102	1941	
907 KAR 1:104	1942	
907 KAR 1:280		
Amended	579	9-19-90
907 KAR 1:330		
Amended	150	9-13-90
907 KAR 1:470		
Amended	1227	
908 KAR 1:020		
Amended	151	9-13-90
908 KAR 1:160		
Amended	153	
908 KAR 3:080		
Amended	1228	
908 KAR 3:180		
Amended	579	9-19-90

KRS INDEX

KRS Section	Regulation
13A.082	804 KAR 3:091
15A.070	500 KAR 8:010
15A.210	500 KAR 6:210
	500 KAR 6:220
16.505-16.652	105 KAR 1:010
	105 KAR 1:040
18A.030	101 KAR 2:035
	101 KAR 2:045
	101 KAR 2:065
	101 KAR 2:095
	101 KAR 2:100
18A.055	101 KAR 2:055
	101 KAR 2:075
18A.075	101 KAR 1:325
	101 KAR 1:335
	101 KAR 1:375
	101 KAR 1:400
18A.0751	101 KAR 1:325
	101 KAR 1:335
	101 KAR 1:375
	101 KAR 1:400
18A.110	101 KAR 2:035
	101 KAR 2:045
	101 KAR 2:055
	101 KAR 2:065
	101 KAR 2:075
	101 KAR 2:095
	101 KAR 2:100
18A.111	101 KAR 1:325
18A.115	101 KAR 1:335
	101 KAR 1:400
	101 KAR 2:075
18A.120	101 KAR 2:045
	101 KAR 2:055
	101 KAR 2:075
18A.155	101 KAR 3:010
	101 KAR 3:045
18A.165	101 KAR 2:035
	101 KAR 2:065
18A.205	702 KAR 1:035
18A.225	702 KAR 1:035
56.610-56.760	600 KAR 3:010
58.150	702 KAR 3:020
61.510-61.705	105 KAR 1:010
	105 KAR 1:040
78.510-78.852	105 KAR 1:010
	105 KAR 1:040
Chapter 96A	600 KAR 4:010
117.045	31 KAR 4:050
117.086	31 KAR 4:040
117.227	31 KAR 4:010
117.343	31 KAR 4:020
117.355	31 KAR 4:030
118.105	30 KAR 2:010
119.307	31 KAR 4:030
131.081	103 KAR 1:010
131.110	103 KAR 1:010
131.340	103 KAR 1:010
131.345	103 KAR 1:010
131.360	103 KAR 1:010
131.370	103 KAR 1:010
Chapter 138	601 KAR 1:160
138.450	103 KAR 44:040
138.460	103 KAR 44:040
138.470	103 KAR 44:040
138.655-138.725	601 KAR 9:074
139.025	103 KAR 31:011
139.050	103 KAR 27:100
	103 KAR 28:051
	103 KAR 31:011
	103 KAR 31:080
139.070	103 KAR 30:200
139.080	103 KAR 31:080
139.090	103 KAR 28:051
	103 KAR 31:080
139.100	103 KAR 28:051
	103 KAR 30:200
	103 KAR 31:080
139.110	103 KAR 26:070
	103 KAR 28:051
	103 KAR 30:200
	103 KAR 31:080
139.120	103 KAR 28:051
	103 KAR 30:200
	103 KAR 31:011
139.130	103 KAR 27:100
	103 KAR 31:011
	103 KAR 31:080
139.150	103 KAR 26:070
139.190	103 KAR 26:070
139.200	103 KAR 28:051
	103 KAR 31:011
139.210	103 KAR 25:081
	103 KAR 26:070
	103 KAR 28:051
	103 KAR 31:080
139.230	103 KAR 25:081
	103 KAR 25:091
139.240	103 KAR 26:070
	103 KAR 30:200
139.260	103 KAR 26:070
	103 KAR 30:091
	103 KAR 31:011
	103 KAR 31:111
139.270	103 KAR 26:070
	103 KAR 31:111
139.290	103 KAR 28:051
	103 KAR 31:111
139.300	103 KAR 31:111
139.310	103 KAR 26:070
	103 KAR 28:051
139.320	103 KAR 28:051
139.330	103 KAR 28:051
139.340	103 KAR 25:091
	103 KAR 26:070
	103 KAR 28:051
	103 KAR 31:011
139.360	103 KAR 25:091
139.380	103 KAR 25:091
139.400	103 KAR 31:111
139.410	103 KAR 30:200
	103 KAR 31:111
139.420	103 KAR 31:111
139.430	103 KAR 28:051
	103 KAR 31:111
139.440	103 KAR 31:111
139.470	103 KAR 30:091
	103 KAR 30:200
139.471	103 KAR 28:051
139.480	103 KAR 30:091
	103 KAR 30:095
	103 KAR 30:140
139.484	103 KAR 28:051
139.490	103 KAR 28:051
	103 KAR 30:095

KRS Section	Regulation
139.532	103 KAR 28:051
139.550	103 KAR 31:011
139.560	103 KAR 26:070
	103 KAR 31:011
139.600	103 KAR 28:051
139.620	103 KAR 28:051
139.670	103 KAR 30:200
139.680	103 KAR 30:200
139.710	103 KAR 26:070
	103 KAR 31:011
139.720	103 KAR 31:011
139.730	103 KAR 26:070
139.760	103 KAR 1:010
	103 KAR 31:111
139.980	103 KAR 1:010
139.990	103 KAR 31:111
141.215	103 KAR 17:041
141.310	103 KAR 18:110
141.370	103 KAR 18:110
141.990	103 KAR 17:041
150.010	301 KAR 1:015
	301 KAR 1:056
	301 KAR 1:075
	301 KAR 1:122
	301 KAR 1:150
	301 KAR 1:200
	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:185
	301 KAR 2:220
150.015	301 KAR 2:044
	301 KAR 2:185
	301 KAR 2:220
150.025	301 KAR 1:015
	301 KAR 1:056
	301 KAR 1:075
	301 KAR 1:122
	301 KAR 1:150
	301 KAR 1:200
	301 KAR 2:044
	301 KAR 2:110
	301 KAR 2:140
	301 KAR 2:220
150.092	301 KAR 2:140
150.120	301 KAR 1:056
	301 KAR 1:150
150.170	301 KAR 1:056
	301 KAR 1:075
	301 KAR 1:150
	301 KAR 1:200
	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
150.175	301 KAR 1:056
	301 KAR 1:075
	301 KAR 1:122
	301 KAR 1:150
	301 KAR 1:200
	301 KAR 2:140
	301 KAR 2:220
150.176	301 KAR 2:140
150.180	301 KAR 1:122
150.190	301 KAR 1:122
150.235	301 KAR 1:075
	301 KAR 2:220
150.240	301 KAR 2:220
150.300	301 KAR 2:044
150.305	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
150.320	301 KAR 2:044
	301 KAR 2:140

KRS Section	Regulation
150.330	301 KAR 2:044
	301 KAR 2:140
	301 KAR 2:220
150.340	301 KAR 2:044
	301 KAR 2:220
150.360	301 KAR 1:075
	301 KAR 2:044
	301 KAR 2:110
	301 KAR 2:140
	301 KAR 2:220
150.365	301 KAR 2:110
	301 KAR 2:140
150.370	301 KAR 2:110
150.390	301 KAR 2:110
	301 KAR 2:140
150.399	301 KAR 2:110
150.400	301 KAR 2:110
150.410	301 KAR 2:110
150.440	301 KAR 1:075
150.445	301 KAR 1:056
	301 KAR 1:075
	301 KAR 1:150
150.450	301 KAR 1:150
150.470	301 KAR 1:075
	301 KAR 1:200
150.600	301 KAR 2:220
150.603	301 KAR 2:044
	301 KAR 2:220
150.620	301 KAR 1:015
150.625	301 KAR 1:015
150.630	301 KAR 2:220
150.990	301 KAR 1:015
	301 KAR 1:056
	301 KAR 1:075
	301 KAR 1:122
	301 KAR 1:150
	301 KAR 1:200
	301 KAR 2:185
	301 KAR 2:220
151B.025	702 KAR 1:130
	780 KAR 1:010
	780 KAR 2:010
	780 KAR 2:020
	780 KAR 2:030
	780 KAR 2:040
	780 KAR 2:050
	780 KAR 2:060
	780 KAR 2:070
	780 KAR 2:080
	780 KAR 2:090
	780 KAR 2:100
	780 KAR 2:110
	780 KAR 2:120
	780 KAR 2:130
	780 KAR 2:140
	780 KAR 9:050
	780 KAR 9:060
	780 KAR 9:070
	780 KAR 9:080
	780 KAR 9:090
151B.030	780 KAR 2:010
	780 KAR 2:020
151B.035	780 KAR 3:010
	780 KAR 3:020
	780 KAR 3:030
	780 KAR 3:040
	780 KAR 3:050
	780 KAR 3:060
	780 KAR 3:070
	780 KAR 3:080
	780 KAR 3:090
	780 KAR 3:100
	780 KAR 3:110

