

Administrative Register of Kentucky

LEGISLATIVE RESEARCH COMMISSION FRANKFORT, KENTUCKY

VOLUME 17, NUMBER 12
SATURDAY, JUNE 1, 1991



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MEETING NOTICE: The next meeting of the Administrative Regulation Review Subcommittee is tentatively scheduled on June 3-4, 1991. See tentative agenda on pages 3351-3353 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)

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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.

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ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA

June 3, 1991

2 p.m. in Room 327, Capitol

COUNCIL ON HIGHER EDUCATION

Public Educational Institutions

13 KAR 2:050. Tuition at state-supported institutions of higher education in Kentucky.

TEACHERS' RETIREMENT SYSTEM

General Rules

102 KAR 1:175. Investment policies.

TOURISM CABINET

Department of Fish and Wildlife Resources

Fish

301 KAR 1:085. Mussel shell harvesting.

Game

301 KAR 2:170. Seasons for deer hunting.

301 KAR 2:210. Antlerless deer permits.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Department for Surface Mining Reclamation and Enforcement

Bond and Insurance Requirements

405 KAR 10:050. Bond forfeiture. (Written Comments Received by Agency)

TRANSPORTATION CABINET

Toll Facilities

600 KAR 2:010. Toll assessment on turnpikes. (Written Comments received by Agency)
Department of Highways

Traffic

603 KAR 5:250. Selection of national truck network highways. (Written Comments received by Agency)

EDUCATION AND HUMANITIES CABINET

Department of Education

Office of School Administration and Finance

General Administration

702 KAR 1:071. Repeal of 702 KAR 1:070.

Office of Instruction

Instructional Services

704 KAR 3:035. Annual professional development plan.

Health and Physical Education Programs

704 KAR 4:020. Comprehensive school health.

Education Professional Standards Board

704 KAR 20:580. Certification revocation procedures. (Repeals 704 KAR 20:450.)

WORKFORCE DEVELOPMENT CABINET

Department for Adult and Technical Education

Management of the Kentucky Tech System

780 KAR 2:090. Postsecondary vocational technical school admission priorities.

780 KAR 2:130. Minimum standards of admission for adult students in vocational programs.

Personnel System for Certified and Equivalent Employees

780 KAR 3:160. Local school district service credit.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals

Division of Explosives and Blasting

805 KAR 4:010. Licensing and classification of blasters.

805 KAR 4:030. Seismograph measurements.

805 KAR 4:050. Records.

805 KAR 4:060. Blasting safety.

805 KAR 4:075. General blasting provisions.

805 KAR 4:085. Dealer registration; record requirements.

805 KAR 4:087. Explosives.

805 KAR 4:100. Surface transportation of explosives.

805 KAR 4:110. Initiation of explosive charges; electric blasting.

805 KAR 4:120. Detonating cords.

805 KAR 4:140. Misfires.

805 KAR 4:155. Ground vibration standards for surface coal mines.

805 KAR 4:160. Airblast.

805 KAR 4:165. Use of non electric initiation systems.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA
June 4, 1991
10 a.m. in Room 327, Capitol

DEPARTMENT FOR MILITARY AFFAIRS

Disaster and Emergency Services

- 106 KAR 1:080. Kentucky Emergency Response Commission fee system requirements.
- 106 KAR 1:090. Kentucky Emergency Response Commission fee account grant requirements for local emergency planning committees.
- 106 KAR 1:100. Kentucky Emergency Response Commission fee account grants requirements for state agencies.
- 106 KAR 1:110. Kentucky Emergency Response Commission fee account grant review committee.
- 106 KAR 1:120. Kentucky Emergency Response Commission fee account grant distribution formula.
- 106 KAR 1:130. Kentucky Emergency Response Commission civil penalty assessment and hearings.

FINANCE AND ADMINISTRATION CABINET

Kentucky Infrastructure Authority

- 200 KAR 17:020. Guidelines for solid waste revolving fund and solid waste grant program.
- 200 KAR 17:030 & E. Guidelines for drinking water loan fund.
- 200 KAR 17:040 & E. Guidelines for drinking water grant fund.
- 200 KAR 17:050 & E. Guidelines for federally assisted wastewater revolving fund.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET

Administration

- 400 KAR 1:040. Administrative rules of procedure, discovery. (Written Comments received by agency)
Department for Environmental Protection
Division of Water

Water Resources

- 401 KAR 4:220. Water supply plan requirements. (Public Hearing Held)

CORRECTIONS CABINET

Office of the Secretary

- 501 KAR 6:090. Frankfort Career Development Center.

PUBLIC PROTECTION AND REGULATION CABINET

Public Service Commission

- 807 KAR 5:014. Management and Operation audits. (Public Hearing Held)

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction

Plumbing

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

CABINET FOR HUMAN RESOURCES

Office of the Secretary

Family Resource & Youth Services Centers

- 900 KAR 4:010. Criteria for awarding grants for family resource and youth services centers.

Department for Human Resources
Department for Health Services

Sanitation

- 902 KAR 10:030. Sanitarians. (Deferred from May Meeting)

Controlled Substances

- 902 KAR 55:020 & E. Schedule II substances.
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Department for Employment Services

Unemployment Insurance

- 903 KAR 5:290 & E. Employer contribution rates.

Department for Social Services

Adult Services

- 905 KAR 5:060. Compensation for guardianship program services. (Amended After Hearing)

Department for Medicaid Services

Medicaid Services

- 907 KAR 1:017 & E. Hospital indigent care assurance program (HICAP).
- 907 KAR 1:020 & E. Payment for drugs.

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 120 days from publication or upon replacement or repeal.)

STATEMENT OF EMERGENCY
11 KAR 5:140E

This emergency administrative regulation conforms the maximum grant award to the 1991-92 full-time tuition charge at community colleges and sets the expected family contribution level of eligibility for state student incentive grants. It is necessary to promulgate this administrative regulation as an emergency regulation to permit the awarding of grants and notification to recipients in a timely manner to permit Kentucky students and their families to adequately plan for attendance at Kentucky institutions in the fall semester of 1991. Delay of awards and notifications until the ordinary proposed regulation would become effective would not afford adequate time for those individuals to plan appropriately. Earlier implementation was not practical because it was necessary to wait until after the spring semester disbursements to determine the rate of grant utilization and the available funds for the 1991-92 academic year. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on May 15, 1991.

WALLACE G. WILKINSON, Governor
GEORGE SHAW, Chairman

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 5:140E. Award determination procedure.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

EFFECTIVE: May 15, 1991

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth the award determination procedures for the KHEAA Grant programs. This amendment is necessary to change the maximum state grant award.

Section 1. Definitions. The terms "authority" and "grant" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, three (3)

quarters, 900 clock hours, twenty-four (24) semester hours, or thirty-six (36) quarter hours of instruction.

(2) "Application date" means the date that the application is processed by the College Scholarship Service.

(3) "CAP grant" means an award by the authority under the college access program administered pursuant to 11 KAR 11:010, et seq.

(4) "Educational expenses" means tuition and fees, books and supplies, room and board or reasonable living expenses, reasonable miscellaneous personal expenses and reasonable transportation costs for the academic period of the grant application.

(5) "Educational institution" means a participating institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the State Student Incentive Grant Program, a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively, and meets the requirements of the federal act; or

(e) For purposes of the Kentucky Tuition Grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(6) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

(7) "Full-time student" means a student who is carrying a full-time academic workload, other than by correspondence, measured in terms of:

(a) Course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems or which consists of a program requiring the minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems; and

(b) The tuition and fees customary for full-time study at that institution.

(8) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the KHEAA grant programs.

(9) "Overaward" means provision through any and all sources of financial assistance to meet educational expenses in excess of a student's need.

(10) "Pell grant" means an award under the Pell Grant Program operated by the United States Government under the provision of 20 U.S.C. 1070a.

(11) "Total cost of education" or "TCE" for an academic year means an amount determined for each applicant by the following formula: normal tuition and fees for a full-time student at the institution chosen by the applicant plus maximum board contract amount plus minimum room contract amount.

Section 2. State Student Incentive Grant (SSIG) Program Awards. Each application shall be reviewed for determination that all eligibility requirements set forth in 11 KAR 5:030 for SSIG are met. To qualify for an SSIG award based on financial need, the applicant's family contribution using Congressional methodology, prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through §1087vv) shall be \$3,000 [2,000] or less. SSIG awards shall be offered, based on the application date, until funds are depleted.

Section 3. Kentucky Tuition Grant (KTG) Program Awards. Whether or not the applicant is eligible for an SSIG award, the application shall be reviewed for determination of eligibility for a KTG.

Section 4. KTG Need. For each KTG eligible applicant, the KTG need shall be computed according to the following formula: KTG need equals total cost of education minus the sum of:

(1) Expected Pell grant;

(2) Congressional methodology family contribution; and

(3) CAP grant or SSIG.

Section 5. KTG Award. (1) If an applicant does not qualify for a CAP grant or SSIG award, and the KTG need is an amount equal to or greater than \$200, the KTG shall be the lesser of the KTG need or the maximum grant authorized by KRS 164.785(3), except that KTG awards shall be offered only to the extent funds are available.

(2) If an applicant does not qualify for a CAP grant or SSIG award, and the KTG need is an amount less than \$200, no award shall be made.

(3) If an applicant has received a CAP or SSIG award and KTG need is an amount equal to or greater than fifty (50) dollars, the KTG award shall be the lesser of the KTG need or the maximum grant established by the authority pursuant to KRS 164.785(3), except that KTG awards shall be offered only to the extent that funds are available.

Section 6. Minimum KHEAA Grant. The minimum KHEAA grant awarded to any recipient for a given academic year shall be \$200.

Section 7. SSIG and KTG shall be awarded as a KHEAA grant.

Section 8. The combination of a CAP grant and a KHEAA grant shall not exceed the cost of tuition and fees charged to the student during the academic year of the award. A KHEAA grant awarded to an incarcerated individual shall be

considered an overaward to the extent that the KHEAA grant, in combination with financial assistance received from other sources, exceeds the student's actual cost for tuition, fees, and books. An SSIG for any semester shall not exceed the prevailing full-time student tuition charge at publicly supported community colleges at the time of the award [\$640 for an academic year and \$320 for a semester]. A KTG shall not exceed \$1,200 for an academic year. A semester award shall not exceed tuition and fee charges for that semester. No KHEAA grant award shall be made for a summer academic term.

Section 9. The authority shall reduce or revoke a KHEAA grant upon receipt of documentation that financial assistance from other sources in combination with the KHEAA grant exceeds the educational institution's determination of financial need for that student. The KHEAA grant program officer (KGPO) and the grant recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

Section 10. If the authority receives revised data that, upon recomputation, results in the student becoming ineligible for a KHEAA grant that has already been offered, but not disbursed, the grant shall be revoked. If the student is determined to be ineligible after the KHEAA grant has been disbursed, the student shall repay to the authority the entire amount of the KHEAA grant.

Section 11. If the authority receives revised data that, upon recomputation, necessitates reduction of the KHEAA grant and the grant has not yet been disbursed, the reduction shall be made to both the fall and spring disbursements, and the student shall be notified of the reduction. If the grant for the fall academic term has already been disbursed, then the reduction shall be made to the spring disbursement. If both the fall and spring disbursements have been made, the student shall be notified that he or she must repay the overaward to the authority.

Section 12. Students requested, by the institution, to provide verification of data for any financial assistance program shall provide the verification before receiving disbursement of a KHEAA grant. Any student who is awarded a KHEAA grant who fails to provide verification requested by the educational institution shall be deemed ineligible, and the grant shall be revoked.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

STATEMENT OF EMERGENCY

11 KAR 11:030

This emergency administrative regulation conforms the maximum grant award to the 1991-92 full-time tuition charge at community colleges and sets the expected family contribution level of eligibility for college access program (CAP) grants. It is necessary to promulgate this administrative regulation as an emergency regulation to permit the awarding of grants and

notification to recipients in a timely manner to permit Kentucky students and their families to adequately plan for attendance at Kentucky institutions in the fall semester of 1991. Delay of awards and notifications until the ordinary proposed regulation would become effective would not afford adequate time for those individuals to plan appropriately. Earlier implementation was not practical because it was necessary to wait until after the spring semester disbursements to determine the rate of grant utilization and the available funds for the 1991-92 academic year. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on May 15, 1991.

WALLACE G. WILKINSON, Governor
GEORGE SHAW, Chairman

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 11:030E. Award determination procedure.

RELATES TO: KRS 164.744(2), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

EFFECTIVE: May 15, 1991

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation prescribes the award determination procedures for the CAP grant program. This amendment is necessary to update the maximum grant award.

Section 1. Definitions. (1) "Expected family contributions" shall mean the amount which a student and his/her family may be expected to contribute toward the cost of the student's education determined, except as provided in Section 3 of this regulation, in accordance with congressional methodology, prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through §1087vv).

(2) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the CAP grant program.

(3) "Overaward" means provision through any and all sources of financial assistance to meet educational expenses in excess of a student's need.

Section 2. Each application shall be reviewed for determination that all eligibility requirements set forth in 11 KAR 11:010 are met. To qualify for a CAP award the applicant's expected family contribution shall be \$3,000 [2,000] or less.

Section 3. Each verified applicant receiving public assistance benefits specified in 11 KAR 11:020, Sections 3 or 4, shall be presumed to have an expected family contribution of zero.

Section 4. Maximum Award. (1) Except as provided in subsection (3) of this section, the maximum CAP grant in any semester for an applicant accepted for enrollment on a full-time

basis as determined by the participating institution shall be the prevailing full-time student tuition charge at publicly supported community colleges in Kentucky at that time. [\$320 per semester for an applicant accepted for enrollment on a full-time basis as determined by the participating institution.]

(2) Except as provided in subsection (3) of this section, the maximum CAP grant shall be the prevailing tuition charge [\$27] per semester credit hour at publicly supported community colleges in Kentucky (not in excess of the maximum specified in subsection (1) of this section) for an applicant accepted for enrollment on less than a full-time basis as determined by the participating institution.

(3) In no event shall the CAP grant award exceed the applicant's cost of education less expected family contribution and other anticipated student financial assistance.

(4) The maximum awards specified in subsections (1) and (2) of this section shall be adjusted by the authority as necessary to conform those maximums to the tuition rate generally charged for attendance at the Commonwealth's publicly supported community colleges, as determined by the Council on Higher Education.

(5) The maximum cumulative CAP grant at any time shall be the maximum specified in subsection (1) of this section at that time, multiplied by five (5).

Section 5. The authority shall reduce or revoke a CAP grant upon receipt of documentation that financial assistance from other sources in combination with the CAP grant exceeds the determination of financial need for that student. [The KHEAA grant program officer (KGPO) shall reduce a CAP grant by the corresponding amount of any waiver of tuition or financial assistance exclusively designated for tuition.] The KHEAA grant program officer (KGPO) and the grant recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

Section 6. If the authority receives revised data that, upon recomputation, results in the student becoming ineligible for a CAP grant that has already been offered, but not disbursed, the grant shall be revoked. If the student is determined to be ineligible after the CAP grant has been disbursed, the student shall repay to the authority the entire amount of the CAP grant.

Section 7. If the authority receives revised data that, upon recomputation, necessitates reduction of the CAP grant and the grant has not yet been disbursed, the reduction shall be made to both the fall and spring disbursements, and the student shall be notified of the reduction. If the grant for the fall academic term has already been disbursed, then the reduction shall be made to the spring disbursement. If both the fall and spring disbursements have been made, the student shall repay the overaward to the authority.

Section 8. Students requested by the institution to provide verification of data for any financial assistance program shall provide the verification before receiving disbursement of a CAP grant. Any student who is awarded a CAP grant who fails to provide verification

requested by the participating institution shall be deemed ineligible, and the grant shall be revoked.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

STATEMENT OF EMERGENCY

415 KAR 1:010E

This regulation is being promulgated in response to House Bill 194 of the 1990 Legislative Session which provides for the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum storage tanks under 401 KAR 42:090. It has been determined that an emergency exists which requires immediate action. Persons who own thirteen (13) to ninety-nine (99) petroleum storage tanks are obligated to certify financial responsibility to the federal Environmental Protection Agency by April 26, 1991. This regulation shall provide the mechanism for these tank owners to achieve the financial responsibility required for the federal certification requirements by providing definitions for essential terms. Due to the time restraints involved in promulgation, an ordinary regulation would not provide the Petroleum Storage Tank Environmental Assurance Fund Commission the opportunity to assist tank owners in meeting the April 26, 1991 deadline. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on April 24, 1991.

WALLACE G. WILKINSON, Governor
WILLIAM C. EDDINS, Chairman

PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND COMMISSION

415 KAR 1:010E. Definitions for terms used in 415 KAR Chapter 1.

RELATES TO: KRS 224.810, 224.814 through 224.825

STATUTORY AUTHORITY: KRS 224.814, 224.815, 224.817, 224.819

EFFECTIVE: April 25, 1991

NECESSITY AND FUNCTION: KRS 224.810 through 224.825 relate to the regulation of underground storage tanks. KRS 224.815 through 224.825 provide for the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum underground storage tanks under 401 KAR 42:090. KRS 224.819 requires the Petroleum Storage Tank Environmental Assurance Fund Commission to promulgate regulations to establish the policy, guidelines, and procedures to administer the petroleum storage tank environmental assurance fund. This chapter identifies requirements for owners and operators of petroleum storage tanks. This regulation establishes essential terms used in connection with the program to administer the petroleum storage tank environmental assurance fund.

Section 1. Definitions. For the purpose of this regulation, the words and terms shall have

the same meaning as in KRS 224.816, with the following additions:

(1) "Applicant" means an eligible petroleum storage tank owner or operator that has submitted an application for financial assistance to the Petroleum Storage Tank Environmental Assurance Fund Commission.

(2) "Application period" shall mean a period of time determined by the commission for review of applications. An application period shall occur at least four (4) times a year.

(3) "Assistance agreement" shall mean the contract between the eligible applicant and the commission executed after the commission has approved the application, which states the terms and conditions of financial assistance.

(4) "Cabinet" shall mean the Kentucky Natural Resources and Environmental Protection Cabinet.

(5) "Obligated balance" shall mean the total of the funds committed from complete applications received for reimbursement, the commission's operating budget as approved, and funds placed in reserve in Section 4 of 415 KAR 1:020.

(6) "State financial responsibility" means that level of financial responsibility which petroleum storage tank owners and operators shall maintain pursuant to KRS 224.817(a) and (b).

(7) "Unobligated balance" shall mean the total of the funds as reported by the Revenue Cabinet to the commission at the end of the most recent calendar quarter, less the obligated funds.

WILLIAM C. EDDINS, Chairman

APPROVED BY AGENCY: April 22, 1991

FILED WITH LRC: April 25, 1991 at 3 p.m.

STATEMENT OF EMERGENCY 415 KAR 1:020E

This regulation is being promulgated in response to House Bill 194 of the 1990 Legislative Session which provides for the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum storage tanks under 401 KAR 42:090. It has been determined that an emergency exists which requires immediate action. Persons who own thirteen (13) to ninety-nine (99) petroleum storage tanks are obligated to certify financial responsibility to the federal Environmental Protection Agency by April 26, 1991. This regulation shall provide the mechanism for these tank owners to achieve the financial responsibility required for the federal certification requirements. Due to the time restraints involved in promulgation, an ordinary regulation would not provide the Petroleum Storage Tank Environmental Assurance Fund Commission the opportunity to assist tank owners in meeting the April 26, 1991 deadline. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on April 24, 1991.

WALLACE G. WILKINSON, Governor
WILLIAM C. EDDINS, Chairman

PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND COMMISSION

415 KAR 1:020E. General provisions for state financial responsibility.

RELATES TO: KRS 224.810, 224.814 through 224.825

STATUTORY AUTHORITY: KRS Chapter 13A, 224.815, 224.817, 224.819

EFFECTIVE: April 25, 1991

NECESSITY AND FUNCTION: KRS 224.810 to 224.825 relate to the regulation of petroleum storage tanks. KRS 224.815 through 224.825 provide for the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum storage tanks under 401 KAR 42:090. KRS 224.819 requires the Petroleum Storage Tank Environmental Assurance Fund Commission to promulgate regulations to establish the policy, guidelines, and procedures to administer the petroleum storage tank environmental assurance fund. This regulation establishes the policies, guidelines, and procedures for eligibility for reimbursement from the fund, the procedure for filing a claim against the fund, and the procedures for appealing decisions and hearing complaints brought before the commission.

Section 1. General Eligibility Requirements.

(1) Any petroleum storage tank owner or operator shall be eligible for participation in the fund if the owner or operator certifies that the following requirements for substantial compliance have been maintained for each petroleum storage tank on the Substantial Compliance and State Financial Responsibility Affidavit form incorporated by reference in subsection (2) of this section:

(a) The owner or operator has met the technical requirements of 401 KAR Chapter 42; and, in the event of a release, has made proper notification to the cabinet as required in 401 KAR Chapter 42;

(b) The owner or operator has maintained current annual registration with the cabinet for each petroleum storage tank;

(c) The owner or operator has paid the thirty (30) dollar annual tank fee to the cabinet for each petroleum storage tank; and

(d) The owner or operator has certified state financial responsibility to the commission using one (1) or any combination of the options listed in subparagraphs 1 through 6 of this paragraph. This certification shall be provided to the commission on the Substantial Compliance and State Financial Responsibility Affidavit form dated April 1991, hereby incorporated by reference. This form may be copied and inspected at the Petroleum Storage Tank Environmental Assurance Fund Commission, 59 Fountain Place, Frankfort, Kentucky 40601, (502) 564-5981. The business hours of the commission are from 8 a.m. to 4:30 p.m. eastern time Monday through Friday.

1. Commercial or private insurance from a carrier with an A.M. Best rating of B+, or better, authorized to transact business in the Commonwealth of Kentucky.

2. A risk retention group qualified to do business in the Commonwealth and who shall furnish any financial reports as may be required by the commission.

3. A guarantor with a direct or indirect controlling interest in the owner or operator.

The guarantor shall furnish proof as may be required by the commission in order to demonstrate state financial responsibility.

4. A surety bond from a surety company that is listed with the U.S. Treasury Department or the Kentucky Department of Insurance. Under the terms of the bond, the surety shall become liable under the bond when the owner or operator fails to perform.

5. An irrevocable standby letter of credit by an entity that has authority to issue letters of credit in Kentucky, and whose letter of credit operations are regulated and examined by a federal or a Kentucky agency. This letter of credit shall be drawn to cover "taking corrective action" and indemnification arising from owning or operating petroleum storage tanks.

6. The owner or operator may qualify as a self-insurer with prior approval by the commission if the owner or operator certified to the commission the following upon request:

a. The owner's or operator's annual year-end financial statements; and

b. The owner's or operator's net worth is at least equal to the amount of coverage required for corrective action and the third party indemnification required in 415 KAR 1:030, Section 2.

(2) Petroleum storage tank owners or operators shall maintain evidence of all state financial responsibility requirements used to demonstrate compliance with the requirements of this regulation until the owner or operator is released from the requirements of 401 KAR 42:090.

(3) Any change in eligibility requirements listed in this section shall be reported to the commission within ten (10) days of the occurrence.

(4) Loss of eligibility.

(a) If at any time the commission determines that an owner or operator has not maintained substantial compliance, the commission shall notify the owner or operator of the noncompliance. The owner or operator shall be deemed ineligible to receive reimbursement from the fund in the event of a release, until the noncomplying site is in substantial compliance.

(b) If at the time of a discovery of a release, the commission determines that an owner or operator has failed to certify eligibility or has not maintained substantial compliance, corrective action costs and third-party damages associated with that release are not eligible for reimbursement by the fund.

(c) If the commission determines that an owner or operator has submitted fraudulent information, the owner or operator shall be deemed ineligible to receive reimbursement from the fund, and may be required to pay back any monies falsely received.

(5) Restoration of eligibility. The owner or operator shall have thirty (30) days from the date of receipt of the notice of ineligibility to produce evidence of complying with all eligibility requirements.

Section 2. Criteria for Reviewing Certifications. (1) The applicant shall be in compliance with KRS Chapter 224 and 401 KAR Chapter 42.

(2) The Substantial Compliance and State Financial Responsibility Affidavit form shall be properly completed and executed.

Section 3. Notification of Eligibility. The petroleum storage tank owner or operator shall receive a written notification of eligibility from the commission that the fund may be used as a demonstration of financial responsibility in support of 401 KAR 42:090.

Section 4. Fund Balance. (1) Except as provided under KRS 224.820(2) and (4), the unobligated balance of the fund shall never be less than \$1,500,000 to ensure a \$1,000,000 reserve balance adequate to meet federal financial responsibility requirements for participants in the fund, and a \$500,000 reserve balance for emergency abatement action by the cabinet resulting from a release from a petroleum storage tank. When funds are withdrawn for emergency abatement actions, the withdrawals shall be replaced immediately.

(2) When the unobligated balance of the fund is \$1,500,000 or less, or the payment of a claim shall cause the unobligated balance of the fund to be less than \$1,500,000, the commission shall immediately suspend the payment of claims until the unobligated balance is greater than \$1,500,000. Claims approved for payment by the commission at the time of suspension shall be paid in accordance with the date of final approval of the claims when the suspension is lifted.

WILLIAM C. EDDINS, Chairman

APPROVED BY AGENCY: April 22, 1991

FILED WITH LRC: April 25, 1991 at 3 p.m.

STATEMENT OF EMERGENCY 415 KAR 1:030E

This regulation is being promulgated in response to House Bill 194 of the 1990 Legislative Session which provides for the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum storage tanks under 401 KAR 42:090. It has been determined that an emergency exists which requires immediate action. Persons who own thirteen (13) to ninety-nine (99) petroleum storage tanks are obligated to certify financial responsibility to the federal Environmental Protection Agency by April 26, 1991. 415 KAR 1:020 provides the mechanism for these tank owners to achieve the financial responsibility required for the federal certification requirement. This regulation establishes general eligibility requirements for financial assistance from the petroleum storage tank environmental assurance fund. Due to the time restraints involved in promulgation, an ordinary regulation would not provide the Petroleum Storage Tank Environmental Assurance Fund Commission the opportunity to assist tank owners in meeting the April 26, 1991 deadline. This emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on April 24, 1991.

WALLACE G. WILKINSON, Governor

WILLIAM C. EDDINS, Chairman

**PETROLEUM STORAGE TANK ENVIRONMENTAL
ASSURANCE FUND COMMISSION**

415 KAR 1:030E. Guidelines for financial assistance applications.

RELATES TO: KRS 224.810, 224.814 through 224.825

STATUTORY AUTHORITY: KRS Chapter 13A, 224.815, 224.817, 224.819

EFFECTIVE: April 25, 1991

NECESSITY AND FUNCTION: KRS 224.810 to 224.825 relate to the regulation of petroleum storage tanks. KRS 224.815 through 224.825 provide for the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum storage tanks under 401 KAR 42:090. KRS 224.819 requires the Petroleum Storage Tank Environmental Assurance Fund Commission to promulgate regulations to establish the policy, guidelines, and procedures to administer the petroleum storage tank environmental assurance fund. This regulation establishes the policies, guidelines, and procedures for eligibility for reimbursement from the fund, the procedure for filing an application for assistance against the fund, and the procedures for appealing decisions and hearing complaints brought before the commission.

Section 1. General Eligibility Requirements.

(1) Any petroleum storage tank owner or operator, who has complied with the requirements of 415 KAR 1:020, shall be eligible to apply for financial assistance from the petroleum storage tank environmental assurance fund.

(2) The applicant shall have a corrective action plan approved by the cabinet.

(3) A release shall have occurred or have been detected, with notification made to the cabinet in accordance with KRS 224.814(2), on or after April 9, 1990, in order for an owner or operator to be eligible for reimbursement from the fund.

(4) Eligible costs for corrective action shall include, but are not limited to, actually incurred, reasonable costs for the items listed below. The commission may request additional documentation if the reasonableness of a cost is questionable.

(a) Testing to determine tightness of tanks and lines;

(b) Removal, treatment, and disposal of petroleum products from petroleum storage tank system, liquids, and soil;

(c) Site checks and site investigation for site assessment of contamination caused by a release from a petroleum storage tank system;

(d) Preparation of corrective action plans;

(e) Environmental monitoring;

(f) Laboratory services;

(g) Restoration or replacement of a private or public potable water supply;

(h) Removal, treatment, and disposal of contaminated liquids and soils resulting from corrective action;

(i) Third party claims pursuant to Section 2 of this regulation;

(j) The cost of materials purchased. Examples include, but are not limited to, bailers, sample containers, and similar equipment; and

(k) Other costs requested by the applicant and approved by the commission.