KRS Section	Regulation
151B.035 (cont'd)	780 KAR 3:120
	780 KAR 3:130
	780 KAR 3:140
	780 KAR 3:150
	780 KAR 6:010
	780 KAR 6:020
	780 KAR 6:030
	780 KAR 6:040
	780 KAR 6:050
	780 KAR 6:060
	780 KAR 6:070
	780 KAR 6:080
	780 KAR 6:090
	780 KAR 6:100
151B.110	780 KAR 2:010
	780 KAR 2:020
	780 KAR 2:030
	780 KAR 2:040
	780 KAR 2:045
	780 KAR 2:060
	780 KAR 2:080
	780 KAR 2:090
	780 KAR 2:100
	780 KAR 2:110
	780 KAR 2:120
	780 KAR 2:130
	780 KAR 2:140
	780 KAR 4:020
	780 KAR 5:010
	780 KAR 5:020
	780 KAR 5:030
	780 KAR 5:040
	780 KAR 5:050
	780 KAR 7:010
	780 KAR 7:020
	780 KAR 7:030
	780 KAR 7:050
	780 KAR 7:060
	780 KAR 7:070
	780 KAR 8:010
	780 KAR 9:010
	780 KAR 9:020
	780 KAR 9:030
	780 KAR 9:040
	780 KAR 9:070
	780 KAR 9:080
	780 KAR 9:090
151B.120	780 KAR 2:080
151B.125	780 KAR 9:010
	780 KAR 9:020
151B.140	780 KAR 1:010
151B.145	780 KAR 1:010
	780 KAR 2:010
	780 KAR 2:100
	780 KAR 2:110
	780 KAR 2:130
	780 KAR 4:010
	780 KAR 7:040
	780 KAR 9:030
	780 KAR 9:040
	780 KAR 9:060
	780 KAR 9:070
	780 KAR 9:080
	780 KAR 9:090
151B.150	780 KAR 4:010
	780 KAR 5:010
	780 KAR 5:020
	780 KAR 5:030
	780 KAR 5:040
	780 KAR 5:050
	780 KAR 7:010
	780 KAR 7:020
	780 KAR 7:030

KRS Section	Regulation
151B.150 (cont'd)	780 KAR 7:040
	780 KAR 7:050
	780 KAR 7:060
	780 KAR 7:070
	780 KAR 8:010
	780 KAR 9:050
	780 KAR 9:060
151B.165	780 KAR 2:045
	780 KAR 2:080
	780 KAR 2:140
156.010	702 KAR 6:075
156.031	701 KAR 5:020
	701 KAR 5:050
	702 KAR 1:035
	702 KAR 1:080
	702 KAR 1:100
	702 KAR 3:010
	702 KAR 3:020
	702 KAR 3:040
	702 KAR 3:045
	702 KAR 3:050
	702 KAR 3:060
	702 KAR 3:070
	702 KAR 3:075
	702 KAR 3:080
	702 KAR 3:090
	702 KAR 3:100
	702 KAR 3:110
	702 KAR 3:120
	702 KAR 3:130
	702 KAR 3:170
	702 KAR 3:200
	702 KAR 5:010
	702 KAR 5:020
	702 KAR 5:030
	702 KAR 5:060
	702 KAR 5:090
	702 KAR 5:100
	702 KAR 5:110
	702 KAR 5:120
	702 KAR 5:130
	702 KAR 5:140
	702 KAR 6:075
	702 KAR 7:010
	702 KAR 7:020
	702 KAR 7:030
	702 KAR 7:040
	702 KAR 7:050
	702 KAR 7:065
	702 KAR 7:080
	702 KAR 7:090
	707 KAR 1:041
	707 KAR 1:045
	707 KAR 1:051
	707 KAR 1:052
	707 KAR 1:053
	707 KAR 1:054
	707 KAR 1:055
	707 KAR 1:056
	707 KAR 1:057
	707 KAR 1:058
	707 KAR 1:059
	707 KAR 1:070
	707 KAR 1:080
156.035	702 KAR 3:045
	702 KAR 6:075
	707 KAR 1:045
	707 KAR 1:080
156.070	701 KAR 5:020
	702 KAR 3:020
	702 KAR 3:045
	702 KAR 3:060
	702 KAR 3:120

KRS Section	Regulation
156.070 (cont'd)	702 KAR 3:130
	702 KAR 7:065
	702 KAR 7:080
	702 KAR 7:090
	702 KAR 7:100
	704 KAR 3:304
156.074	702 KAR 3:170
156.095	704 KAR 3:035
156.0951	704 KAR 3:035
156.100	702 KAR 6:075
156.101	704 KAR 3:325
	704 KAR 3:345
156.105	704 KAR 3:400
156.132	701 KAR 5:050
156.152	702 KAR 5:060
156.153	702 KAR 5:060
156.154	702 KAR 5:060
156.160	702 KAR 3:075
	702 KAR 3:110
	702 KAR 3:120
	702 KAR 5:010
	702 KAR 5:030
	702 KAR 5:060
	702 KAR 5:090
	702 KAR 5:100
	702 KAR 5:130
	702 KAR 7:100
	704 KAR 3:304
	704 KAR 3:305
	704 KAR 3:410
	704 KAR 5:050
156.200	702 KAR 3:020
	702 KAR 3:120
	702 KAR 3:130
	702 KAR 6:075
156.210	701 KAR 5:050
	702 KAR 3:020
156.476	707 KAR 1:045
156.480	702 KAR 6:075
157.060	702 KAR 3:110
157.200	704 KAR 3:285
	707 KAR 1:041
	707 KAR 1:051
	707 KAR 1:052
	707 KAR 1:053
	707 KAR 1:054
	707 KAR 1:056
	707 KAR 1:057
	707 KAR 1:058
	707 KAR 1:059
157.200-157.290	707 KAR 1:080
157.220	707 KAR 1:041
	707 KAR 1:052
	707 KAR 1:053
	707 KAR 1:054
	707 KAR 1:055
	707 KAR 1:056
	707 KAR 1:057
	707 KAR 1:058
	707 KAR 1:059
157.224	704 KAR 3:285
	707 KAR 1:041
	707 KAR 1:051
	707 KAR 1:052
	707 KAR 1:053
	707 KAR 1:054
	707 KAR 1:056
	707 KAR 1:057
	707 KAR 1:058
	707 KAR 1:059
157.226	702 KAR 5:150

KRS Section	Regulation
157.230	704 KAR 3:285
	707 KAR 1:041
	707 KAR 1:051
	707 KAR 1:052
	707 KAR 1:053
	707 KAR 1:054
	707 KAR 1:056
	707 KAR 1:057
	707 KAR 1:058
	707 KAR 1:059
157.250	707 KAR 1:140
157.270	707 KAR 1:051
	707 KAR 1:055
157.280	702 KAR 5:120
	707 KAR 1:051
	707 KAR 1:070
157.285	707 KAR 1:051
157.3175	702 KAR 5:150
	704 KAR 3:410
157.320	702 KAR 3:070
	702 KAR 3:211
	702 KAR 7:050
	704 KAR 5:050
157.360	702 KAR 3:190
	702 KAR 7:050
	704 KAR 5:050
	707 KAR 1:051
157.370	702 KAR 5:010
	702 KAR 5:020
	702 KAR 5:100
	702 KAR 5:110
	702 KAR 5:140
157.390	702 KAR 3:070
	702 KAR 3:100
157.420	702 KAR 3:010
	702 KAR 3:100
157.510-157.540	702 KAR 7:040
158.030	702 KAR 7:050
	704 KAR 5:050
158.060	702 KAR 7:010
	702 KAR 7:020
	702 KAR 7:061
158.070	702 KAR 7:010
	702 KAR 7:020
	702 KAR 7:040
	704 KAR 3:035
	704 KAR 3:390
158.240	702 KAR 7:050
158.6451	704 KAR 3:304
158.750	704 KAR 3:321
158.780	702 KAR 3:200
158.785	702 KAR 3:200
159.030	707 KAR 1:055
159.035	702 KAR 7:050
159.051	704 KAR 7:100
159.170	702 KAR 7:030
159.250	702 KAR 7:030
160.041	702 KAR 1:100
160.045	702 KAR 1:080
160.105	702 KAR 3:030
160.290	704 KAR 3:304
160.291	702 KAR 3:060
160.330	702 KAR 3:220
160.450	702 KAR 3:060
160.550	702 KAR 3:050
160.560	702 KAR 3:040
	702 KAR 3:080
160.570	702 KAR 3:090
161.010	702 KAR 7:090
161.020	704 KAR 15:010
	704 KAR 20:005
161.025	704 KAR 15:015
	704 KAR 20:005