(5) Ineligible costs for corrective action shall include, but not be limited to:

(a) Costs of replacement, repair, maintenance, retrofitting of affected tanks and associated piping, and any costs not integral to site corrective action.

(b) The cost of equipment purchased. Examples include, but are not limited to: drilling rigs, earth moving equipment, groundwater sampling pumps, and photoionization detectors.

(6) Emergency corrective action. A petroleum storage tank owner or operator may submit an application claim for reimbursement without completing a site investigation and without preparing a corrective action plan if the following apply:

(a) An emergency existed which made an investigation and development of a timely corrective action plan unfeasible; and

(b) The owner or operator acted in good faith in conducting the corrective action activities, did not intentionally avoid conducting the investigation, and conducted the activity in compliance with 401 KAR 42:060.

Section 2. Petroleum Storage Tank Environmental Assurance Fund Limitations and Terms. (1) Applications for reimbursement from the fund shall be approved by the commission for those applicants who meet the requirements in Section 1 of this regulation.

(2) Third party claims for bodily injury and property damage shall be paid only to the extent specified in 401 KAR 42:090, or up to \$15,000 per occurrence, whichever is greater. To assert a claim for bodily injury or property damage, the applicant shall notify the commission of the allegations within seven (7) days of the filing of an action against the applicant by a third party so the commission may intervene in the action. Third party claims shall only be paid on the basis of a final and enforceable judgment.

Section 3. Application Submission Requirements and Review Process. (1) The petroleum storage tank environmental assurance fund application for assistance, dated April 1991, is hereby incorporated by reference into this section. Application forms may be copied and inspected at the Petroleum Storage Tank Environmental Assurance Fund Commission, 59 Fountain Place, Frankfort, Kentucky, 40601, (502) 564-5981. The business hours of the commission are from 8 a.m. to 4:30 p.m. eastern time Monday through Friday.

(2) The commission staff shall review all applications received for a particular application period. If the application is determined to be incomplete, the commission shall notify the applicant of the deficiencies which render the application incomplete. The applicant shall submit supplemental information to correct the identified deficiencies within fifteen (15) days after the applicant's receipt of the initial notice of incompleteness. If the commission determines that the application is still incomplete, the commission shall return the incomplete application to the applicant with written notification pursuant to KRS 224.821(7).

Section 4. Criteria for Reviewing Project Applications. (1) The commission staff shall review all applications during each application period in the order they are received.

(2) The criteria used by the commission to review project applications shall be as follows:

(a) The project complies with the approved corrective action plan;

(b) The proposed project cost estimates are reasonable and attainable given the geographic location of the project, current pricing trends, required professional services, and any other factors that may have a bearing on the project;

(c) The project design shall achieve the results intended;

(d) The applicant can assure continued operation and maintenance of the project;

(e) The application is properly completed and accurate;

(f) The completed application was received by the commission at least thirty (30) days prior to the commission meeting;

(g) The application was received within one (1) year from the date of the completed site work and certification of closure issued by the Department for Environmental Protection; and

(h) The application was properly executed.

(3) The commission staff, after reviewing all eligible applications using the above criteria specified in subsection (2) of this section, shall submit a list of all projects recommended for funding with all application information attached for the commission's approval.

(4) If the application or any portion thereof is denied, and a request for a panel review as set forth in subsection (5) of this section was not made, the initial determination shall be considered final.

(5) Panel review. If the applicant is aggrieved by the commission's initial determination, the applicant may, within twenty (20) days of receipt of the initial determination, ask to appear before a three (3) member panel of the commission to present additional documentation and supplemental information explaining the application. The panel shall be comprised of three (3) commission members appointed by the chairman of the commission with the consent of the commission. The panel may establish a fair and reasonable limit on time allowed for oral presentation. The panel shall make recommendations to the commission on the application.

(6) Final determination. The commission shall determine the amount of reimbursement based on those costs it finds are eligible, actually incurred, and reasonable. The final determination shall be made on the basis of the written record and, if applicable, panel recommendation. The applicant shall be notified, in writing, within fifteen (15) days of the commission's decision. If the commission rejects any portion of the request for reimbursement, a statement of the reasons for rejection shall be included with the notification.

(7) Right to appeal. A final determination by the commission shall be a final order or determination for the purpose of KRS 224.081.

WILLIAM C. EDDINS, Chairman

APPROVED BY AGENCY: April 22, 1991

FILED WITH LRC: April 25, 1991 at 3 p.m.

STATEMENT OF EMERGENCY 900 KAR 4:010E

This emergency administrative regulation is being proposed to submit the criteria for awarding grants for Family Resource and Youth Services Centers as required by KRS 156.497. Program staff from both the Cabinet for Human Resources and the Department of Education have

reviewed the proposed regulation and have found it to be in accordance with the prescribed guidelines. This administrative regulation is being submitted as an emergency because the stipulated deadline for submission of grant applications from the local public school districts has been set for May 13, 1991, and the criteria for awarding grants must be enforced as of this date to allow for funding decisions to be made by June and agreements executed with grantees by July 1, 1991, which could not be achieved by an ordinary regulation. This emergency regulation shall be replaced by a regular administrative regulation to be filed with the Regulations Compiler on or about April 15, 1991.

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

CABINET FOR HUMAN RESOURCES Office of the Secretary Family Resource & Youth Services Centers

900 KAR 4:010E. Criteria for awarding grants for family resource and youth services centers.

RELATES TO: KRS 156.497, 158.360, 160.345
STATUTORY AUTHORITY: KRS 156.497(6), 194.050
EFFECTIVE: April 16, 1991

NECESSITY AND FUNCTION: KRS 156.497 requires that the Cabinet for Human Resources issue an administrative regulation to establish criteria for the awarding of family resource and youth services centers grants. The grant program shall be established to provide qualifying public schools in school districts with financial assistance to implement family resource and youth services centers. Grants shall be awarded through a financial agreement between the cabinet and a local public school district on an annual basis. All qualifying public schools within a school district shall have established and implemented a family resource, youth services, or combination family resource and youth services center by the close of state fiscal year (FY) 95 or June 30, 1995. This regulation implements the provisions of KRS 156.497 to establish an interagency task force on family resource and youth services centers to review grant applications, monitor centers, and oversee the implementation process until December 31, 1995.

Section 1. Definitions. The following definitions shall be applicable to this regulation unless the specific context dictates otherwise:

(1) A "core component" means an activity or service provided for children or their families required to be implemented as part of a family resource or youth services center. For a family resource center, there shall be six (6) core components as set forth by KRS 156.497(3)(a) through (f). For a youth services center, there shall be five (5) core components as set forth by KRS 156.497(4)(a) through (e).

(2) "Economically disadvantaged" means any child enrolled in a school program who is eligible to receive free school meals or a member of the eligible child's immediate family.

(3) "Family resource center" means an entity with a unique blend of components and approaches designed to promote the flow of human resources and support to preschool and elementary school

children and their families to strengthen their functioning and to enhance the growth and development of the individual members and the family unit.

(4) "Human resources and support" means activities or services provided for children and families through a center which shall include, but is not limited to, the core components specified in subsection (1) of this section and any other optional components determined through a needs analysis to be conducted as part of the application process.

(5) "Local advisory body" means a membership body as defined in subsection (6) of this section. This body shall provide initial and ongoing representation of the views and opinions of major sectors of the community.

(6) "Membership of a local advisory body" means that at least one-third (1/3) of the members shall be parents of students in the eligible school or schools who should represent the socioeconomic and racial composition of the community and the cultural diversity of each school's student body. In addition, for a youth services center, defined in subsection (10) of this section, at least two (2) youth representatives who represent the socioeconomic and racial composition of the community and the cultural diversity of each school's student body, shall serve as members. Additional members of a local advisory body shall be representative of, but not limited to, school staff, and individuals from the community, human resource agencies and organizations, the private sector, churches, and civic organizations.

(7) "Optional component" means an activity or service provided for children or their families which is in addition to those components specified by KRS 156.497(3)(a) through (f) and KRS 156.497(4)(a) through (e) and designed to satisfy unique community needs.

(8) "Qualifying school" means any local public school within the Commonwealth in which twenty (20) percent or more of its student body is eligible to receive free school meals.

(9) "School consortium" means a group of two (2) or more public schools within the same community, geographical area, or school district which decide to join together to apply for a grant for one (1) common family resource center, youth services center, or a combined family resource and youth services center which is accessible to the children, youth, and families from each school.

(10) "Youth services center" means any entity with a unique blend of components and approaches designed to promote the flow of human resources and support to middle school, junior high school, and high school students and their families to strengthen their functioning and enhance the growth and development of the individual members and the family unit.

Section 2. Family Resource and Youth Centers Grant Program. (1) The Cabinet for Human Resources through promulgation of this regulation shall establish criteria for the selection of each individual school or school consortium to be awarded grants for family resource and youth services centers.

(2) The interagency task force on family resource and youth services centers, appointed by the Governor, shall be responsible for approving the selection criteria promulgated in this regulation, reviewing grant applications,

monitoring progress of the centers, and overseeing their implementation.

(3) Annually, upon review of the grant applications, the interagency task force on family resource and youth services centers shall make its recommendations for centers to be funded to the Secretary of the Cabinet for Human Resources.

(4) Grants shall be awarded annually on a competitive or a continuation basis through FY 95. All qualifying schools shall have submitted applications and implemented centers by the close of FY 95 or June 30, 1995. Centers which have been implemented in a prior year of funding shall continue to make application for successive years of funding, but not on a competitive basis.

(5) Grant proposal instructions as specified in subsection (6) of this section shall be developed by the Cabinet for Human Resources and approved by the interagency task force on family resource and youth services centers.

(6) The grant proposal instructions shall require each school or school consortium applying for a grant to address the following elements:

(a) A statement of need which shall identify the services and activities which are deficient in the community for the families and children to be served through the center;

(b) Proposed goals which shall indicate in broad and general terms, planned outcomes to be achieved by the center;

(c) Planning and implementation activities which shall describe the functions and types of steps to be taken to prepare the center to become operational;

(d) A description of the existing service delivery system which shall identify the types of services currently available in the community, any barriers to receiving those services, any gaps in services, and any services that are not available;

(e) The level of community involvement which shall describe how the center plans to access services and activities that can be provided from existing community resource agencies and other entities in the community, and how it shall develop written agreements of collaboration with these service providers;

(f) A description of the role, functions, and representation on the local advisory body which shall provide an overview of the governance and decision-making responsibilities for the center;

(g) Information dissemination which shall describe the strategies to be developed for marketing the center to the people in the community;

(h) A training plan which shall indicate how the various individuals to be involved with the center shall be trained on its functions, goals, and activities;

(i) A description of a plan for minimizing stigma at the center which shall discuss planned efforts to make the center a comfortable, pleasant, and nonthreatening environment which is available for all members of the community;

(j) Parental consent and confidentiality rights which shall describe the procedures developed to obtain parental permission for the provision of services and for the sharing of confidential information among the various agencies providing services;

(k) The major program components to be provided by the center which shall address the

service and activities, both core and optional, to meet the needs of the families and children to be served;

(l) Staffing for the center which shall describe the hiring procedures, staff qualifications, and duties and responsibilities of those employed at the center;

(m) The program and services site which shall indicate the location of the center, where various services and activities are to be provided, their accessibility to children and families, and a tentative schedule of the hours of operation;

(n) A work plan which shall be a complete form or forms, entitled "Work Plan Format", indicating a needs statement, goal, objective or objectives, tasks, timelines, and outcomes for each core and optional component to be provided through the center;

(o) A financial strategy and budget which shall include an outline of the agencies and organizations providing target services, outside funding sources and amounts, the number of children and families served on an annual basis, and an estimate of the unmet financial need. A form, the "Component Budget Description", shall be completed indicating a budget description for each core and optional component. A form, the "Center Operating Budget", shall be completed for the total center operating budget;

(p) A program evaluation plan which shall provide a description of how all projected outcomes included in the work plan shall be evaluated at the end of the contract year as well as a description of quarterly progress reports to be submitted;

(q) Endorsements or letters of commitment for the center which shall be included as attachments to the proposal from key members of the community and from agencies and organizations which intend to provide services or assistance at the center;

(r) An application cover sheet, a form entitled "Kentucky Family Resource and Youth Services Center FY 92 Application Cover Sheet", which shall be attached to the proposal and provides specific information about the proposed center;

(s) An application committee or advisory council membership list, a form entitled "Application/Advisory Council", which shall be included with the center proposal;

(t) An assurances page, a form entitled "Assurances and Certification", which shall be attached to the proposal and assures compliance with all federal, state, and local policies and guidelines; and

(u) A program abstract which shall be included and contains a summarization of the major components of the proposal.

(7) Application review teams comprised of three (3) members each shall review proposals and score each application according to its ability to address each of the elements required in the proposal instructions, including the core and optional components.

(a) Each element shall be assigned a weight from one (1) to three (3) according to its degree of importance in implementing the center proposal;

(b) A rating scale of zero to four (4) shall be used to score each element according to its ability to address what is requested in the proposal instructions;

(c) The rating of zero to four (4) multiplied

by the weight assigned to each element shall give the total points awarded for each element; and

(d) Bonus points shall be given to applications based on the adoption of school-based decision-making councils and the percentage of children eligible to receive free school meals.

(8) Criteria for the selection of centers shall be on the basis of the total scores achieved and documented on an application rating form developed by the Cabinet for Human Resources.

(9) Selection criteria shall also take into consideration the following factors:

(a) The percentage of children eligible to receive free school meals for each school to be served by the center;

(b) The existence of a school-based decision-making council;

(c) The size of the center in terms of the number of children eligible for free school meals. Consideration shall be given to large, medium-sized, and small center applications;

(d) A demonstrated collaborative effort on the part of existing human services and education systems;

(e) Evidence of local initiatives to encourage delivery of human services currently unavailable in the center's area;

(f) The local contribution of the community in terms of additional funds, space, transportation;

(g) Geographical distribution around the state;

(h) Representation from urban, rural, and suburban settings; and

(i) A reasonable balance between the numbers of family resource and youth services centers.

(10) A minimum acceptable score shall be established by the interagency task force on family resource and youth services centers which shall be the lowest score any application can receive in order to be recommended for funding.