KRS Section	Regulation
161.030	702 KAR 3:211
	704 KAR 5:050
	704 KAR 15:015
	704 KAR 20:005
161.044	702 KAR 7:090
161.158	702 KAR 1:035
161.159	702 KAR 1:026
161.180	702 KAR 7:090
161.200	702 KAR 7:050
161.210	702 KAR 3:060
162.080-162.100	702 KAR 3:020
162.120-162.290	702 KAR 3:020
162.300	702 KAR 3:020
163.140	706 KAR 1:001
163.160	706 KAR 1:001
164.2893	201 KAR 20:310
164A.410	765 KAR 1:060
	775 KAR 1:060
164A.560	765 KAR 1:010
	765 KAR 1:020
	775 KAR 1:010
	775 KAR 1:020
164A.565	765 KAR 1:010
	765 KAR 1:020
	775 KAR 1:010
	775 KAR 1:020
164A.570	765 KAR 1:030
	775 KAR 1:030
164A.575	765 KAR 1:020
	765 KAR 1:040
	775 KAR 1:020
	775 KAR 1:040
164A.580	765 KAR 1:020
	765 KAR 1:040
164A.585	765 KAR 1:020
	765 KAR 1:040
164A.590	765 KAR 1:020
	765 KAR 1:040
164A.595	765 KAR 1:020
	765 KAR 1:040
164A.600	765 KAR 1:020
	765 KAR 1:040
164A.605	765 KAR 1:050
	775 KAR 1:050
164A.610	765 KAR 1:070
164A.620	765 KAR 1:020
	765 KAR 1:060
	775 KAR 1:020
	775 KAR 1:060
167.210	707 KAR 1:041
168.100	702 KAR 3:170
Chapter 174	600 KAR 4:010
174.400-174.435	601 KAR 1:025
Chapter 176	600 KAR 4:010
Chapter 177	600 KAR 4:010
177.220	603 KAR 5:025
177.230	603 KAR 5:025
177.300	603 KAR 5:025
177.9771	603 KAR 5:230
Chapter 183	600 KAR 4:010
Chapter 186	601 KAR 9:125
	601 KAR 9:140
186.440	601 KAR 13:070
	704 KAR 7:100
186.450	601 KAR 13:070
186.470	601 KAR 13:070
186.560	601 KAR 13:070
186.565	500 KAR 8:010
Chapter 186A	601 KAR 9:140
189.190	603 KAR 5:025
189.222	603 KAR 5:070
	603 KAR 5:071
	603 KAR 5:075
189.239	603 KAR 5:230
189.265	603 KAR 5:071
189.270	603 KAR 5:075
	603 KAR 5:105
	603 KAR 5:110
	603 KAR 5:111
	603 KAR 5:112
189.285	601 KAR 14:010
189.340	603 KAR 5:025
189.540	702 KAR 5:010
	702 KAR 5:030
	702 KAR 5:090
189.735	603 KAR 5:071
194.050	904 KAR 2:110
	904 KAR 3:035
Chapter 196	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:060
	501 KAR 6:070
	501 KAR 6:080
	501 KAR 6:090
	501 KAR 6:120
	501 KAR 6:160
Chapter 197	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:060
	501 KAR 6:070
	501 KAR 6:080
	501 KAR 6:090
	501 KAR 6:120
	501 KAR 6:160
Chapter 198B	815 KAR 7:010
	815 KAR 7:025
199.011	905 KAR 1:300
	905 KAR 1:310
199.555	905 KAR 1:050
199.640	905 KAR 1:310
199.640-199.670	905 KAR 1:300
199.650	905 KAR 1:310
199.660	905 KAR 1:310
199.670	905 KAR 1:310
199.890-199.896	905 KAR 2:010
Chapter 202A	908 KAR 3:080
	908 KAR 3:180
Chapter 202B	908 KAR 3:080
	908 KAR 3:180
Chapter 205	904 KAR 2:022
205.010	904 KAR 2:006
205.200	904 KAR 2:006
	904 KAR 2:016
	904 KAR 2:035
205.201	905 KAR 8:140
205.204	905 KAR 8:140
205.210	904 KAR 2:016
205.220	904 KAR 2:050
205.245	904 KAR 2:015
	904 KAR 2:035
205.460-205.465	905 KAR 8:140
205.520	904 KAR 2:035
	907 KAR 1:004
	907 KAR 1:005
	907 KAR 1:006
	907 KAR 1:010
	907 KAR 1:011
	907 KAR 1:013
	907 KAR 1:014
	907 KAR 1:015
	907 KAR 1:016
	907 KAR 1:017
	907 KAR 1:019
	907 KAR 1:020

KRS Section	Regulation
205.520 (cont'd)	907 KAR 1:022
	907 KAR 1:025
	907 KAR 1:027
	907 KAR 1:031
	907 KAR 1:036
	907 KAR 1:039
	907 KAR 1:040
	907 KAR 1:045
	907 KAR 1:060
	907 KAR 1:061
	907 KAR 1:095
	907 KAR 1:102
	907 KAR 1:104
	907 KAR 1:280
	907 KAR 1:330
	907 KAR 1:470
205.560	907 KAR 1:010
Chapter 210	908 KAR 3:080
	908 KAR 3:180
210.610-210.680	908 KAR 1:160
Chapter 211	401 KAR 8:650
211.060-211.968	902 KAR 13:050
211.180	902 KAR 2:130
	902 KAR 2:140
	902 KAR 10:010
	902 KAR 10:040
	902 KAR 10:120
	902 KAR 45:150
211.842-211.852	902 KAR 100:058
211.990	902 KAR 10:120
	902 KAR 13:050
	902 KAR 100:058
212.210	902 KAR 45:150
212.990	902 KAR 45:150
216B.010-216B.130	902 KAR 20:006
	902 KAR 20:008
	902 KAR 20:116
	902 KAR 20:300
	902 KAR 20:310
216B.010-216B.131	902 KAR 20:026
	902 KAR 20:048
	902 KAR 20:051
	902 KAR 20:086
	902 KAR 20:133
	902 KAR 20:135
216B.040	902 KAR 17:010
216B.990	902 KAR 20:006
	902 KAR 20:008
	902 KAR 20:026
	902 KAR 20:048
	902 KAR 20:051
	902 KAR 20:086
	902 KAR 20:116
	902 KAR 20:132
	902 KAR 20:135
	902 KAR 20:300
	902 KAR 20:310
217.005-217.215	902 KAR 45:005
217.025	902 KAR 45:110
217.035	902 KAR 45:110
217.037	902 KAR 45:110
217.125	902 KAR 45:110
217.811	902 KAR 45:110
217.992	902 KAR 45:005
Chapter 218	901 KAR 5:050
	901 KAR 5:070
Chapter 218A	902 KAR 55:010
218A.410	500 KAR 9:010
	500 KAR 9:030
218A.435	500 KAR 9:020
	500 KAR 9:040
	500 KAR 9:050
	500 KAR 9:060
	501 KAR 11:010
218A.440	500 KAR 9:030
219.031	902 KAR 45:120
219.041	902 KAR 45:120
219.310-219.410	902 KAR 15:010
	902 KAR 15:020
219.330	902 KAR 45:120
219.350	902 KAR 45:120
219.991	902 KAR 15:010
	902 KAR 15:020
222.210	902 KAR 20:086
222.210-222.310	908 KAR 1:020
Chapter 223	401 KAR 8:010
	401 KAR 8:020
	401 KAR 8:030
223.400-223.460	401 KAR 6:320
223.991	401 KAR 6:320
Chapter 224	401 KAR 6:320
	401 KAR 8:010
	401 KAR 8:020
	401 KAR 8:030
	401 KAR 8:040
	401 KAR 8:050
	401 KAR 8:060
	401 KAR 8:070
	401 KAR 8:100
	401 KAR 8:150
	401 KAR 8:200
	401 KAR 8:250
	401 KAR 8:300
	401 KAR 8:350
	401 KAR 8:400
	401 KAR 8:420
	401 KAR 8:440
	401 KAR 8:500
	401 KAR 8:550
	401 KAR 8:600
	401 KAR 8:650
	401 KAR 8:700
224.033	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:060
	401 KAR 34:070
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:120
	401 KAR 34:130
	401 KAR 34:165
	401 KAR 34:250
	401 KAR 34:360
	401 KAR 35:010
	401 KAR 35:020
	401 KAR 35:120
	401 KAR 35:130
	401 KAR 35:190
	401 KAR 36:070
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 37:110
	401 KAR 38:010
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:070
	401 KAR 38:090
	401 KAR 38:100
	401 KAR 38:230
	401 KAR 38:500
	401 KAR 42:011
	401 KAR 42:020
	401 KAR 42:030
	401 KAR 42:040

KRS Section	Regulation
224.033 (cont'd)	401 KAR 42:050
	401 KAR 42:060
	401 KAR 42:070
	401 KAR 42:090
	401 KAR 42:200
224.036	401 KAR 38:010
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:070
	401 KAR 38:090
	401 KAR 38:100
	401 KAR 38:230
	401 KAR 38:500
224.060	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:060
	401 KAR 34:070
	401 KAR 34:250
	401 KAR 34:360
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 37:110
224.071	401 KAR 32:030
	401 KAR 32:050
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:060
	401 KAR 34:070
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:120
	401 KAR 34:130
	401 KAR 34:165
	401 KAR 34:250
	401 KAR 34:360
	401 KAR 35:120
	401 KAR 35:130
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 37:110
	401 KAR 38:010
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:070
	401 KAR 38:090
	401 KAR 38:100
	401 KAR 38:230
	401 KAR 38:500
224.087	401 KAR 38:010
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:070
	401 KAR 38:090
	401 KAR 38:100
	401 KAR 38:230
	401 KAR 38:500
224.2201-224.2215	401 KAR 38:500
224.320	401 KAR 50:010
	401 KAR 51:010
	401 KAR 59:021
	401 KAR 59:023
	401 KAR 61:011
	401 KAR 61:013

KRS Section	Regulation
224.330	401 KAR 50:010
	401 KAR 51:010
	401 KAR 59:021
	401 KAR 59:023
	401 KAR 61:011
	401 KAR 61:013
224.340	401 KAR 50:010
	401 KAR 51:010
	401 KAR 59:021
	401 KAR 59:023
	401 KAR 61:011
	401 KAR 61:013
224.810	401 KAR 42:200
224.814	401 KAR 42:011
	401 KAR 42:020
	401 KAR 42:030
	401 KAR 42:040
	401 KAR 42:050
	401 KAR 42:060
	401 KAR 42:070
	401 KAR 42:090
	401 KAR 42:200
	815 KAR 30:060
224.820	815 KAR 30:060
224.830-224.877	401 KAR 32:030
	401 KAR 32:050
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:060
	401 KAR 34:070
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:120
	401 KAR 34:130
	401 KAR 34:165
	401 KAR 34:250
	401 KAR 34:260
	401 KAR 35:010
	401 KAR 35:020
	401 KAR 35:120
	401 KAR 35:130
	401 KAR 35:190
	401 KAR 36:070
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 37:110
	401 KAR 38:010
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:070
	401 KAR 38:090
	401 KAR 38:100
	401 KAR 38:230
	401 KAR 38:500
224.855	401 KAR 59:021
	401 KAR 59:023
	401 KAR 61:011
	401 KAR 61:013
224.994	401 KAR 32:030
	401 KAR 32:050
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:060
	401 KAR 34:070
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:120
	401 KAR 34:130
	401 KAR 34:165
	401 KAR 34:250

KRS Section	Regulation
224.994 (cont'd)	401 KAR 34:360
	401 KAR 35:010
	401 KAR 35:020
	401 KAR 35:120
	401 KAR 35:130
	401 KAR 35:190
	401 KAR 36:070
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 37:110
	401 KAR 38:010
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:070
	401 KAR 38:090
	401 KAR 38:100
	401 KAR 38:230
227.450-227.500	815 KAR 35:030
243.020	804 KAR 4:110
243.030	804 KAR 4:015
	804 KAR 4:110
243.040	804 KAR 4:015
	804 KAR 4:110
243.090	804 KAR 4:110
243.260	804 KAR 4:250
243.290	804 KAR 4:250
243.430	804 KAR 4:110
244.080	804 KAR 5:040
244.083	804 KAR 5:040
244.085	804 KAR 5:040
244.130	804 KAR 2:007
247.220	302 KAR 15:010
260.010	302 KAR 38:010
273.410-273.453	905 KAR 6:070
Chapter 278	807 KAR 5:058
Chapter 281	601 KAR 1:029
	601 KAR 1:160
287.375	808 KAR 1:050
290.070	808 KAR 3:020
304.2-165	806 KAR 12:092
304.2-210	806 KAR 12:092
	806 KAR 12:094
304.3-200	806 KAR 12:092
	806 KAR 12:094
304.9-295	806 KAR 9:220
304.12-010	806 KAR 12:092
	806 KAR 12:094
304.12-020	806 KAR 17:066
304.12-220	806 KAR 12:092
	806 KAR 12:094
304.12-230	806 KAR 12:092
	806 KAR 12:094
304.12-235	806 KAR 12:092
	806 KAR 12:094
304.14-400	806 KAR 12:094
304.14-500-304.14-550	806 KAR 17:066
304.17-305	806 KAR 17:066
304.17-318	806 KAR 17:066
304.18-036	806 KAR 17:066
304.18-095	806 KAR 17:066
304.20-070	806 KAR 12:094
304.20-150-304.20-180	806 KAR 12:094
304.29-341	806 KAR 12:092
304.32-157	806 KAR 17:066
304.32-165	806 KAR 17:066
304.32-270	806 KAR 12:092
	806 KAR 17:066
304.38-193	806 KAR 17:066
304.38-196	806 KAR 17:066
304.38-200	806 KAR 12:092
	806 KAR 17:066
304.43-130	806 KAR 12:092
311.900	201 KAR 9:300
311.900-311.928	201 KAR 9:305
313.080	201 KAR 8:140
313.270	201 KAR 8:285
314.111	201 KAR 20:310
317.410	201 KAR 14:100
	201 KAR 14:130
317.440	201 KAR 14:130
	201 KAR 14:140
317.450	201 KAR 14:140
Chapter 318	815 KAR 20:020
319.050	201 KAR 26:160
319.058	201 KAR 26:160
319.062	201 KAR 26:160
319.064	201 KAR 26.160
322.050	201 KAR 18:140
322.180	201 KAR 18:140
322.190	201 KAR 18:140
322.200	201 KAR 18:140
322.290	201 KAR 18:140
322.350	201 KAR 18:140
323.010	201 KAR 19:060
323.020	201 KAR 19:060
	201 KAR 19:105
323.050	201 KAR 19:025
	201 KAR 19:030
	201 KAR 19:035
	201 KAR 19:040
323.060	201 KAR 19:060
323.080	201 KAR 19:085
323.090	201 KAR 19:050
	201 KAR 19:085
323.095	201 KAR 19:095
	201 KAR 19:100
323.100	201 KAR 19:070
323.110	201 KAR 19:095
323.120	201 KAR 19:095
323.210	201 KAR 19:005
	201 KAR 19:030
	201 KAR 19:040
	201 KAR 19:050
	201 KAR 19:056
323.215	201 KAR 19:040
325.321	201 KAR 1:068
325.330	201 KAR 1:100
327.050	201 KAR 22:031
327.060	201 KAR 22:031
327.080	201 KAR 22:031
Chapter 333	902 KAR 11:010
Chapter 338	803 KAR 2:303
	803 KAR 2:305
	803 KAR 2:306
	803 KAR 2:307
	803 KAR 2:313
	803 KAR 2:316
	803 KAR 2:317
	803 KAR 2:318
	803 KAR 2:320
	803 KAR 2:413
Chapter 340	903 KAR 1:010
341.380	903 KAR 5:270
342.325	806 KAR 12:092
	806 KAR 12:094
Chapter 405	904 KAR 2:022
433.750	603 KAR 5:025
433.753	603 KAR 5:025
Chapter 439	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:060

KRS Section	Regulation
Chapter 439 (cont'd)	501 KAR 6:070
	501 KAR 6:080
	501 KAR 6:090
	501 KAR 6:120
	501 KAR 6:160
600.020	905 KAR 1:300
	905 KAR 1:310
615.010	905 KAR 1:300
	905 KAR 1:310
620.020	905 KAR 1:300
	905 KAR 1:310
Acts 1990 c. 199	905 KAR 1:050
Acts 1990 c. 445	500 KAR 9:010
1990 GA, HB 425	902 KAR 2:130
	902 KAR 2:140
1990 GA, HB 503	302 KAR 1:055
1990 GA, HB 584	302 KAR 1:070
1990 GA, HB 799	704 KAR 3:380
	902 KAR 11:010
	903 KAR 1:010
	905 KAR 2:010
	908 KAR 1:020
	908 KAR 1:160
1990 GA, HB 814	705 KAR 1:001
	709 KAR 1:001
	781 KAR 1:010
	781 KAR 1:020
	781 KAR 1:030
	781 KAR 1:040
	781 KAR 1:050
	781 KAR 1:060
	781 KAR 1:070
	781 KAR 2:010
	781 KAR 2:020
1990 GA, SB 158	601 KAR 14:010
7 CFR 210	702 KAR 6:075
7 CFR 273	904 KAR 3:035
8 CFR	904 KAR 2:110
13 CFR 121.101-.601	600 KAR 4:010
29 CFR 1910	803 KAR 2:303
	803 KAR 2:305
	803 KAR 2:306
	803 KAR 2:307
	803 KAR 2:313
	803 KAR 2:316
	803 KAR 2:317
	803 KAR 2:318
	803 KAR 2:320
34 CFR 668, 690	904 KAR 2:110
36 CFR 800	401 KAR 38:010
40 CFR	401 KAR 32:050
	401 KAR 34:250
	401 KAR 37:010
	401 KAR 37:040
	401 KAR 37:050
40 CFR 60	401 KAR 59:021
	401 KAR 59:023
40 CFR 141	401 KAR 8:010
	401 KAR 8:020
	401 KAR 8:040
	401 KAR 8:070
	401 KAR 8:150
	401 KAR 8:200
	401 KAR 8:250
	401 KAR 8:300
	401 KAR 8:350
	401 KAR 8:400
	401 KAR 8:420
	401 KAR 8:440
	401 KAR 8:500
	401 KAR 8:550

KRS Section	Regulation
40 CFR 142	401 KAR 8:060
	401 KAR 8:070
	401 KAR 8:150
	401 KAR 8:500
40 CFR 143	401 KAR 8:070
	401 KAR 8:600
40 CFR 280	401 KAR 42:011
	401 KAR 42:020
	401 KAR 42:030
	401 KAR 42:040
	401 KAR 42:050
	401 KAR 42:060
	401 KAR 42:070
	401 KAR 42:090
40 CFR 281	401 KAR 42:011
	401 KAR 42:020
	401 KAR 42:030
	401 KAR 42:040
	401 KAR 42:050
	401 KAR 42:060
	401 KAR 42:070
	401 KAR 42:090
42 CFR 435.831	904 KAR 2:016
45 CFR	904 KAR 2:006
	904 KAR 2:016
45 CFR 131	905 KAR 8:140
45 CFR 301-307	904 KAR 2:022
45 CFR 400	904 KAR 2:110
49 CFR	401 KAR 32:030
	601 KAR 1:025
49 CFR 23	600 KAR 4:010
49 CFR 24	600 KAR 3:010
49 CFR 571.218	601 KAR 14:010
50 CFR 402	401 KAR 38:010
20 USC 101	707 KAR 1:045
20 USC 1400	707 KAR 1:070
20 USC 1415	707 KAR 1:080
29 USC 722	781 KAR 1:010
	781 KAR 2:010
42 USC	702 KAR 6:075
42 USC 673	905 KAR 1:050
42 USC 3027	905 KAR 8:140
42 USC 6991	401 KAR 42:011
	401 KAR 42:020
	401 KAR 42:030
	401 KAR 42:040
	401 KAR 42:050
	401 KAR 42:060
	401 KAR 42:070
	401 KAR 42:090
42 USC 9901-9912	905 KAR 6:070
E. O. 90-68	401 KAR 59:021
	401 KAR 59:023
	401 KAR 61:011
	401 KAR 61:013