(11) Proposal reviewers shall be selected by the Secretary of the Cabinet for Human Resources based on recommendations received from the interagency task force on family resource and youth services centers and other key education and human resource agencies and organizations.

(12) Each member of a proposal review team shall be trained on the application review and scoring criteria prior to evaluating an application.

(13) In the event of fifteen (15) percent or more variance of at least one (1) reviewer's score from the median score, the proposal shall be reevaluated by another review team.

(14) Upon individual review of each application assigned for evaluation, an average score will be determined for each application.

(15) In the case of applications which receive average scores, priority in ranking shall be given to those that have a higher percentage of students eligible for free school meals.

(16) Once average scores are tabulated for all applications submitted, the applications shall be ranked according to the average score received and presented to the interagency task force on family resource and youth services centers for approval.

(17) Written notification shall be provided to each school district making an application providing notice of funding or nonfunding for each center proposed.

Section 3. Provisions contained in this regulation shall be enforced as of May 13, 1991.

Section 4. Material Incorporated by Reference.
(1) Forms necessary for submission of family resource and youth services centers grant application are incorporated by reference effective May 13, 1991.

(2) These forms may be inspected and copied at the Cabinet for Human Resources, Family Resource and Youth Services Centers, 275 East Main Street, Fourth Floor - West, Frankfort, Kentucky, 40621, from 8 a.m. to 4:30 p.m., Monday through Friday.

RONNIE DUNN, Project Coordinator

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 12, 1991

FILED WITH LRC: April 16, 1991 at 3 p.m.

STATEMENT OF EMERGENCY 902 KAR 20:290E

This emergency amendment establishes minimum staffing ratios for each of the three work shifts that make up a twenty-four hour day. These ratios are established in consideration of the special care needs of Alzheimer's patients. The Interim Joint Committee on Health and Welfare was scheduled to review the proposed ordinary regulation on April 19, 1991, at which time it amended the regulation to include the minimum staffing ratios established by this emergency amendment. The committee's amendment was ineffective due to lack of a quorum, resulting in the ordinary regulation becoming effective on May 3, 1991. The emergency regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler before May 15, 1991.

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

CABINET FOR HUMAN RESOURCES Office of the Inspector General

902 KAR 20:290E. Nursing home standards for freestanding facilities limited to the care of patients with Alzheimer's or related disorders.

RELATES TO: KRS 216B.010 to 216B.131, 216B.990
STATUTORY AUTHORITY: KRS 216B.042, 216B.071, 216B.105

EFFECTIVE: May 7, 1991

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 Alzheimer's facilities constructed pursuant to KRS 216B.071.

Section 1. Definitions. (1) "Activities of daily living" means activities of self-help (e.g., being able to feed, bathe and/or dress oneself), communication (e.g., being able to place phone calls, write letters and understanding instructions) and socialization (e.g., being able to shop, being considerate of others, working with others and participating in activities).

(2) "Administrator" means a person who is licensed as a nursing home administrator

pursuant to KRS 216A.080.

(3) "Facility" means a nursing home facility constructed pursuant to KRS 216B.071.

(4) "License" means an authorization issued by the Cabinet for Human Resources for the purpose of operating a nursing home and offering nursing home services.

(5) "PRN medications" means medications administered as needed.

(6) "Qualified dietician" or "nutritionist" means a person certified pursuant to KRS 310.010 or 310.030.

(7) "Patient" means any resident admitted to an Alzheimer's facility.

(8) "Restraint" means any pharmaceutical agent or physical or mechanical device used to restrict the movement of a patient or the movement of a portion of a patient's body.

Section 2. Scope. (1) Facilities constructed and operated pursuant to KRS 216B.071 and this regulation shall provide care to residents with a primary diagnosis of Alzheimer's disease or related disorder.

(2) Facilities constructed pursuant to KRS 216B.071 shall be constructed in accordance with 902 KAR 20:046 and this regulation.

(3) These facilities shall be subject to the provisions of KRS 216.535 to 216.593.

Section 3. Administration and Operation. (1) Licensee. The licensee shall be legally responsible for the facility and for compliance with federal, state and local laws and regulations pertaining to the operation of the facility.

(2) Administrator.

(a) All facilities shall have an administrator who is responsible for the operation of the facility and who shall delegate such responsibility in his absence.

(b) The licensee shall contract for professional and supportive services not available in the facility as dictated by the needs of the patient. The contract shall be in writing.

(3) Administrative records.

(a) The facility shall maintain a permanent, chronological patient registry showing date of admission, name of patient, and date of discharge.

(b) The facility shall require and maintain written recommendations or comments from consultants regarding the program and its development on a per visit basis.

(c) Menu and food purchase records shall be maintained.

(d) A written report of any incident or accident involving a patient (including medication errors or drug reactions), visitor or staff shall be made and signed by the administrator or nursing services supervisor, and any staff member who witnessed the incident. The report shall be filed in an incident file.

(4) Policies. The facility shall establish written policies and procedures that govern all services provided by the facility. The written policies shall include:

(a) Patient care and services to include physician, nursing, pharmaceutical (including medication stop orders policy), and residential services.

(b) Adult and child protection. The facility shall have written policies which assure the reporting of allegations of abuse, neglect or

exploitation of adults and children to the Cabinet for Human Resources pursuant to KRS Chapter 209 and KRS 620.

(c) Use of restraints. The facility shall have a written policy that addresses minimizing the use of restraints and a mechanism for monitoring and controlling their use.

(d) Missing patient procedures. The facility shall have a written procedure to specify in a step-by-step manner the actions which shall be taken by staff when a patient is determined to be lost, unaccounted for or on other unauthorized absence.

(5) Patient rights. Patient rights shall be provided for pursuant to KRS 216.510 to 216.525.

(6) Admission.

(a) Patients shall be admitted only upon the referral of a physician. Additionally, the facility shall admit only persons who have a primary diagnosis of Alzheimer's disease or related disorder. The facility shall not admit persons whose care needs exceed the capability of the facility.

(b) Upon admission the facility shall obtain the patient's medical diagnosis, physician's orders for the care of the patient and the transfer form. Within forty-eight (48) hours after admission the facility shall obtain a medical evaluation from the patient's physician including current medical findings, medical history and physical examination. The medical evaluation may be a copy of the discharge summary or history and physical report from a hospital or long-term care facility, if done within seven (7) days prior to admission.

(c) Upon admission the patient and a responsible member of his family or legal representative shall be informed in writing of the established policies of the facility including fees, reimbursement, visitation rights during serious illness, visiting hours, type of diets offered and services rendered.

(d) The facility shall provide and maintain a system for identifying each patient's personal property and facilities for safekeeping of his declared valuables. Each patient's clothing and other property shall be reserved for his own use.

(7) Discharge planning. The facility shall have a discharge planning program to assure the continuity of care for patients being transferred to another health care facility or being discharged to the home.

(8) Transfer procedures and agreements.

(a) The facility shall have written transfer procedures and agreements for the transfer of patients to other health care facilities which can provide a level of inpatient care not provided by the facility. Any facility which does not have a transfer agreement in effect but which documents a good faith attempt to enter into such an agreement shall be considered to be in compliance with the licensure requirement. The transfer procedures and agreements shall specify the responsibilities each institution assumes in the transfer of patients and establish responsibility for notifying the other institution promptly of the impending transfer of a patient and arrange for appropriate and safe transportation.

(b) When a patient's condition exceeds the scope of services of the facility, the patient, upon physician's orders (except in cases of life threatening emergency), shall be transferred promptly to an appropriate facility to meet the patient's needs, or services shall be contracted

for from another community resource.

(c) If changes and progress occur which would enable the patient to function in a less structured and restrictive environment, and the less restrictive environment cannot be offered at the facility, the facility shall offer assistance in making arrangements for patients to be transferred to a setting which provides appropriate services.

(d) Except in an emergency, the patient, his next of kin, or guardian, if any, and the attending physician shall be consulted at least thirty (30) days in advance of the transfer or discharge of any patient.

(e) If the patient is transferred, a transfer form shall accompany the patient. The transfer form shall include at least: physician's orders (if available), current information relative to diagnosis with history of problems requiring special care, a summary of the course of prior treatment, special supplies or equipment needed for patient care, and pertinent social information on the patient and his family.

(9) 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.

(10) Personnel.

(a) Job descriptions. Written job descriptions shall be developed for each category of personnel, to include qualifications, lines of authority and specific duty assignments.

(b) Employee records. Current employee records shall be maintained and shall include an employment application and a record of each employee's training and experience, evidence of current licensure or registration where required by law, health records, records of in-service training and ongoing education, and the employee's name, address and Social Security Number.

(c) Staffing requirements.

1. The facility shall have adequate personnel to meet the needs of the patients on a twenty-four (24) hour basis. The number and classification of personnel required shall be based on the number of patients and the amount and kind of personal care, nursing care, supervision and program needed to meet the needs of the patients as determined by medical orders and by services required by this regulation.

2. Required overall minimum staffing ratios for direct patient care are as follows:

SHIFT	STAFF	:	RESIDENTS
7 a.m. - 3 p.m.	1	:	6
3 p.m. - 11 p.m.	1	:	10
11 p.m. - 7 a.m.	1	:	10

3. [2.] When the staff/patient ratio does not meet the needs of the patients, the Division for Licensing and Regulation shall determine and inform the administrator in writing how many additional personnel are to be added and of what job classification and shall give the basis for this determination.

4. [3.] Responsible staff member shall be on duty and awake at all times to assure prompt, appropriate action in cases of injury, illness, fire or other emergencies.

5. [4.] Although emergency scheduling may require substitution of staff, every effort should be made to provide residents with familiar staff members in order to minimize

resident confusion.

6. [5.] Volunteers shall not be counted to make up minimum staffing requirements.

7. [6.] The facility shall have a director of nursing service who is a registered nurse and who works full time during the day, and who devotes full time to the nursing service of the facility. If the director of nursing has administrative responsibility for the facility, there shall be an assistant director of nursing, who is a registered nurse, so that there shall be the equivalent of a full-time director of nursing service. The director of nursing shall be trained or experienced in areas of nursing service, administration, rehabilitation nursing, psychiatric or geriatric nursing. The director of the nursing service shall be responsible for:

a. Developing and maintaining nursing service objectives, standards of nursing practice, nursing procedure manuals, and written job description for each level of nursing personnel.

b. Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

c. Assigning and supervising all levels of nursing personnel.

d. Participating in planning and budgeting for nursing care.

e. Participating in the development and implementation of patient care policies.

f. Coordinating nursing services with other patient care services.

g. Planning and conducting orientation programs for new nursing personnel and continuing in-service education for all nursing personnel.

h. Participating in the screening of prospective patients in terms of required nursing services and nursing skills available.

i. Assuring that a written monthly assessment of the patient's general condition is completed.

j. Assuring that a nursing care plan shall be established for each patient and that his plan shall be reviewed and modified as necessary.

k. Assuring that registered nurses, licensed practical nurses, nursing assistants, and certified medication aides are assigned duties consistent with their training and experience.

l. Assuring that a monthly review of each patient's medications is completed and notifying the physician when changes are appropriate.

8. [7.] Supervising nurse. Nursing care shall be provided by or under the direction of a full-time registered nurse. The supervising nurse may be the director of nursing or the assistant director of nursing and shall be trained or experienced in the areas of nursing administration and supervision, rehabilitative nursing, psychiatric or geriatric nursing. The supervising nurse shall make daily rounds to all nursing units performing such functions as visiting each patient, and staff assignments, and whenever possible accompanying physicians when visiting patients.

9. [8.] Charge nurse. There shall be at least one (1) registered nurse or licensed practical nurse on duty at all times who is responsible for the nursing care of patients during the nurse's tour of duty. When a licensed practical nurse is on duty, a registered nurse shall be on call.

10. [9.] Pharmacist. The facility shall retain a licensed pharmacist on a full-time, part-time

or consultant basis to direct pharmaceutical services.

11. [10.] Therapists.

a. If rehabilitative services beyond rehabilitative nursing care are offered, whether directly or through cooperative arrangements with agencies that offer therapeutic services, these services shall be provided or supervised by qualified therapists to include licensed physical therapists, speech pathologists and occupational therapists.

b. When supervision is less than full time, it shall be provided on a planned basis and shall be frequent enough, in relation to the staff therapist's training and experience, to assure sufficient review of individual treatment plans and progress.

c. In a facility with an organized rehabilitation service using a multidisciplinary team approach to meet all the needs of the patient, and where all therapists' services are administered under the direct supervision of a physician qualified in physical medicine who will determine the goals and limits of the therapists' work, and prescribes modalities and frequency of therapy, persons with qualifications other than those described in clause a. of this subparagraph may be assigned duties appropriate to their training and experience.

12. [11.] Dietary. Each facility shall have a full-time person designated by the administrator, responsible for the total food service operation of the facility and on duty a minimum of thirty-five (35) hours each week.

13. [12.] Each facility shall designate a person for the following areas who will be responsible for:

a. Medical records;

b. Arranging for social services;

c. Developing and implementing the activities program and therapeutic recreation; and

d. Developing and implementing staff training program.

14. [13.] Community family support coordinator. A social worker licensed pursuant to KRS 335.090 or who has two (2) years of social work supervised experience in a health care setting working directly with individuals; or similar professional qualifications shall be utilized whose functions shall include:

a. Evaluation of resident's initial social history on admission;

b. Utilization of community resources;

c. Conducting quarterly family support group meetings; and

d. Identification and utilization of existing Alzheimer's network.

15. [14.] Supportive personnel, consultants, assistants and volunteers shall be supervised and shall function within the policies and procedures of the facility.

(d) Health requirements. No employee contracting an infectious disease shall appear at work until the infection can no longer be transmitted.

(e) Orientation and in-service training. All staff members and consultants shall have documented training in the care and handling of Alzheimer's patients, including at least:

1. Eight (8) hours of orientation to cover the following:

a. Facility Alzheimer's policies;

b. Etiology and treatment of dementias;

c. Stages of Alzheimer's disease;

- d. Behavior management; and
 - e. Communication.
 - f. Resident's rights.
2. Quarterly continuing education is required, six (6) hours of which shall be in Alzheimer's disease or related disorders.

(11) Medical records.