SUBJECT INDEX

ACCOUNTANCY, BOARD OF
Continuing education; 201 KAR 1:100
Quality enhancement program; 201 KAR 1:068

ADMINISTRATION, FINANCE (EDUCATION)
Administration
  Annexed property, transfer; 702 KAR 1:080
  Group health, life insurance; 702 KAR 1:035
  Repealer; 702 KAR 1:026
  School mergers; 702 KAR 1:110
  Secondary funding; 702 KAR 1:130 & E
Food Service Program
  Reports and funds; 702 KAR 6:075
Pupil Transportation
  Blind, deaf pupils; 702 KAR 5:120
  Buses; 702 KAR 5:060
  Division responsibilities; 702 KAR 5:010
  Handicapped reimbursement; 702 KAR 5:100
  Kindergarten pupils; 702 KAR 5:140
  Preschool children; 702 KAR 5:150
  Program cost calculation; 702 KAR 5:020
  Pupil responsibilities; 702 KAR 5:090
  Superintendent responsibilities; 702 KAR 5:030
  Less than ten passengers; 702 KAR 5:130
  Vocational pupils reimbursement; 702 KAR 5:110
School District Finance
  Bond issue approval; 702 KAR 3:020
  Budget exceedance application; 702 KAR 3:050
  Capital outlay funds; 702 KAR 3:010
  Check issuing policy; 702 KAR 3:040
  Depository bond, penal sum; 702 KAR 3:090
  Document filing dates; 702 KAR 3:110
  Educational television equipment purchases; 702 KAR 3:170
  Employees' payment; 702 KAR 3:060
  Insurance requirements; 702 KAR 3:030
  Internal accounting; 702 KAR 3:130
  Management assistance program; 702 KAR 3:200
  Maximum class size; 702 KAR 3:190
  Professional staff data form; 702 KAR 3:100
  Repealer; 702 KAR 3:211
  SEEK funds; 702 KAR 3:230
  Substitute teachers' salary; 702 KAR 3:075
  Teachers' salary scheduling; 702 KAR 3:070
  Treasurer's bond, penal sum; 702 KAR 3:080
  Uniform financial accounting; 702 KAR 3:120
  Waiver of school fees; 702 KAR 3:220
  Withholding funds; 702 KAR 3:045
School Terms, Attendance, Operation
  Athletic recruiting prohibited; 702 KAR 7:080
  Attendance; 702 KAR 7:050
  Calendar; 702 KAR 7:020
  Census; 702 KAR 7:030
  Experimental schools; 702 KAR 7:040
  Interscholastic athletics personnel; 702 KAR 7:090
  Interscholastic athletics agent; 702 KAR 7:065
  Repealer; 702 KAR 7:061
  Sports, 5th, 6th grades; 702 KAR 7:100
  Terms and months; 702 KAR 7:010

ADULT AND TECHNICAL EDUCATION
Adult Education
  Eighth grade equivalency; 780 KAR 9:030
  English literacy; 780 KAR 9:060
  High school equivalency; 780 KAR 9:020
  Migrant farmworkers, immigrants; 780 KAR 9:070
  Reporting requirements; 780 KAR 9:080
  Section 322, Adult Education Act; 780 KAR 9:040
  Section 353, Adult Education Act; 780 KAR 9:050

ADULT AND TECHNICAL EDUCATION (cont'd)
  Testing program; 780 KAR 9:010
  Workplace literacy; 780 KAR 9:090
Personnel System for Certified & Equivalent Employees
  Appeals, hearings; 780 KAR 3:120
  Appointments; 780 KAR 3:030
  Attendance; 780 KAR 3:070
  Certification; 780 KAR 3:140
  Classification plan; 780 KAR 3:010
  Compensation plan; 780 KAR 3:020
  Disciplinary actions; 780 KAR 3:110
  Employee actions; 780 KAR 3:100
  Employee grievances; 780 KAR 3:130
  Employment lists; 780 KAR 3:050
  Probationary periods; 780 KAR 3:060
  Records, reports; 780 KAR 3:090
  School term; 780 KAR 3:080
  Special appointments; 780 KAR 3:040
  Staff development, in-service; 780 KAR 3:150
Facilities and Equipment
  Area center, public high school; 780 KAR 7:020
  Construction; 780 KAR 7:050
  Definitions; 780 KAR 7:010
  Equipment insurance; 780 KAR 7:070
  Equipment inventory; 780 KAR 7:060
  Facility maintenance; 780 KAR 7:040
  Vocational-technical; 780 KAR 7:030
General Administration
  1991-92 program plan; 780 KAR 1:010
Instructional Programs
  Diploma requirements; 780 KAR 4:020
  General standards; 780 KAR 4:010
Management of the Kentucky Tech System
  Academic progress; 780 KAR 2:120
  Admission minimum standards; 780 KAR 2:130
  Area vocational education schools; 780 KAR 2:010
  Costs, tuition, fees; 780 KAR 2:080
  Livework projects; 780 KAR 2:040
  Livework project fees; 780 KAR 2:045
  Long-term adult attendance; 780 KAR 2:100
  Medical, accident insurance; 780 KAR 2:110
  Occupational appeals officer; 780 KAR 2:020
  Postsecondary admission; 780 KAR 2:090
  Regional program; 780 KAR 2:050
  Steering committee; 780 KAR 2:030
  Suspension, expulsion; 780 KAR 2:060
  Tuition, fees; 780 KAR 2:140
  Veteran's preference; 780 KAR 2:070
Repealer; 709 KAR 1:001
Unclassified Personnel
  Appeals, hearings; 780 KAR 6:100
  Appointments; 780 KAR 6:030
  Attendance; 780 KAR 6:060
  Classification plan; 780 KAR 6:010
  Compensation plan; 780 KAR 6:020
  Disciplinary actions; 780 KAR 6:090
  Employee actions; 780 KAR 6:080
  Probationary periods; 780 KAR 6:050
  Records, reports; 780 KAR 6:070
  Special appointments; 780 KAR 6:040
Veteran's Approval Agency
  Apprenticeship, OJT; 780 KAR 5:020
  Denial, revocation; 780 KAR 5:040
  Inspection, supervision; 780 KAR 5:050
  Institutional courses; 780 KAR 5:010
  Revisions, amendments; 780 KAR 5:030
Vocational and Teacher Education
  Vocational teacher education; 780 KAR 8:010

AGRICULTURAL MARKETING
Product logo program; 302 KAR 38:010

AGRICULTURE
Agricultural marketing; 302 KAR Chapter 38
Fairs and shows; 302 KAR Chapter 15
Referendums; 302 KAR Chapter 1

AIR QUALITY
Administrative Procedures
  Definitions, abbreviations; 401 KAR 50:010
Existing Source Standards
  Medical, hazardous waste incinerators; 401 KAR 61:013
  Solid waste incinerators; 401 KAR 61:011
New Source Requirements; Nonattainment Areas
  Status designations; 401 KAR 51:010
New Source Standards
  Medical, hazardous waste incinerators; 401 KAR 59:023
  Solid waste incinerators; 401 KAR 59:021

ALCOHOLIC BEVERAGE CONTROL
Advertising Mal Beverages
  Inside signs; 804 KAR 2:007
Conduct of Business; Employees
  Minors, definitions; 804 KAR 5:040
Fair Trade, Pricing and Sales
  Repealer; 804 KAR 3:091
Licensing
  Dormant license renewal; 804 KAR 4:110
  Interlocking interest prohibited; 804 KAR 4:015
  Temporary license, special; 804 KAR 4:250

ARCHITECTS
Duplicate certificates; 201 KAR 19:070
Examination application; 201 KAR 19:025
Examination, general provisions; 201 KAR 19:030
Examination qualification; 201 KAR 19:035
Examinations required; 201 KAR 19:040
Fees; 201 KAR 19:085
Nonresident registration; 201 KAR 19:060
Plans, specification standards; 201 KAR 19:105
Professional practice standards; 201 KAR 19:095
Reciprocity; 201 KAR 19:060
Reexamination, reconsideration; 201 KAR 19:050
Repealer; 201 KAR 19:056
Rules & regulations amendments; 201 KAR 19:005
Seals, titles; 201 KAR 19:100

ASSET FORFEITURES
(See, Justice)

BARBERING
School advertising; 201 KAR 14:100 & E
School fees for services; 201 KAR 14:130 & E
School license; 201 KAR 14:140 & E

BIRTH CERTIFICATES
(See, Health Services - Vital Statistics)