(a) The facility shall develop and maintain a system of records retention and filing to insure completeness and prompt location of each patient's record. The records shall be held confidential. The records shall be in ink or typed and shall be legible. Each entry shall be dated and signed. Each record shall include:

1. Identification data including the patient's name, address and Social Security Number (if available); name, address and telephone number of referral agency; name and telephone number of personal physician; name, address and telephone number of next of kin or other responsible person; and date of admission.

2. Admitting medical evaluation by a physician including current medical findings, medical history, physical examination and diagnosis. (The medical evaluation may be a copy of the discharge summary or history and physical report from a hospital, or long-term care facility if done within seven (7) days prior to admission.)

3. The physician's dated and signed orders for medication, diet, and therapeutic services.

4. Physician's progress notes describing significant changes in the patient's condition, written at the time of each visit.

5. Findings and recommendations of consultants.

6. A medication sheet which contains the date, time given, name of each medication, dosage, administration method, name of prescribing physician and name of person who administered the medication.

7. Nurse's notes indicating changes in patient's condition, actions, responses, attitudes, appetite, etc. Nursing personnel shall make notation of response to medications, response to treatments, mode and frequency of PRN medications administered, condition necessitating administration of PRN medication, reaction following PRN medication, visits by physician and phone calls to the physician, medically prescribed diets and preventive maintenance or rehabilitative nursing measures.

8. Written assessment of the patient's monthly general condition.

9. Reports of dental, laboratory and x-ray services (if applicable).

10. Changes in patient's response to the activity and therapeutic recreation program.

11. A discharge summary, signed and dated by the attending physician within one (1) month of discharge from the facility.

(b) Retention of records. After patient's death or discharge the completed medical record shall be placed in an inactive file and retained for five (5) years.

Section 4. Provision of Services. (1) Physician services.

(a) The health care of every patient shall be under the supervision of a physician who, based on an evaluation of the patient's immediate and long-term needs, prescribes a planned regimen of medical care which covers indicated medications, treatments, rehabilitative services, diet, special procedures recommended for the health and safety of the patient, activities, plans for continuing care and discharge.

(b) Patients shall be evaluated by a physician at least once every thirty (30) days for the first sixty (60) days following admission. Subsequent to the 60th day following admission, the patients shall be evaluated by a physician every sixty (60) days unless justified and documented by the attending physician in the patient's medical record. There shall be evidence in the patient's medical record of the physician visits to the patient at medically appropriate intervals.

(c) There shall be evidence in the patient's medical record that the patient's attending physician has made arrangement for the medical care of the patient in the physician's absence.

(d) Availability of physicians for emergency care. The facility shall have arrangements with one (1) or more physicians who will be available to furnish necessary medical care in case of an emergency if the physician responsible for the care of the patient is not immediately available. A schedule listing the names and telephone numbers of these physicians and the specific days each shall be on call and shall be posted in each nursing station. There shall be established procedures to be followed in an emergency, which cover immediate care of the patient, persons to be notified, and reports to be prepared.

(2) Nursing services.

(a) Twenty-four (24) hour nursing service. There shall be twenty-four (24) hour nursing service with a sufficient number of nursing personnel on duty at all times to meet the total needs of patients. Nursing personnel shall include registered nurses or licensed practical nurses, aides, assistants, and certified medication aides. The amount of nursing time available for patient care shall be exclusive of nonnursing duties. Sufficient nursing time shall be available to assure that each patient:

1. Shall receive treatments, medication, and diets as prescribed;

2. Shall receive proper care to prevent decubiti and shall be kept comfortable, clean and well-groomed;

3. Shall be protected from accident and injury by the adoption of indicated safety measures;

4. Shall be treated with kindness and respect;

(b) Rehabilitative nursing care. There shall be an active program of rehabilitative nursing care directed toward assisting each patient to achieve and maintain his highest level of self-care and independence.

1. Rehabilitative nursing care initiated in the hospital shall be continued immediately upon admission to the facility.

2. Nursing personnel shall be taught rehabilitative nursing measures and shall practice them in their daily care of patients. These measures shall include:

a. Maintaining good body alignment and proper positioning of bedfast patients;

b. Encouraging and assisting bedfast patients to change positions at least every two (2) hours, day and night to stimulate circulation and prevent decubiti and deformities or more often if necessary;

c. Making every effort to keep patients active and out of bed for reasonable periods of time, except when contraindicated by physician's orders, and encouraging patients to achieve independence in activities of daily living by teaching self-care, transfer and ambulation activities;

d. Assisting patients to carry out prescribed physical therapy exercises between visits of the physical therapists.

(c) Dietary supervision. Nursing personnel shall assure that patients are served diets as prescribed. Patients needing help in eating shall be assisted promptly upon receipt of meals. Food and fluid intake of patients shall be observed and deviations from normal shall be reported to the charge nurse. Persistent unresolved problems shall be reported to the physician.

(d) Comprehensive assessment of resident needs. Nursing personnel 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:

1. The comprehensive assessment must include at least the following information:

a. Medically defines conditions and prior medical history;

b. Medical status measurement;

c. Functional status;

d. Sensory and physical impairment;

e. Nutritional status and requirements;

f. Special treatments or procedures;

g. Psychosocial status;

h. Dental condition;

i. Activities potential;

j. Cognitive status; and

k. Drug therapy.

2. Assessments must be conducted no later than fourteen (14) days after the date of admission and promptly after a significant change in the resident's physical or mental condition.

3. Each assessment must be conducted or coordinated by a registered nurse who signs and certifies the completion of the assessment.

(3) Comprehensive assessments and care plans.

(a) Comprehensive assessments.

1. 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.

2. The comprehensive assessment shall include at least the following information:

a. Medically defined conditions and prior medical history;

b. Medical status measurement;

c. Functional status;

d. Sensory and physical impairments;

e. Nutritional status and requirements;

f. Special treatments or procedures;

g. Psychosocial status;

h. Discharge potential;

i. Dental condition;

j. Activities potential;

k. Rehabilitation potential;

l. Cognitive status; and

m. Drug therapy.

3. Frequency. Assessments shall be conducted:

a. No later than fourteen (14) days after the date of admission;

b. Promptly after a significant change in the resident's physical or mental condition; and

c. In no case less often than once every twelve (12) months.

4. 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.

5. Use. The results of the assessment are used

to develop, review, and revise the resident's comprehensive plan of care, under paragraph (4) of this section.

(b) Accuracy of assessments.

1. 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.

2. Certification. Each individual who completes a portion of the assessment shall sign and certify the accuracy of that portion of the assessment.

(c) Comprehensive care plans.

1. 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.

2. A comprehensive care plan shall be:

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

b. 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

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

3. The services provided or arranged by the facility shall:

a. Meet professional standards of quality; and

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

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

1. A recapitulation of the resident's stay;

2. A final summary of the resident's status to include items in paragraph (2)(b) of this subsection, 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

3. 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.

(4) Specialized rehabilitative services.

(a) Rehabilitative services shall be provided upon written order of the physician which indicates anticipated goals and prescribes specific modalities to be used and frequency of physical, speech and occupational therapy services. These services may be contracted for from another community resource.

(b) If therapy services are provided they shall include:

1. Physical therapy which includes:

a. Assisting the physician in his evaluation of patients by applying muscle, nerve, joint, and functional ability tests;

b. Treating patients to relieve pain, develop or restore functions, and maintain maximum performance, using physical means such as exercise, massage, heat, water, light, and electricity.

2. Speech therapy which includes:

a. Service in speech pathology or audiology;

b. Cooperation in the evaluation of patients

with speech, hearing, or language disorders;

c. Determination and recommendation of appropriate speech and hearing services;

3. Occupational therapy services which includes:

a. Assisting the physician in his evaluation of the patient's level of function by applying diagnostic and prognostic tests.

b. Guiding the patient in his use of therapeutic creative and self care activities for improving function.

c. Therapists shall collaborate with the facility's medical and nursing staff in developing the patient's total plan of care.

d. Ambulation and therapeutic equipment. Commonly used ambulation and therapeutic equipment necessary for services offered shall be available for use in the facility such as parallel bars, handrails, wheelchairs, walkers, walkerettes, crutches and canes. The therapists shall advise the administrator concerning the purchase, rental, storage and maintenance of equipment and supplies.

(5) Personal care services. Personal care services shall include: assistance with bathing, shaving, cleaning and trimming of fingernails and toenails, cleaning of the mouth and teeth, and washing, grooming and cutting of hair.

(6) Pharmaceutical services.

(a) The facility shall provide appropriate methods and procedures for obtaining, dispensing, and administering drugs and biologicals, developed with the advice of a licensed pharmacist or a pharmaceutical advisory committee which includes one (1) or more licensed pharmacists.

(b) If the facility has a pharmacy department, a licensed pharmacist shall administer the department.

(c) If the facility does not have a pharmacy department, it shall have provision for promptly obtaining prescribed drugs and biologicals from a community or institutional pharmacy holding a valid pharmacy permit issued by the Kentucky Board of Pharmacy, pursuant to KRS 315.035.

(d) If the facility does not have a pharmacy department, but does maintain a supply of drugs:

1. The consultant pharmacist shall be responsible for the control of all bulk drugs and maintain records of their receipt and disposition.

2. The consultant pharmacist shall dispense drugs from the drug supply, properly label them and make them available to appropriate licensed nursing personnel.

3. Provisions shall be made for emergency withdrawal of medications from the drug supply.

(e) An emergency medication kit approved by the facility's professional personnel shall be kept readily available. The facility shall maintain a record of what drugs are in the kit and document how the drugs are used.

(f) Medication services.

1. Conformance with physician's orders. All medications administered to patients shall be ordered in writing by the patient's physician. Telephone orders shall be given only to a licensed nurse or pharmacist immediately reduced to writing, signed by the nurse and countersigned by the physician within fourteen (14) days. Medications not specifically limited as to time or number of doses, when ordered, shall be automatically stopped in accordance with the facility's written policy on stop orders. A registered nurse or pharmacist shall

review each patient's medication profile at least monthly. The prescribing physician shall review the patient's medical profile at least every two (2) months. The patient's attending physician shall be notified of stop order policies and contacted promptly for renewal of such orders so that continuity of the patient's therapeutic regimen is not interrupted. Medications are to be released to patients on discharge only on the written authorization of the physician.

2. 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 of (KRS Chapter 314) or by personnel who have completed a state approved training program, from a state-approved source. The administration of oral and topical medicines by certified medicine aides shall be under the supervision of licensed medical or nursing personnel. Intramuscular injections shall be administered by a licensed 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.

a. The nursing station shall have readily available items necessary for the proper administration of medications.

b. In administering medications, medication cards or other state approved systems shall be used and checked against the physician's orders.

c. Medications prescribed for one patient shall not be administered to any other patient.

d. Self-administration of medications by patients shall not be permitted except on special order of the patient's physician or in a pre-discharge program under the supervision of a licensed nurse.

e. Medication errors and drug reactions shall be immediately reported to the patient's physician and an entry thereof made in the patient's medical record as well as on an incident report.

f. Up-to-date medication reference texts and sources of information shall be provided for use by the nursing staff, (e.g., the American Hospital Formulary Service of the American Society of Hospital Pharmacists, Physicians Desk Reference or other suitable references).

3. Labeling and storing medications.

a. All medications shall be plainly labeled with the patient's name, the name of the drug, strength, name of pharmacy, prescription number, date, physician name, caution statements and directions for use except where accepted modified unit dose systems conforming to federal and state laws are used. The medications of each patient shall be kept and stored in their original containers and transferring between containers shall be prohibited. All medicines kept by the facility shall be kept in a locked place and the persons in charge shall be responsible for giving the medicines and keeping them under lock and key. Medications requiring refrigeration shall be kept in a separate locked box of adequate size in the refrigerator in the medication area. Drugs for external use shall be stored separately from those administered by mouth and injection. Provisions shall also be made for the locked separate storage of medications of deceased and discharged patients until such medication is surrendered or

destroyed in accordance with federal and state laws and regulations.

b. Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist or pharmacy for relabeling or disposal. Containers having no labels shall be destroyed in accordance with state and federal laws.

c. Cabinets shall be well lighted and sufficient size to permit storage without crowding.

d. Medications no longer in use shall be disposed of or destroyed in accordance with federal and state laws and regulations.

e. Medications having an expiration date shall be removed from usage and properly disposed of after such date.

4. Controlled substances. Controlled substances shall be kept under double lock (e.g., in a locked box in a locked cabinet). There shall be a controlled substances record, in which is recorded the name of the patient, the date, time, kind, dosage, balance remaining and method of administration of all controlled substances; the name of the physician who prescribed the medications; and the name of the nurse who administered it, or staff who supervised the self-administration. In addition, there shall be a recorded and signed Schedule II controlled substances count daily, and Schedule III, IV, and V controlled substances count once per week by those persons who have access to controlled substances. All controlled substances which are left over after the discharge or death of the patient shall be destroyed in accordance with KRS 218A.230, or 21 CFR 1307.21, or sent via registered mail to the Controlled Substances Enforcement Branch of the Kentucky Cabinet for Human Resources.

5. Use of restraints. If a patient becomes disturbed or unmanageable, the patient's physician shall be notified in order to evaluate and direct the patient's care. No form of restraints or protective devices shall be used except under written orders of the attending physician. There shall be no PRN orders for restraints. Understanding that measures to prevent wandering may infringe on patient rights, care shall be exercised in the use of physical or mechanical devices or chemical restraints.

a. Restraints shall not be used as punishment, as discipline, as a convenience for the staff, or when not required to treat the resident's medical symptoms, or as a substitute for staff.

b. Physical or mechanical restraints that require lock and key shall not be used. Restraints shall be applied only by personnel trained in the proper application and observation of this equipment. Restraints shall be checked at least every one-half (1/2) hour and released at least ten (10) minutes every two (2) hours. During the patient's normal waking hours, the patient must be exercised during release periods. The checks and releases of restraints shall be recorded in the patient's medical record as they are completed. Such reports shall document the rationale or justification for the use of the procedure, a description of the specific procedures employed, and the physician's order. Restraints shall be comfortable and easily removed in case of an emergency.

(c) The specific purpose and time-limited

order for any restraint shall be written and reviewed according to facility policy. The frequency of such renewal shall not exceed sixty (60) days.

6. Infection control and communicable diseases.
a. There shall be written infection control policies, which are consistent with the Center for Disease Control guidelines including:

(i) Policies which address the prevention of disease transmission to and from patients, visitors and employees, including:

i. Universal blood and body fluid precautions;
ii. Precautions for infections which can be transmitted by the airborne route; and
iii. Work restrictions for employees with infectious diseases.