BREATH ANALYSIS OPERATORS
Certification; 500 KAR 8:010

CERTIFICATE OF NEED
(See, Health Services)

CHILD WELFARE
(See, Social Services)

CHIEF STATE SCHOOL OFFICER
(See Education and Humanities Cabinet)

COMMUNICABLE DISEASES
(See, Health Services)

CONTROLLED SUBSTANCES
(See, Health Services)

CORRECTIONS
Administrative Services
  Asset forfeiture; 501 KAR 11:010 & E
Facilities
  Blackburn Correctional Complex; 501 KAR 6:120 & E
  Cabinet manuals; 501 KAR 6:080 & E
  Correctional industries; 501 KAR 6:160
  Frankfort Career Development Center; 501 KAR 6:090 & E
  General policies; 501 KAR 6:020 & E
  Kentucky Correctional Institute for Women; 501 KAR 6:070 & E
  Kentucky State Penitentiary; 501 KAR 6:040
  Kentucky State Reformatory; 501 KAR 6:030
  Northpoint Training Center; 501 AKR 6:060 & E

CREDIT UNIONS
(See Financial Institutions)

DAY CARE
(See, Social Services)

DEALER PLATES
(See Vehicle Regulation)

DENTISTRY
Continuing education compliance; 201 KAR 8:140
Hygienists' continuing education; 201 KAR 8:285

EASTERN KENTUCKY UNIVERSITY
Annual audit; 775 KAR 1:030
Financial management responsibility; 775 KAR 1:020
Fund disbursement, accounting; 775 KAR 1:010
Fund for excellence; 775 KAR 1:060
Issuance of bonds; 775 KAR 1:050
Purchase, inventories, surplus property, capital construction; 775 KAR 1:040

EDUCATION AND HUMANITIES
Adult, Vocational Education & Vocational Rehab Programs
  Vocational Education
    Administration; 705 KAR Chapter 1
Adult education; 709 KAR Chapter 1
Chief State School Officer's Office
  Hearing officer; 701 KAR 5:020
  Summary hearing procedure; 701 KAR 5:050
Elementary and Secondary
  Instruction
    Instructional services; 704 KAR Chapter 3
    Kindergarten, nursery school; 704 KAR Chapter 5
    Student services; 704 KAR Chapter 7
    Teacher certification; 704 KAR Chapter 20
    Teacher education; 704 KAR Chapter 15
Exceptional children; 707 KAR Chapter 1
School Administration, Finance
  Administration; 702 KAR Chapter 1
  Food service program; 702 KAR Chapter 6
  Pupil transportation; 702 KAR Chapter 5
  School district finance; 702 KAR Chapter 3
  School terms, attendance, operation; 702 KAR Chapter 7
Vocational Rehabilitation
  Administration; 706 KAR Chapter 1

ELECTIONS, STATE BOARD
Certifications
Election costs; 31 KAR 4:020 & E
Officer removal; 31 KAR 4:050 & E
Reporting forms; 31 KAR 4:030 & E
Special ballots; 31 KAR 4:040 & E
Voter ID cards; 31 KAR 4:010 & E

ELECTRICAL INSPECTORS
(See, Housing, Buildings & Construction)

ELEMENTARY AND SECONDARY
Instruction
Instructional services; 704 KAR Chapter 3
Kindergarten, nursery school; 704 KAR Chpater 5

EMERGENCY MEDICAL TECHNICIANS
(See, Health Services)

EMPLOYEES, STATE
(See also, Personnel)
Board; 101 KAR Chapter 1
Classified; 101 KAR Chapter 2
Unclassified; 101 KAR Chapter 3

EMPLOYMENT SERVICES
Employment Agencies
Private; 903 KAR 1:010
Unemployment Insurance
Maximum weekly benefits; 903 KAR 5:270

EXCEPTIONAL CHILDREN EDUCATION
Appeals board; 707 KAR 1:080
Blind education, state plan; 707 KAR 1:045
Classroom teaching assignments; 707 KAR 1:140
Communication disorders; 707 KAR 1:052
Deaf-blind children; 707 KAR 1:041
Emotionally disturbed; 707 KAR 1:054
Home/hospital instruction; 707 KAR 1:055
Learning disabilities; 707 KAR 1:056
Mentally handicapped; 707 KAR 1:057
Multiple handicapped; 707 KAR 1:058
Nonpublic school program; 707 KAR 1:070
Physically handicapped; 707 KAR 1:053
Programs; 707 KAR 1:051
Visually handicapped; 707 KAR 1:059

FAIRS AND SHOWS
Aid to local fairs; 302 KAR 15:010

FINANCIAL INSTITUTIONS
Administration
Retention of records; 808 KAR 1:050
Credit Unions
Record retention schedule; 808 KAR 3:020

FIRE PREVENTION
(See Housing, Buildings & Construction)

FISH AND WILDLIFE
Fish
Angling seasons, limits; 301 KAR 1:200
Boats, outboard motors; 301 KAR 1:015
Commercial fishing waters; 301 KAR 1:150
Gigging, grabbling, snagging, tickling, noodling; 301 KAR 1:075
Life fish; 301 KAR 1:122
Trotlines, jugging, setlines; 301 KAR 1:056
Game
Hunter education training; 301 KAR 2:185
Migratory birds; 301 KAR 2:220 & E
Migratory wildlife; 301 KAR 2:044 & E
Raccoon and opossum; 301 KAR 2:110
Wild turkey seasons; 301 KAR 2:140

FOOD, COSMETICS
(See Health Services)

HEALTH SERVICES
Communicable Diseases
HIV education; 902 KAR 2:130
HIV test counseling; 902 KAR 2:140
Controlled Substances
Manufacturers, wholesalers; 902 KAR 55:010
Emergency Medical Technicians
Training, examination, certification; 902 KAR 13:050
Food, Cosmetics
Inspection, permit fees; 902 KAR 45:110 & E; 902 KAR 45:120 & E
Retail food code; 902 KAR 45:005 & E
School sanitation; 902 KAR 45:150
Health Services and Facilities
Certificate of need application fees; 902 KAR 20:135
Certificate of need process; 902 KAR 20:006 & E
Emergency care, ambulance transportation; 902 KAR 20:116 & E
Intermediate care; 902 KAR 20:051
License procedures, fees; 902 KAR 20:008
Mentally retarded, developmentally disabled; 902 KAR 20:086
Nursing homes; 902 KAR 20:048
Nursing facilities; 902 KAR 20:300 & E; 902 KAR 20:310 & E
Repealer; 902 KAR 20:133 & E
Skilled nursing; 902 KAR 20:026
Medical Laboratories
Licensure, fee; 902 KAR 11:010
Mobile Homes, Recreational Vehicles
Mobile homes; 902 KAR 15:010 & E
Recreational vehicles; 902 KAR 15:020 & E
Radiology
Specific licenses; 902 KAR 100:058
Sanitation
Public restrooms; 902 KAR 10:010
Public swimming, bathing facilities; 902 KAR 10:120
Youth camps; 902 KAR 10:040 & E
State Health Plan
Plan; 902 KAR 17:010 & E
Vital Statistics
Amended birth certificate; 901 KAR 5:070
Fees for searches, copies; 901 KAR 5:050 & E

HEALTH SERVICES AND FACILITIES
(See, Health Services)

HIGHWAYS
Traffic
Access highways-fully controlled; 603 KAR 5:025
Bridge weight limits, haul road; 603 KAR 5:230 & E
Bus dimension limits; 603 KAR 5:071
Mobile homes under 14 feet; 603 KAR 5:110 & E
Mobile homes over 14 feet; 603 KAR 5:111 & E
Motor vehicle dimension limits; 603 KAR 5:070
Naming of roads, bridges; 603 KAR 5:240 & E
Overweight, overdimensional permits; 603 KAR 5:075
Utility poles, pipes, moving; 603 KAR 5:112 & E
Wood trusses, permits; 603 KAR 5:105

HOUSING, BUILDINGS & CONSTRUCTION
Building Code
Administration, enforcement; 815 KAR 7:010
Kentucky building code; 815 KAR 7:025
Electrical Inspectors
Certification of contractors; 815 KAR 35:030

HOUSING, BUILDINGS & CONSTRUCTION (cont'd)
Hazardous Materials
Underground petroleum storage tank installers; 815 KAR 30:060
Plumbing
Parts or materials list; 815 KAR 20:020
Standards of Safety
Fire prevention code; 815 KAR 10:040

HUMAN IMMUNODEFICIENCY VIRUS (HIV)
(See, Health Services - Communicable Diseases)

HUMAN RESOURCES
Employment Services
Employment agencies; 903 KAR Chapter 1
Unemployment insurance; 903 KAR Chapter 5
Health Services
Communicable diseases; 902 KAR Chapter 2
Controlled substances; 902 KAR Chapter 55
EMTs; 902 KAR Chapter 13
Food, cosmetics; 902 KAR Chapter 45
Health services and facilities; 902 KAR Chapter 20
Medical laboratories; 902 KAR Chapter 11
Mobile homes, recreational vehicle parks; 902 KAR Chapter 15
Radiology; 902 KAR Chapter 100
Sanitation; 902 KAR Chapter 10
Vital statistics; 901 KAR Chapter 5
Medicaid services; 907 KAR Chapter 1
Mental Health/Mental Retardation Services
Institutional care; 908 KAR Chapter 3
Substance abuse; 908 KAR Chapter 1
Social Insurance
Food stamps; 904 KAR Chapter 3
Public assistance; 904 KAR Chapter 2
Social Services
Aging services; 905 KAR Chapter 8
Child welfare; 905 KAR Chapter 1
Community action agencies; 905 KAR Chapter 6
Day care; 905 KAR Chapter 2