(ii) Policies which address the cleaning, disinfection, and sterilization methods used for equipment and the environment.

b. 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.

c. Sharp wastes.

(i) 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.

(ii) Needles shall not be recapped by hand, purposely bent, broken, or otherwise manipulated by hand.

(iii) The containers for 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.

d. Disposable waste.

(i) 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.

(ii) The facility shall establish specific written policies regarding handling and disposal of all wastes.

(iii) 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.

(iv) 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.

e. 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), rebecca, salmonellosis, shigellosis, typhoid fever, yersiniosis, brucellosis, giardiasis, leprosy, psittacosis, Q fever, tularemia, and typhus.

f. A facility may admit a (noninfectious) tuberculosis patient under continuing medical supervision for his tuberculosis disease.

g. Patients with active tuberculosis may be admitted to the facility whose isolation facilities and procedures have been specifically approved by the cabinet.

h. 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.

(7) Diagnostic services. The facility shall have provisions for obtaining required clinical laboratory, x-ray and other diagnostic services. Laboratory services may be obtained from a laboratory which is part of a licensed hospital or a laboratory licensed pursuant to KRS 333.030 and any regulations promulgated thereunder. Radiology services shall be obtained from a service licensed or registered pursuant to KRS 211.842 to 211.852 and any regulations promulgated thereunder. If the facility provides its own diagnostic services, the service shall meet the applicable laws and regulations. All diagnostic services shall be provided only on the request of a physician. The physician shall be notified promptly of the test results. Arrangements shall be made for the transportation of patients, if necessary, to and from the source of service. Simple tests, such as those customarily done by nursing personnel for diabetic patients may be done in the facility. All reports shall be included in the medical record.

(8) Dental services. The facility shall assist patients to obtain regular and emergency dental care. Provision for dental care: Patients shall be assisted to obtain regular and emergency dental care. An advisory dentist shall provide consultation, participate in in-service education, recommend policies concerning oral hygiene, and shall be available in case of emergency. The facility, when necessary, shall arrange for the patient to be transported to the dentist's office. Nursing personnel shall assist the patient to carry out the dentist's recommendations.

(9) Social services.

(a) Provision for medically related social needs. The medically related social needs of the patient shall be identified, and services provided to meet them, in admission of the patient, during his treatment and care in the facility.

1. As a part of the process of evaluating a patient's need for services in a facility and whether the facility can offer appropriate care, emotional and social factors shall be considered in relation to medical and nursing requirements.

2. As soon as possible after admission, there shall be an evaluation, based on medical, nursing and social factors, of the probable duration of the patient's need for care and a plan shall be formulated and recorded for providing such care.

3. Subject to the requirements of KRS 216B.071, where there are indications that financial help will be needed, arrangements shall be made promptly for referral to an appropriate agency.

4. Social and emotional factors related to the patient's illness, to his response to treatment and to his adjustment to care in the facility shall be recognized and appropriate action shall be taken when necessary to obtain casework services to assist in resolving problems in these areas.

5. Knowledge of the patient's home situation, financial resources, community resources available to assist him, and pertinent information related to his medical and nursing

requirements shall be used in making decisions regarding his discharge from the facility.

(b) Confidentiality of social data. Pertinent social data, and information about personal and family problems related to the patient's illness and care shall be made available only to the attending physician, appropriate members of the nursing staff, and other key personnel who are directly involved in the patient's care, or to recognized health or welfare agencies. There shall be appropriate policies and procedures for assuring the confidentiality of such information.

1. The staff member responsible for social services shall participate in clinical staff conferences and confer with the attending physician at intervals during the patient's stay in the facility, and there shall be evidence in the record of such conferences.

2. The staff member and nurses responsible for the patient's care shall confer frequently and there shall be evidence of effective working relationships between them.

3. Records of pertinent social information and of action taken to meet social needs shall be maintained for each patient. Signed social service summaries shall be entered promptly in the patient's medical record for the benefit of all staff involved in the care of the patient.

(10) Patient activities. Activities suited to the needs and interests of patients shall be provided. Provision shall be made for activities which must be appropriate for the needs and interests of each resident, taking into consideration his or her specific impairment, state of disease. Activities programs shall be available to all residents and shall be planned and documented in the patient's interdisciplinary comprehensive assessment.

(a) The activity leader shall have specialized educational preparation concerning the care of an Alzheimer's patient, and use, to the fullest possible extent, community, social and recreational opportunities.

(b) Patients shall be encouraged but not forced to participate in such activities. Suitable activities are provided for patients unable to leave their rooms.

(c) Patients who are able and who wish to do so shall be assisted to attend religious services.

(d) Patient's request to see their clergymen shall be honored and space shall be provided for privacy during visits.

(e) Visiting hours shall be flexible and posted to permit and encourage visiting friends and relatives.

(f) The facility shall make available a variety of supplies and equipment adequate to satisfy the individual interests of patients. Examples of such supplies and equipment are: books and magazines, daily newspapers, games, stationery, radio and television and the like.

(11) Transportation.

(a) If transportation of patients is provided by the facility to community agencies or other activities, the following shall apply:

1. Special provision shall be made for patients who use wheelchairs.

2. An escort or assistant to the driver shall be provided in transporting patients to and from the facility if necessary for the the patient's safety.

(b) The facility shall arrange for appropriate transportation in case of medical emergencies.

(12) Residential services.

(a) Dietary services. The facility shall provide or contract for food service to meet the dietary needs of the patients including modified diets or dietary restrictions as prescribed by the attending physician. When a facility contracts for food service, with an outside food management company, the company shall provide a qualified dietician on a full-time, part-time or consultant basis to the facility. The qualified dietician shall have continuing liaison with the medical and nursing staff of the facility for recommendations on dietetic policies affecting patient care. The company shall comply with all of the appropriate requirements for dietary services in this regulation.

1. Therapeutic diets. If the designated person responsible for food service is not a qualified dietician or nutritionist, consultation by a qualified dietician or qualified nutritionist shall be provided.

2. Dietary staffing. There shall be sufficient food service personnel employed and their working hours, schedules of hours, on duty and days off shall be posted. If any food service personnel are assigned duties outside the dietary department, the duties shall not interfere with the sanitation, safety or time required for regular dietary assignments.

3. Menu planning.

a. Menus shall be planned, written and rotated to avoid repetition. Nutrition needs shall be met in accordance with the current recommended dietary allowances of the Food and Nutrition Board of the National Research Council adjusted for age, sex and activity, and in accordance with physician's orders.

b. Meals shall correspond with the posted menu. Menus must be planned and posted one (1) week in advance. When changes in the menu are necessary, substitutions shall provide equal nutritive value and the changes shall be recorded on the menu and all menus shall be kept on file for thirty (30) days.

c. The daily menu shall include daily diet for all modified diets served within the facility based on an approved diet manual. The diet manual shall be a current manual with copies available in the dietary department, that has the approval of the professional staff of the facility. The diet manual shall indicate nutritional deficiencies of any diet. The dietician shall correlate and integrate the dietary aspects of the patient care with the patient and patient's chart through such methods as patient instruction, recording diet histories and participation in rounds and conferences.

4. Food preparation and storage.

a. There shall be at least a three (3) day supply of food to prepare well balanced palatable meals. Records of food purchased for preparation shall be on file for thirty (30) days.

b. Food shall be prepared with consideration for any individual dietary requirement. Modified diets, nutrient concentrates and supplements shall be given only on the written orders of a physician.

c. At least three (3) meals per day shall be served with not more than a fifteen (15) hour span between the substantial evening meal and breakfast. Between meal snacks to include an evening snack before bedtime shall be offered to all patients. Adjustments shall be made when medically indicated.

d. Foods shall be prepared by methods that

conserve nutritive value, flavor and appearance and shall be attractively served at the proper temperatures, and in a form to meet the individual needs. A file of tested recipes, adjusted to appropriate yield shall be maintained. Food shall be cut, chopped or ground to meet individual needs. If a patient refuses foods served, nutritional substitutions shall be offered.

e. All opened containers or leftover food items shall be covered and dated when refrigerated.

5. Serving of food. When a patient cannot be served in the dining room, trays shall be provided for bedfast patients and shall rest on firm supports such as over-bed tables. Sturdy tray stands of proper height shall be provided for patients able to be out of bed.

a. Correct positioning of the patient to receive his tray shall be the responsibility of the direct patient care staff. Patients requiring help in eating shall be assisted within a reasonable length of time.

b. Adaptive self-help devices shall be provided to contribute to the patient's independence in eating.

6. Sanitation. All facilities shall comply with all applicable provisions of KRS 219.011 to 219.081 and 902 KAR 45:005 (Kentucky's Food Service Establishment Act and Food Service Code).

(b) Housekeeping and maintenance services.

1. The facility shall maintain a clean and safe facility free of unpleasant odors. Odors shall be eliminated at their source by prompt and thorough cleaning of commodes, urinals, bedpans and other obvious sources.

2. An adequate supply of clean linen shall be on hand at all times. Soiled clothing and linens shall receive immediate attention and shall not be allowed to accumulate. Clothing or bedding used by one patient shall not be used by another until it has been laundered or dry cleaned.

3. Soiled linen shall be sorted and laundered in the soiled linen room in the laundry area. Handwashing facilities with hot and cold water, soap dispenser and paper towels shall be provided in the laundry area.

4. Clean linen shall be sorted, dried, ironed, folded, transported, stored and distributed in a sanitary manner.

5. Personal laundry of patients or staff shall be collected, transported, sorted, washed and dried in a sanitary manner, separate from bed linens.

6. Patients' personal clothing shall be laundered as often as is necessary. Laundering of patients' personal clothing shall be the responsibility of the facility unless the patient or the patient's family accepts this responsibility. Patient's personal clothing laundered by or through the facility shall be marked to identify the patient-owner and returned to the correct patient.

7. Maintenance. The premises shall be well kept and in good repair. Requirements shall include:

a. The facility shall insure that the grounds are well kept and the exterior of the building, including the sidewalks, steps, porches, ramps and fences are in good repair.

b. 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 shall be screened.

c. 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.

d. 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 compounds shall be stored under lock.

(c) Room accommodations.

1. Each patient shall be provided a standard size bed or the equivalent at least thirty-six (36) inches wide, equipped with substantial springs, a clean comfortable mattress, a mattress cover, two (2) sheets and a pillow, and such bed covering as is required to keep the patients comfortable. Rubber or other impervious sheets shall be placed over the mattress cover whenever necessary. Beds occupied by patients shall be placed so that no patient may experience discomfort because of proximity to radiators, heat outlets, or by exposure to drafts.

2. The facility shall provide window coverings, bedside tables with reading lamps (if appropriate), comfortable chairs, chest or dressers with mirrors, a night light, and storage space for clothing and other possessions.

3. Patients shall not be housed in unapproved rooms or unapproved detached buildings.

4. Basement rooms shall not be used for sleeping rooms for patients.

5. Patients may have personal items and furniture when it is physically feasible.

6. There shall be a sufficient number of tables provided that can be rolled over a patient's bed or be placed next to a bed to serve patients who cannot eat in the dining room.

7. Each living room or lounge area and recreation area shall have an adequate number of reading lamps, and tables and chairs or settees of sound construction and satisfactory design.

8. Dining room furnishings shall be adequate in number, well constructed and of satisfactory design for the patients.

9. Each patient shall be permitted to have his own radio and television set in his room unless it interferes with or is disturbing to other patients.

Section 5. Alzheimer's Facility Requirements.

(1) The care of residents with Alzheimer's disease and other cognitive disorders require increased security and visual access. Measures to protect the residents from harm and to prevent them from leaving designated areas without supervision shall include frequent in-person observation of each resident and may also include the use of wide angle mirrors closed-circuit television monitors, and alarm systems.

(2) In addition to the required facility specifications in 902 KAR 20:046, the following shall be provided:

(a) Control doors, if used for security of the residents, shall be forty-four (44) inches in width each leaf, and swing in opposite directions. A latch or other fastening device on a door shall be provided with a knob, handle, panic bar, or other simple type of releasing device, the method of operation of which is obvious, even in darkness.

(b) Locking devices may be used on the control

doors if the following criteria are met.

1. The locking device, which shall not be a keylock device, shall be electronic and shall be released when the following occurs:

a. Upon activation of the fire alarm or sprinkler systems;

b. Power failure to the facility; and

c. By pressing a button located at the main staff station and at the monitoring station.

2. Key pad or buttons may be located at the control doors for routine use by staff or service.

(3) Access to outdoor areas shall be provided and such areas shall be enclosed by walls or fencing that do not present a hazard.

(4) Any security measures taken to provide for the safety of wandering patients shall be as unobtrusive as possible.

CLAY CESSNA, Inspector General

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 2, 1991

FILED WITH LRC: May 7, 1991 at 3 p.m.

STATEMENT OF EMERGENCY
904 KAR 2:016E

This emergency administrative regulation implements the federal clarification of Section 402(a)(8)(A)(ii) and (iii) that applicable earnings disregards are applied to earned income of sanctioned individuals. This is effective May 1, 1991. This emergency administrative regulation deletes child care as a transitional supportive service due to a federal clarification from the administration of families and children. This is effective June 1, 1991. This emergency administrative regulation deletes adoption assistance payments as disregarded or excluded income as a result of OBRA 1990. This is effective May 1, 1991. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler for the May 1991 filing.

WALLACE G. WILKINSON, Governor

HARRY J. COWHERD, M.D., Secretary

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

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

RELATES TO: KRS 205.200(2), 205.210(1), 42 CFR 435.831, 45 CFR 233, 250.33, 250.73, 255, 256, PL 101-508

STATUTORY AUTHORITY: KRS 194.050, 205.200(2)

EFFECTIVE: May 15, 1991

NECESSITY AND FUNCTION: The Cabinet for Human Resources is required to administer the public assistance programs. KRS 205.200(2) and 205.210(1) require that the secretary establish the standards of need and amount of assistance for the Aid to Families with Dependent Children Program, referred to as AFDC. This regulation sets forth the standards by which the need for and the amount of an AFDC assistance payment is established.

Section 1. Definitions. (1) "Approved JOBS activities" means participation in component, precomponent, component preparation, preemployment, transitional extension or self-initiated JOBS activities which have been determined by the Department for Social Insurance to be consistent with employment goals.