INSTRUCTION (EDUCATION)
Instructional Services
Basic skills remediation; 704 KAR 3:380
Evaluation guidelines; 704 KAR 3:345
Extended school service; 704 KAR 3:390
Four year old preschool; 704 KAR 3:410
Gifted, talented programs; 704 KAR 3:285
High school graduation; 704 KAR 3:305
Instructional leadership act; 704 KAR 3:325
Principal assessment; 704 KAR 3:400
Professional development; 704 KAR 3:035
Program of studies; 704 KAR 3:304 & E
Repealer; 704 KAR 3:321
Kindergarten, Nursery School
Programs, accreditation; 704 KAR 5:050
Student Services
Driver's license revocation; 704 KAR 7:100 & E
Teacher Certification
Professional school personnel; 704 KAR 20:005
Teacher Education
Preparation programs; 704 KAR 15:015

INSURANCE
Agents, Consultants, Solicitors, Adjusters
Agent continuing education; 806 KAR 9:220
Health Insurance Contracts
Medicare supplement insurance; 806 KAR 17:066 & E
Trade Practices, Frauds
Unfair life & health insurance claims settlement practices; 806 KAR 12:092 & E
Unfair property & casualty insurance claims settlement practices; 806 KAR 12:094 & E

JUSTICE
Asset Forfeiture
Agency forfeiture policy; 500 KAR 9:020
Definitions; 500 KAR 9:010
Drug strategy; 500 KAR 9:060 & E
Grants; 500 KAR 9:010
Model policy; 500 KAR 9:050 & E
Reports and audits; 500 KAR 9:030
Breath analysis Operators; 500 KAR Chapter 8
Juvenile Detention Facilities
Construction, expansion, renovation; 500 KAR 6:210 & E
Registration; 500 KAR 6:200 & E

JUVENILE DETENTION FACILITIES
(See Justice)

KINDERGARTEN, NURSERY SCHOOL
(See, Instruction)

LABOR
Occupational safety & health; 803 KAR Chapter 2

LAND SURVEYORS
Professional practice, conduct; 201 KAR 18:140

MEDICAID SERVICES
Advanced registered nurse practitioner; 907 KAR 1:102 & E
Advanced registered nurse practitioner; 907 KAR 1:104 & E
Dental; 907 KAR 1:027 & E
Drug payments; 907 KAR 1:020 & E
Hearing; 907 KAR 1:039 & E
Home health; 907 KAR 1:031
Hospice; 907 KAR 1:330
HICAP; 907 KAR 1:017 & E
Hospital inpatients; 907 KAR 1:013 & E
Hospital outpatients; 907 KAR 1:014 & E; 907 KAR 1:015 & E
Intermediate care; 907 KAR 1:036 & E
Medical equipment, durable; 907 KAR 1:470
Medical transportation; 907 KAR 1:060
Medical transportation payment; 907 KAR 1:061 & E
Medically needy; 907 KAR 1:004 & E
Mental health centers; 907 KAR 1:045 & E
Mentally retarded facilities; 907 KAR 1:022 & E
Mentally retarded facility payments; 907 KAR 1:025 & E
Nurse-midwife services; 907 KAR 1:095
Payment nonduplication; 907 KAR 1:005
Pharmacy services; 907 KAR 1:019 & E
Physicians' services; 907 KAR 1:010 & E
Podiatry services; 907 KAR 1:280 & E
Psychiatric hospitals; 907 KAR 1:016 & E
Skilled nursing; 907 KAR 1:036 & E
Technical eligibility; 907 KAR 1:011 & E
Title XVIII benefits; 907 KAR 1:006 & E
Vision care; 907 KAR 1:040 & E

MEDICAL LABORATORIES
(See, Health Services)

MEDICAL LICENSURE
Athletic trainer recertification; 201 KAR 9:305
KRS 311.900 interpretation; 201 KAR 9:300

MENTAL HEALTH/MENTAL RETARDATION SERVICES
Institutional Care
Hazelwood ICF-MR; 908 KAR 3:080
Oakwood ICF/MR; 908 KAR 3:180
Substance Abuse
Licensing (DATE); 908 KAR 1:060
Licensing (NATE); 908 KAR 1:020

MINORITY AFFAIRS (USDOT)
(See Transportation)

MOBILE HOMES
(See Health Services)

MOTORCYCLE SAFETY
(See, Vehicle Regulation)

NATURAL RESOURCES, ENVIRONMENTAL PROTECTION
Environmental Protection
  Air quality; 401 KAR Chapters 50 through 60
  Waste management; 401 KAR Chapters 32 through 42
  Water; 401 KAR Chapters 6 through 8

NOMINATIONS
(See Secretary of State)

NURSING
Faculty; 201 KAR 20:310

OCCUPATIONAL SAFETY AND HEALTH
29 CFR 1910; 803 KAR 2:303 through 803 KAR 2:320
29 CFR 1926; 803 KAR 2:413

OCCUPATIONS AND PROFESSIONS
Accountancy; 201 KAR Chapter 1
Architects; 201 KAR 19:005
Barbering; 201 KAR Chapter 14
Dentistry; 201 KAR Chapter 8
Land surveyors; 201 KAR Chapter 18
Medical licensure; 201 KAR Chapter 9
Nursing; 201 KAR Chapter 20
Physical therapists; 201 KAR Chapter 22
Psychology; 201 KAR Chapter 26

PERSONNEL
Board
  Employee actions; 101 KAR 1:335
  Grievances and complaints; 101 KAR 1:375
  Probationary periods; 101 KAR 1:325
  Promotion; 101 KAR 1:400
Classified
  Applications, qualifications, examinationa; 101 KAR 2:045 & E
  Certification, eligibles; 101 KAR 2:065 & E
  Classified service; 101 KAR 2:095 & E
  Compensation, pay incentive; 101 KAR 2:035 & E
  Leave; 101 KAR 2:100
  Register, job bank; 101 KAR 2:055 & E
  Vacancies, special duty; 101 KAR 2:075 & E
Unclassified
  Classification, compensation; 101 KAR 3:045 & E
  Leave; 101 KAR 3:010

PHYSICAL THERAISTS
Licensing procedures; 201 KAR 22:031

PSYCHOLOGY
Fee schedule; 201 KAR 26:160

PUBLIC PROTECTION, REGULATION
Alcoholic Beverage Control
  Advertising malt beverages; 804 KAR Chapter 2
  Business, employees conduct; 804 KAR Chapter 5
  Fair trade, pricing, sales; 804 KAR Chapter 3
  Licensing; 804 KAR Chapter 4
Financial Institutions
  Administration; 808 KAR Chapter 1
  Credit unions; 808 KAR Chapter 3
Housing, Buildgins & Construction
  Building code; 815 KAR Chapter 7
  Electrical inspectors; 815 KAR Chapter 35
  Hazardous materials; 815 KAR Chapter 30

PUBLIC PROTECTION, REGULATION (cont'd)
  Plumbing; 815 KAR Chapter 20
  Standards of safety; 815 KAR Chapter 10
Insurance
  Agents, consultants, solicitors, adjusters; 806 KAR Chapter 9
  Health insurance contracts; 806 KAR Chapter 17
  Trade practices, frauds; 806 KAR Chapter 12
Public Service Commission; 807 KAR Chapter 5

PUBLIC SERVICE COMMISSION
Electric utilities integrated resources planning; 807 KAR 5:058

RADIOLOGY
(See, Health Services)

REFERENDUMS (AGRICULTURE)
Corn; 302 KAR 1:070
Milk; 302 KAR 1:055

REFUGEE ASSISTANCE
(See Social Insurance)

RELOCATION ASSISTANCE
(See Transportation)

RETIREMENT
KERS
  Actuarial assumptions, tables, 105 KAR 1:040 & E
  Contributions and interest rates; 105 KAR 1:010 & E

REVENUE
(See also Taxation)
General administration; 103 KAR Chapter 1
Income Tax
  Individual; 103 KAR Chapter 17
  Withholding; 103 KAR Chapter 18
Sales and Use Tax
  Administration, accounting; 103 KAR Chapter 31
  Exemptions, general; 103 KAR Chapter 30
  Miscellaneous retail transactions; 103 KAR Chapter 28
  Miscellaneous retailer occupation; 103 KAR Chapter 27
  Registration, collection; 103 KAR Chapter 25
  Service, professional occupations; 103 KAR Chapter 26
Selective Excise Tax
  Motor vehicle usage; 103 KAR Chapter 44

SANITATION
(See, Health Services)

SCHOOL ADMINISTRATION, FINANCE
(See Administration, Finance, Education)

SECRETARY OF STATE
Certifications
  Vacancy in nominations; 30 KAR 2:010 & E

SOCIAL INSURANCE
Food Stamps
  Certification process; 904 KAR 3:035 & E
Public Assistance
  AFDC need & amount standards; 904 KAR 2:016 & E
  AFDC technical requirements; 904 KAR 2:006 & E
  Aged, blind, disabled; 904 KAR 2:015 & E
  Child support process; 904 KAR 2:022
  Payments, time, manner; 904 KAR 2:050 & E
  Refugee assistance; 904 KAR 2:110 & E
  Right to apply; 904 KAR 2:035 & E