(2) "Assistance group" means a group composed of one (1) or more children and may include as specified relative any person specified in 904 KAR 2:006, Section 3. The assistance group shall include the dependent child, child's eligible parent, and all eligible siblings living in the home with the needy child. Additionally, if the dependent child's parent is a minor living in the home with his eligible parent, the minor's parent shall also be included in the assistance group if the minor's parent applied for assistance. The incapacitated or unemployed natural or adoptive parent of the child who is living in the home shall be included as second parent if the technical eligibility factors are met.

(3) "Beyond the control" means:

(a) Loss or theft of the money;

(b) The individual to whom the lump sum was designated no longer lives in the household, making the lump sum income inaccessible;

(c) Expenditure of the lump sum income to meet extraordinary expenses, that are not included in the AFDC Standard of Need.

(4) "Certified child care providers" means a small family day care in a provider's home serving fewer than four (4) children. This provider has voluntarily registered with the Cabinet for Human Resources, Department for Social Services. Standards for certification are contained in 905 KAR 2:070.

(5) "Claimant" means the individual responsible for an overpayment.

(6) "Combination programs" means any educational program which includes as its basis literacy or GED. This program must also include life skills, skills training or job readiness training.

(7) "Component" means services and activities such as education, job skills training, job readiness, job development and placement, job search, on-the-job training, work supplementation or community work experience program activities available under the Job Opportunities and Basic Skills (JOBS) program. Each individual component is described in 904 KAR 2:006.

(8) "Component preparation" means the period in which assessment, testing, development of the employability plan and referrals for removal of barriers takes place.

(9) "Full-time employment" means employment of thirty (30) hours per week or 130 hours per month or more.

(10) "Full-time school attendance" means a workload of at least:

(a) The number of hours required by the individual program for participation in a General Educational Development (GED) program; or

(b) Twelve (12) semester hours or more in a college or university; or six (6) semester hours or more during the summer term; or the equivalent in a college or university if other than a semester system is used; or

(c) The number of hours required by the individual high school/vocational school to fulfill their definition of full time; or

(d) Eight (8) clock hours per month in a

literacy program.

(e) Twenty-five (25) clock hours per week in combination programs.

(11) "Gross income limitation standard" means 185 percent of the sum of the assistance standard, as set forth in Section 7 of this regulation.

(12) "Licensed child care providers" means day care centers serving twelve (12) or more children, or day care in a provider's home serving four (4) to twelve (12) children, which are licensed by the Division of Licensing and Regulation, Office of the Inspector General, as provided in 905 KAR 2:010.

(13) "Lump sum income" means income that does not occur on a regular basis, and does not represent accumulated monthly income received in a single sum.

(14) "Minor" means any person who is under the age of eighteen (18) or under the age of nineteen (19) in accordance with 45 CFR 233.90(b)(3). EXCEPTION: For the purpose of deeming income, a minor parent is considered any person under the age of eighteen (18).

(15) "Part-time employment" means employment of less than thirty (30) hours per week or 130 hours per month or not employed throughout the entire month.

(16) "Part-time school attendance" means a workload of anything less than "full-time school attendance."

(17) "Precomponent" means a waiting period between the dates of component assignment and component commencement.

(18) "Preemployment" means a waiting period between the dates of hiring and employment commencement.

(19) "Prospective budgeting" means computing the amount of assistance based on income and circumstances which will exist in the month(s) for which payment is made.

(20) "Recoupment" means recovery of overpayments of assistance payments.

[(21)] "Retrospective budgeting" means computing amount of assistance based on actual income and circumstances which existed in the second month prior to the payment month.]

[(21)] [(22)] "Sanctioned individual" means any person who is required to be included in the assistance group but who is excluded from the assistance group due to failure to fulfill an eligibility requirement.

[(22)] [(23)] "Self-initiated" means approved participation in which education or training activities are initiated by the client and determined to meet agency criteria. Specific criteria is contained in 904 KAR 2:006.

[(23)] [(24)] "Transitional extension" means a period of up to ninety (90) days subsequent to the discontinuance of the AFDC case in which supportive service payments may continue if:

[(a)] The case is not eligible for transitional child care, as described in Section 9 of this regulation;]

[(a)] [(b)] The case is not discontinued due to fraudulent activity; and

[(b)] [(c)] The case is not discontinued due to failure to comply with procedural requirements; and

[(c)] [(d)] The JOBS participant elects to continue the approved component activity in which she is engaged at the time of discontinuance.

[(24)] [(25)] "Unavailable" means that the income is not accessible to the AFDC benefit

group for use toward basic food, clothing, shelter, and utilities.

(25) [(26)] "Unregulated child care providers" means private providers, such as friends or relatives, who are not required to be certified or licensed.

Section 2. Resource Limitations. (1) Real and personal property owned in whole or in part by an applicant or recipient including a sanctioned individual and his parent, even if the parent is not an applicant or recipient, if the applicant or recipient is a dependent child living in the home of the parent, shall be considered.

(2) The amount that can be reserved by each assistance group shall not be in excess of \$1,000 equity value excluding those items specifically listed in subsection (1) of this section as follows:

(3) Excluded resources. The following resources shall be excluded from consideration:

- (a) One (1) owner-occupied home;
- (b) Home furnishings, including all appliances;
- (c) Clothing;
- (d) One (1) motor vehicle, not to exceed \$1,500 equity value;
- (e) Farm machinery, livestock or other inventory, and tools and equipment other than farm, used in a self-employment enterprise;
- (f) Items valued at less than fifty (50) dollars each;
- (g) One (1) burial plot or space per family member;

(h) Funeral agreements not to exceed maximum equity of \$1,500 per family member;

(i) Real property which the assistance group is making a good faith effort to sell. This exemption shall not exceed a period of nine (9) months and is contingent upon the assistance group agreeing to repay AFDC benefits received beginning with the first month of the exemption. Any amount of AFDC paid during that period that would not have been paid if the disposal of property had occurred at the beginning of the period is considered an overpayment. The amount of the repayment shall not exceed the net proceeds of the sale. If the property has not been sold within the nine (9) months, or if eligibility stops for any other reason, the entire amount of assistance paid during the nine (9) month period shall be treated as an overpayment;

(j) Other items or benefits mandated by federal regulations.

(4) Disposition of resources.

(a) An applicant or recipient shall not have transferred or otherwise divested himself of property without fair compensation in order to qualify for assistance.

(b) If the transfer was made expressly for the purpose of qualifying for assistance and if the uncompensated equity value of the transferred property, when added to total resources, exceeds the resource limitation, the household's application shall be denied, or assistance discontinued.

(c) The time period of ineligibility shall be based on the resulting amount of excess resources and begins with the month of transfer.

(d) If the amount of excess transferred resources does not exceed \$500, the period of ineligibility shall be one (1) month; the period of ineligibility shall be increased one (1) month for every \$500 increment up to a maximum of twenty-four (24) months.

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

(1) Gross income test.

(a) The total gross non-AFDC income of the assistance group, as well as income of parent, sanctioned individual and amount deemed available from the parent of a minor parent living in the home with such assistance group, and amount deemed available from a stepparent living in the home, and amount deemed available from an alien's sponsor and sponsor's spouse if living with the sponsor, shall not exceed the gross income limitation standard.

(b) Disregards specified in Section 4(1) of this regulation shall apply.

(c) If total gross income exceeds the gross income limitation standard, the assistance group is ineligible.

(2) Applicant eligibility test.

(a) An applicant eligibility test shall be applied if:

1. The gross income is below the gross income limitation standard; and

2. The assistance group has not received assistance during the four (4) months prior to the month of application.

(b) The total gross income after application of exclusions or disregards set forth in Section 4(1) and (2) of this regulation shall be compared to the assistance standard set forth in Section 7 of this regulation.

(c) If income exceeds this standard, the assistance group is ineligible.

(d) For assistance groups who meet the gross income test but who have received assistance any time during the four (4) months prior to the application month, the applicant eligibility test shall not apply.

(3) Benefit calculation.

(a) If the assistance group meets the criteria set forth in subsections (1) and (2) of this section, benefits shall be determined by applying disregards in Section 4(1), (2), and (3) of this regulation.

(b) If the assistance group's income, after application of appropriate disregards, exceeds the assistance standard, the assistance group is ineligible.

(c) Amount of assistance [for the initial two (2) months of eligibility] shall be determined prospectively [and for subsequent months retrospectively].

(4) Ineligibility period.

(a) A period of ineligibility shall be established for an applicant or recipient whose income in the month of application or during any month for which assistance is paid exceeds the limits as set forth in subsections (2) or (3) of this section due to receipt of lump sum income.

(b) The ineligibility period shall be recalculated if any of the following circumstances occur:

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

2. Income, which caused the calculation of the ineligibility period, has become unavailable for reasons that were beyond the control of the benefit group.

3. The assistance group incurs and pays necessary medical expenses not reimbursable by a third party.

Section 4. Excluded or Disregarded Income. All gross non-AFDC income received or anticipated to

be received by the assistance group, sanctioned individual, natural parent and parent of a minor parent living in the home with such assistance group and stepparent living in the home, shall be considered with the applicable exclusions or disregards as set forth below:

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

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

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

(c) Disregards applicable to self-employment income;

(d) Earnings received by a dependent child from participation in the Summer Youth Program, Work Experience Program, Limited Work Experience Program, and Tryout Employment Program under the Job Training Partnership Act (JTPA) for a period not to exceed six (6) months within a given calendar year, effective March 1, 1988;

(e) Unearned income received by a dependent child from participation in a JTPA program;

(f) Value of the monthly allotment of food stamp coupons or value of United States Department of Agriculture (USDA) donated foods;

(g) Nonemergency medical transportation payments;

(h) Payments from complementary programs if no duplication exists between the other assistance and the assistance provided by the AFDC program;

(i) Educational grants, loans, scholarships, including payments for actual educational costs made under the GI Bill, obtained and used under conditions that preclude their use for current living costs and all education grants and loans to any undergraduate made or insured under any program administered by the United States Commissioner of Education;

(j) Highway relocation assistance;

(k) Urban renewal assistance;

(l) Federal disaster assistance and state disaster grants;

(m) Home produce utilized for household consumption;

(n) Housing subsidies received from federal, state or local governments;

(o) Receipts distributed to members of certain Indian tribes by the federal government under 25 USC 459, 1261 and 1401;

(p) Funds distributed per capita to or held in trust for members of any Indian tribe by the federal government under 25 USC 459, 1261 and 1401;

(q) Benefits received from the Nutrition Program for the Elderly, under 42 USC 3001;

(r) Payments for supporting services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under 42 USC 5001 and 5011;

(s) Payments to "Volunteers in Service to America" (VISTA) participants under 42 USC 1451 except when the value of such payments when adjusted to reflect the number of hours volunteers are serving is the same as or greater than the minimum wage under state or federal law, whichever is greater;

(t) The value of supplemental food assistance

received under 42 USC 1771, and the special food service program for children under 42 USC 1755, as amended;

(u) Payments from the Cabinet for Human Resources, Department for Social Services, for child foster care, or adult foster care[, or subsidized adoption];

(v) Payments made under the Low Income Home Energy Assistance Program (LIHEAP) under 42 USC 8621, and other energy assistance payments which are made to an energy provider or provided in-kind;

(w) The first fifty (50) dollars of child support payments collected in a month which represents the current month's support obligation and is returned to the assistance group;

(x) For a period not to exceed six (6) months within a given year, earnings of a dependent child in full-time school attendance;

(y) Nonrecurring gifts of thirty (30) dollars or less received per calendar quarter for each individual included in the assistance group; and

(z) Effective January 3, 1989, loans.

(aa) Effective June 1, 1989, up to \$12,000 to Aleuts and \$20,000 to individuals of Japanese ancestry for payments made by the United States Government to compensate for hardships experienced during World War II.

(bb) Effective June 1, 1989, the essential person's portion of the SSI check.

(cc) Income of an individual receiving mandatory or optional state supplementary payments.

(dd) The advance payment or refund of earned income tax credit (EITC).

(ee) Other benefits mandated by federal regulations or legislation.

(2) Applicant eligibility test. The exclusions or disregards set forth in subsection (1) of this section and those listed below shall be applied:

(a) Earnings received from participation in the Job Corps Program under JTPA by an AFDC child;

(b) Earnings of a dependent child in full-time school attendance for a period not to exceed six (6) months within a given year;

(c) Standard work expense deduction of ninety (90) dollars for full-time and part-time employment; and

(d) Child care, for a child or incapacitated adult living in the home and receiving AFDC, is allowed as a work expense is allowed not to exceed \$175 per month per individual for full-time employment or \$150 per month per individual for part-time employment, or \$200 per month per individual for child under age two (2).

(3) Benefit calculation. After eligibility is established, exclude or disregard all incomes listed in subsections (1) and (2) of this section as well as:

(a) Child support payments assigned and actually forwarded or paid to the department; and

(b) First thirty (30) dollars and one-third (1/3) of the remainder of each individual's earned income not already disregarded, if that individual's needs are considered in determining the benefit amount. The one-third (1/3) portion of this disregard shall not be applied to an individual after the fourth consecutive month it has been applied to his earned income. The thirty (30) dollar portion of this disregard shall be applied concurrently with the one-third (1/3) disregard, however, it shall be extended

for an additional eight (8) months following the four (4) months referenced in the preceding sentence. These disregards shall not be available to the individual until he has not been a recipient for twelve (12) consecutive months; and

(c) Earnings of a child in full-time school attendance or earnings of a child in part-time school attendance, if not working full-time.

(4) Exceptions. Disregards from earnings in subsections (2)(c) and (d) and (3)(b) of this section shall not apply for any month in which the individual:

(a) Reduces, terminates, or refuses to accept employment within the period of thirty (30) days preceding such month, unless good cause exists as follows:

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

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

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

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

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

6. Effective February 1, 1988, the available child care does not meet the needs of the child, for example, handicapped or retarded children.

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

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

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

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

[4. The assistance group has been directly affected by a natural disaster (for example, fire, flood, storm, earthquake).]

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

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

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

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

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

(b) An amount equal to the AFDC assistance standard for the appropriate family size, for the support of the stepparent or parent of a minor parent and any other individuals living in the home but whose needs are not taken into consideration in the AFDC eligibility

determination and are or may be claimed by the stepparent or parent of a minor parent as dependents for purposes of determining his federal personal income tax liability;

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

(d) Payments by the stepparent and parent of a minor parent for alimony or child support with respect to individuals not living in the household; and

(e) Income of a stepparent and parent of a minor parent receiving Supplemental Security Income (SSI).