SOCIAL SERVICES
Aging Services
  Hearing procedures; 905 KAR 8:140
Child Welfare
  Child caring facilities; 905 KAR 1:300
  Child placing agencies; 905 KAR 1:310
  Subsidy approval; 905 KAR 1:050
Community Action Agencies
  Program state plan, CSBG; 905 KAR 6:070
Day Care
  Facility standards; 905 KAR 2:010

SUBSTANCE ABUSE
(See, Mental Health/Mental Retardation)

TAXATION
General Administration
  Protests, appeals; 103 KAR 1:010
Income Tax; Individual
  Combat zone service; 103 KAR 17:041
Income Tax; Withholding
  Methods; 103 KAR 18:110
Sales and Use Tax; Administration, Accounting
  Coupons, redemption; 103 KAR 31:080
  Sales, purchases, resale; 103 KAR 31:111
  Tax accounting, remitting; 103 KAR 31:011
Sales and Use; Exemptions
  Energy, fuels; 103 KAR 30:140
  Farm chemicals; 103 KAR 30:095 & E
  Occasional sales; 103 KAR 30:200
  Sales to farmers; 103 KAR 30:091
Sales and Use Tax; Miscellaneous Retail Transactions
  Leases, rentals; 103 KAR 28:051
Sales and Use Tax; Miscellaneous Retailer Occupation
  Motor vehicles; 103 KAR 27:100
Sales and Use Tax; Registration, Collection
  Sales tax bracket system; 103 KAR 25:081
  Use tax bracket system; 103 KAR 25:091
Sales and Use Tax; Service, Professional Occupations
  Construction contractors; 103 KAR 26:070
Selective Excise Tax; Motor Vehicle Usage
  Motor vehicle valuation; 103 KAR 44:040 & E

TOURISM
Fish and Wildlife
  Fish; 301 KAR Chapter 1
  Game; 301 KAR Chapter 2

TRANSPORTATION
Highways
  Traffic; 603 KAR Chapter 5
Minority Affairs
  Certification of disadvantaged, minority, women business enterprises; 600 KAR 4:010
Property Acquisition, Uniform Relocation
  Assistance payments; 600 KAR 3:010
Vehicle Regulation
  Driver improvement; 601 KAR Chapter 13
  Motor carriers; 601 KAR Chapter 1
  Motorcycle safety; 601 KAR Chapter 14
  Motor vehicle tax; 601 KAR Chapter 9

UNEMPLOYMENT INSURANCE
(See, Employment Services)

UNDERGROUND STORAGE TANKS
(See Waste Management)

UNIVERSITY OF KENTUCKY
Affiliated corporations; 765 KAR 1:070
Annual audit; 765 KAR 1:030
Financial management responsibility; 765 KAR 1:020
Fund disbursement, accounting; 765 KAR 1:010
Fund for excellence; 765 KAR 1:060
Issuance of bonds; 765 KAR 1:050
Purchase, inventories, surplus property, capital construction; 765 KAR 1:040

VEHICLE REGULATION
Driver Improvement
  School attendance, academic sufficiency verification; 601 KAR 13:070 & E
Motor Carriers
  Definitions; 601 KAR 1:029 & E
  Transporting hazardous materials; 601 KAR 1:025
  Vehicle identification; 601 KAR 1:160 & E
Motorcycle Safety
  Headgear, eye protective devices; 601 KAR 14:010
Motor Vehicle Tax
  Dealer plates; 601 KAR 9:125
  Temporary plates; 601 KAR 9:140
  Use license, records, taxes; 601 KAR 9:074

VITAL STATISTICS
(See, Health Services)

VOCATIONAL EDUCATION
(See Workforce Development)
Administration
  Repealer; 705 KAR 1:001

VOCATIONAL REHABILITATION
Repealer; 706 KAR 1:001
Administration
  Appeal procedures; 781 KAR 1:010 & E
  Carl D. Perkins Center; 781 KAR 1:050 & E
  Colonial Inn Facility; 781 KAR 1:060 & E
  Department operation; 781 KAR 1:020 & E
  Economic need test; 781 KAR 1:030 & E
  Fees for service; 781 KAR 1:070 & E
  Rehabilitation engineering services; 781 KAR 1:040 & E
Independent Living Rehabilitation
  Appeal procedures; 781 KAR 2:010 & E
  Department operation; 781 KAR 2:020 & E

VOTERS
(See, Elections, State Board)

WASTE MANAGEMENT
Hazardous Waste; Generator Standards
  Pretransport requirements; 401 KAR 32:030
  Special conditions; 401 KAR 32:050
Hazardous Waste; Permitting Process
  Application procedures; 401 KAR 38:070
  Approval provisions; 401 KAR 38:500
  General; 401 KAR 38:010
  Groundwater protection, Part B; 401 KAR 38:100
  Miscellaneous units; Part B; 401 KAR 38:230
  Part B application; 401 KAR 38:090
  Permit changes, expiration; 401 KAR 38:040
  Public information procedures; 401 KAR 38:050
  Special permits; 401 KAR 38:060
Hazardous Waste Storage, Treatment, Disposal Facilities; Interim Status Standards
  Facility standards, general; 401 KAR 35:020
  General; 401 KAR 35:010
  Incapacity; 401 KAR 35:130
  Liability requirements; 401 KAR 35:120
  Tanks; 401 KAR 35:190

WASTE MANAGEMENT (cont'd)
Hazardous Waste Storage, Treatment, Disposal Facilities; Owner and Operator Standards
- Closure, postclosure; 401 KAR 34:070
- Corporate guarantee; 401 KAR 34:165
- Financial requirements, closure; 401 KAR 34:090
- Financial requirements, postclosure; 401 KAR 34:100
- General; 401 KAR 34:020
- Groundwater protection; 401 KAR 34:060
- Hazardous constituents; 401 KAR 34:360
- Incapacity; 401 KAR 34:130
- Liability requirements; 401 KAR 34:120
- Manifest system, recordkeeping, reporting; 401 KAR 34:050
- Miscellaneous units; 401 KAR 34:250

Land Disposal Restrictions
- General; 401 KAR 37:010
- Halogenated organic compounds; 401 KAR 37:110
- Land disposal prohibitions; 401 KAR 37:030
- Storage prohibitions; 401 KAR 37:050
- Treatment standards; 401 KAR 37:040

Underground Storage Tanks
- Definitions; 401 KAR 42:011
- Financial responsibility; 401 KAR 42:090
- General operating requirements; 401 KAR 42:030
- Out-of-service systems, closure; 401 KAR 42:070
- Performance standards; 401 KAR 42:020
- Registration fees; 401 KAR 42:200
- Release detection; 401 KAR 42:040
- Release reporting, investigation, confirmation; 401 KAR 42:050
- Release response, corrective action; 401 KAR 42:060

Waste Management Facilities
- Spent lead-acid batteries; 401 KAR 36:070

WATER
Public Water Supply
- Bottled water; 401 KAR 8:700 & E
- Corrosivity monitoring; 401 KAR 8:350 & E
- Definitions; 401 KAR 8:010 & E
- Disinfection, filtration; 401 KAR 8:150 & E
- Disinfection by-products; 401 KAR 8:500 & E
- Fees; 401 KAR 8:050 & E
- General provisions; 401 KAR 8:020 & E
- Inorganic chemical; 401 KAR 8:250 & E
- Laboratory certification; 401 KAR 8:040 & E
- Lead; 401 KAR 8:300 & E
- Monitoring, microbiological, turbidity; 401 KAR 8:200 & E
- New or modified facilities; 401 KAR 8:100 & E
- Organic chemicals; 401 KAR 8:400 & E
- Public notification; 401 KAR 8:070 & E
- Radionuclides; 401 KAR 8:550 & E
- Secondary standards; 401 KAR 8:600 & E
- Supplemental fluoridation; 401 KAR 8:650 & E
- Synthetic organic chemicals; 401 KAR 8:440 & E
- Treatment, distribution systems; 401 KAR 8:030 & E
- Variances, exemptions; 401 KAR 8:060 & E
- Volatile organic chemicals; 401 KAR 8:420 & E

Sanitary Engineering
- Water well drillers; 401 KAR 6:320 & E

WORKFORCE DEVELOPMENT
Adult and Technical Education
- Adult education; 780 KAR Chapter 9
- Facilities and equipment; 780 KAR Chapter 7
- General administration; 780 KAR Chapter 1
- Instructional programs; 780 KAR Chapter 4
- Management of the Kentucky tech system; 780 KAR Chapter 2
- Personnel system for certified and equivalent employees; 780 KAR Chapter 3

WORKFORCE DEVELOPMENT (cont'd)
- Unclassified personnel; 780 KAR Chapter 6
- Veteran's approval agency; 780 KAR Chapter 5
- Vocational & teacher education; 780 KAR Chapter 8

Vocational Rehabilitation
- Administration; 781 KAR Chapter 1
- Independent living rehabilitation; 781 KAR Chapter 2

WORKPLACE STANDARDS
(See Occupational Safety and Health)

YOUTH CAMPS
(See Health Services)