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

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

Section 6. Alien Income and Resources. (1) For the purposes of this section the alien's sponsor and sponsor's spouse (if living with the sponsor) shall be referred to as sponsor.

(2) The gross non-AFDC income and resources of an alien's sponsor shall be deemed available to the alien, subject to disregards as set forth below, for a period of three (3) years following entry into the United States.

(3) If an individual is sponsoring two (2) or more aliens, the income and resources shall be prorated among the sponsored aliens.

(4) A sponsored alien is ineligible for any month in which adequate information on the sponsor or sponsor's spouse is not provided.

(5) If an alien is sponsored by an agency or organization, which has executed an affidavit of support, that alien is ineligible for benefits for a period of three (3) years from date of entry into the United States, unless it is determined that the sponsoring agency or organization is no longer in existence or does not have the financial ability to meet the alien's needs.

(6) The provisions of this section shall not apply to those aliens identified in subsection (5) of this section.

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

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

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

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

4. Actual payments of alimony or child support paid to nonhousehold members; and

5. Income of a sponsor receiving SSI or AFDC.

(b) Resources. Resources deemed available to the alien shall be the total amount of the resources of the sponsor and sponsor's spouse

determined as if he were an AFDC applicant in this state, less \$1,500.

Section 7. Payment Maximum. (1) The AFDC payment maximum includes amounts for food, clothing, shelter, and utilities.

(2) Countable income is deducted in determining eligibility for and the amount of the AFDC assistance payment, as follows:

Effective July 1, 1989		
Number of Eligible Persons	Payment Maximum	Standard of Need
1 child	\$162	\$394
2 persons	\$196	\$460
3 persons	\$228	\$526
4 persons	\$285	\$592
5 persons	\$333	\$658
6 persons	\$376	\$724
7 or more persons	\$419	\$790

(3) Since the payment maximum does not meet full need, effective July 1, 1989, a forty-five (45) percent ratable reduction shall be applied to the deficit between the family's countable income and the standard of need for the appropriate family size.

(4) The assistance payment shall be fifty-five (55) percent of the deficit or the payment maximum, whichever is the lesser amount.

Section 8. Job Opportunities and Basic Skills (JOBS) Child Care and Supportive Services. (1) Individuals participating in the JOBS program shall be entitled to payment of:

(a) Child care;

(b) Transportation; and

(c) Other supportive service costs necessary for participation in an approved JOBS activity, as described in subsection (10) of this section.

(2) JOBS activities are described in 904 KAR 2:006, Section 9.

(3) Child care eligibility in JOBS components. Child care shall be paid for a child meeting the criteria specified in Section 9(1) of this regulation. Child care shall be provided in the following situations:

(a) Precomponent;

(b) Component preparation;

(c) Component participation;

(d) Preemployment; or

[(e) Transitional extension; or]

[(f)] On-the-job training (OJT)

participants discontinued due to earned income or employment of 100 hours a month or more of the principal wage earner (PWE) in an AFDC-unemployed parent (AFDC-UP) case.

(4) Child care eligibility in self-initiated activities.

(a) Child care shall be provided in the same situations as in JOBS components with the following exceptions:

[1. Transitional extension;]

1. [2.] OJT participants discontinued due to increased earnings or hours of employment;

2. [3.] Component preparation; and

3. [4.] Precomponent, for persons waiting to enter self-initiated activities for the first time.

(b) Child care shall be provided only for approved self-initiated activities.

(5) Child care limitations.

(a) Child care payments shall:

1. Be made directly to the provider, in an amount equal to the actual cost, up to a payment

maximum based on local market rates for components which:

a. Do not provide earned income; or

b. Are [not] work supplementation components.

2. Be allowed as a deduction as outlined in Section 4(2)(d) of this regulation for any component yielding earned income, other than work supplementation.

(b) Payments shall not be made to a provider if the provider is:

1. The parent;

2. The legal guardian;

3. A member of the AFDC assistance unit which includes the child needing care;

4. Not meeting applicable standards of state and local law; or

5. Not allowing parental access.

(c) Local market rates shall be determined by:

1. The type of provider;

2. The age of the child;

3. The special needs of the child. Special needs shall be verified by:

a. Entitlement to disability benefits; or

b. Written statement from a physician or professional from a service agency such as Comprehensive Care, or the Department for Social Services;

4. The amount of time care is needed; and

5. The geographical boundaries of the fifteen (15) area development districts.

(d) Full-time (FT) and part-time (PT) attendance shall be determined by the provider.

(e) FT and PT maximum payment levels shall be established for the following groups of dependent children:

1. "Special needs" includes children in no certain age group;

2. "Infants" includes children under age one (1);

3. "Toddlers" includes children from age one (1) up to age three (3);

4. "Preschool" includes children from age three (3) up to age five (5);

5. "School-age" includes children age five (5) and over.

(f) Child care maximum payments shall be made as follows:

PURCHASE AREA DEVELOPMENT DISTRICT #1

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	10	7
Certified	\$9	9	9	6	9	6
Unregulated	\$8	8	8	5	8	5
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$10	7			10	7
Certified	\$9	6			9	6
Unregulated	\$8	5			8	5

PENNYRILE AREA DEVELOPMENT DISTRICT #2

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	9	6
Certified	\$9	9	9	6	8	5
Unregulated	\$8	8	8	5	7	4

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	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$ 9	6	9	6
Certified	\$ 8	5	8	5
Unregulated	\$ 7	4	7	4

GREEN RIVER AREA DEVELOPMENT DISTRICT #3

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	9	6	9	6
Certified	\$ 9	9	8	5	8	5
Unregulated	\$ 8	8	7	4	7	4

	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$ 9	6	8	5
Certified	\$ 8	5	7	4
Unregulated	\$ 7	4	6	3

BARREN RIVER AREA DEVELOPMENT DISTRICT #4

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$12	12	12	9	10	7
Certified	\$11	11	11	8	9	6
Unregulated	\$10	10	10	7	8	5

	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$10	7	10	7
Certified	\$ 9	6	9	6
Unregulated	\$ 8	5	8	5

LINCOLN TRAIL AREA DEVELOPMENT DISTRICT #5

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	9	6
Certified	\$ 9	9	9	6	8	5
Unregulated	\$ 8	8	8	5	7	4

	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$ 9	6	8	5
Certified	\$ 8	5	7	4
Unregulated	\$ 7	4	6	3

KENTUCKIANA REGIONAL PLANNING AND DEVELOPMENT AGENCY AREA DEVELOPMENT DISTRICT #6

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$13	13	13	10	13	10
Certified	\$12	12	12	9	12	9
Unregulated	\$11	11	11	8	11	8

	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$11	8	11	8
Certified	\$10	7	10	7
Unregulated	\$ 9	6	9	6

NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT #7

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$12	12	12	9	12	9
Certified	\$11	11	11	8	11	8
Unregulated	\$10	10	10	7	10	7

	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$12	9	11	8
Certified	\$11	8	10	7
Unregulated	\$10	7	9	6

BUFFALO TRACE AREA DEVELOPMENT DISTRICT #8

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	8	5	8	5
Certified	\$ 9	9	7	4	7	4
Unregulated	\$ 8	8	6	3	6	3

	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$ 8	5	8	5
Certified	\$ 7	4	7	4
Unregulated	\$ 6	3	6	3

GATEWAY AREA DEVELOPMENT DISTRICT #9

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	8	5	8	5
Certified	\$ 9	9	7	4	7	4
Unregulated	\$ 8	8	6	3	6	3

	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$ 8	5	8	5
Certified	\$ 7	4	7	4
Unregulated	\$ 6	3	6	3

FIVCO AREA DEVELOPMENT DISTRICT #10

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	10	7
Certified	\$ 9	9	9	6	9	6
Unregulated	\$ 8	8	8	5	8	5

	Preschool		School-age	
	FT	PT	FT	PT
Licensed	\$10	7	9	6
Certified	\$ 9	6	8	5
Unregulated	\$ 8	5	7	4

BIG SANDY AREA DEVELOPMENT DISTRICT #11

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	10	7
Certified	\$ 9	9	9	6	9	6
Unregulated	\$ 8	8	8	5	8	5
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$10	7	10	7		
Certified	\$ 9	6	9	6		
Unregulated	\$ 8	5	8	5		

KENTUCKY RIVER AREA DEVELOPMENT DISTRICT #12

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$11	11	11	8	11	8
Certified	\$10	10	10	7	10	7
Unregulated	\$ 9	9	9	6	9	6
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$ 9	6	9	6		
Certified	\$ 8	5	8	5		
Unregulated	\$ 7	4	7	4		

CUMBERLAND VALLEY AREA DEVELOPMENT DISTRICT #13

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	10	7
Certified	\$ 9	9	9	6	9	6
Unregulated	\$ 8	8	8	5	8	5
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$ 9	6	10	7		
Certified	\$ 8	5	9	6		
Unregulated	\$ 7	4	8	5		

LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT #14

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	9	6	9	6
Certified	\$ 9	9	8	5	8	5
Unregulated	\$ 8	8	7	4	7	4
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$ 9	6	9	6		
Certified	\$ 8	5	8	5		
Unregulated	\$ 7	4	7	4		

BLUEGRASS AREA DEVELOPMENT DISTRICT #15

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$12	12	12	9	12	9
Certified	\$11	11	11	8	11	8
Unregulated	\$10	10	10	7	10	7
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$11	8	11	8		
Certified	\$10	7	10	7		
Unregulated	\$ 9	6	9	6		

(g) Child care payments shall be limited as follows:

1. Six (6) semesters (three (3) years) for a two (2) year postsecondary program;

2. Eight (8) semesters (nine (9) with good cause) for a four (4) year postsecondary program; or

3. No restrictions on other education and training activities.

(h) These limits apply to both full-time and part-time enrollment.

(i) In preemployment or precomponent, child care payments shall be limited to a period of two (2) weeks up to one (1) month if necessary to guarantee the child care arrangement shall not be lost.

(j) Child care payments shall not be made if:

1. An AFDC-UP qualifying parent is participating; and

2. The nonparticipating parent is not incapacitated.

(6) Authorization of child care payment.

(a) Child care payments shall be authorized upon the receipt of appropriate verification of the cost of care.

(b) Departmental forms required for verification are incorporated by reference in this regulation.

(c) Payments shall be authorized in accordance with 904 KAR 2:050.

(7) Restrictions on authorization of child care payments. Payment shall not be made if:

(a) Verification is not returned by the end of the month following the month in which the cost was incurred;

(b) The participant is sanctioned for noncompliance with JOBS activities, as specified in 904 KAR 2:006; or

(c) A fair hearing decision is pending on an issue of noncompliance with JOBS.

(8) Transportation payments in JOBS components. Transportation reimbursement shall be paid in the following situations:

(a) Precomponent;

(b) Component preparation;

(c) Component participation;

(d) Transitional extension; or

(e) On-the-job training (OJT) participants discontinued due to earned income or employment of 100 hours a month or more of the PWE in an AFDC-UP case.

(9) Transportation payments in self-initiated activities.

(a) Transportation shall be provided in the same situations as in JOBS components, with the exceptions of:

1. Transitional extension;

2. OJT participants discontinued due to

increased earnings or hours of employment;

3. Component preparation; and

4. Precomponent, for persons waiting to enter self-initiated activities for the first time.

(b) Reimbursement shall be paid only for approved self-initiated activities.

(10) Transportation payment amount and authorization.

(a) A standard rate of three (3) dollars per day shall be paid for individuals participating in approved JOBS activities.

(b) Transportation reimbursement shall be made after receipt of appropriate verification. Departmental forms required for verification are incorporated by reference. Payments shall be made as specified in 904 KAR 2:050.

(c) Transportation payments shall be limited in the same manner as child care payments, as described in subsection (4)(g) of this section.

(d) In precomponent, transportation payments are limited to two (2) weeks up to one (1) month if necessary to guarantee that the arrangements shall not be lost.

(11) Restrictions on authorization of transportation payments. Payments shall not be made if:

(a) Appropriate verification is not returned by the end of the month following the month in which the cost was incurred;

(b) The participant is sanctioned for noncompliance with JOBS activities, as specified in 904 KAR 2:006; or

(c) A fair hearing decision is pending on an issue of noncompliance with JOBS.

(12) Other supportive services in JOBS components.

(a) Nonrecurring services shall be provided if necessary for participation in the approved JOBS activities of:

1. Component preparation;

2. Component participation;

3. Transitional extension;

4. Preemployment; or

5. OJT participants discontinued due to earned income or increased hours of employment.

(b) These services shall be approved by the case manager as defined in 904 KAR 2:006.

(c) Examples of services which may be approved are the purchase of:

1. Remedial health care items or services not covered under the Medicaid program;

2. Necessary clothing; or

3. Any other item identified by a referral agency, the case manager, or the participant as being necessary for participation.

(13) Other supportive services in self-initiated activities. Nonrecurring services shall be provided in the same situations as in JOBS components, with the following exceptions:

(a) Transitional extension;

(b) OJT participants discontinued due to increased earnings or hours of employment; or

(c) Component preparation.

(14) Limitations on other supportive services.

(a) A cumulative limit of \$300 in a twelve (12) month period, beginning with the first day of the month in which the first supportive service payment is made, shall be in effect for any participant in these approved JOBS activities:

1. Component preparation;

2. Component-related;

3. Transitional extension; or

4. OJT participants discontinued due to increased earnings or hours of employment.

(b) A separate \$300 limit, per job, for preemployment supportive services may be paid.

(c) Other supportive services shall be limited in the same manner as child care payments, as described in subsection (4)(g) of this section.

(15) Restrictions on authorization of supportive service payments. Payments shall not be made for the period during which:

(a) Verification is not returned by the service provider;

(b) The participant is sanctioned for noncompliance with JOBS activities, as specified in 904 KAR 2:006; or

(c) A fair hearing decision is pending on an issue of noncompliance with JOBS.

Section 9. Transitional Child Care (TCC). (1) Effective April 1, 1990, child care assistance shall be provided by the state to families whose eligibility for AFDC assistance has ceased due to:

(a) Increased hours of, or earnings from, employment; or

(b) As a result of the loss of income disregards due to the expiration of the time limits at Section 4(3)(b) of this regulation.

(2) TCC shall be administered by the Cabinet for Human Resources, Department for Social Insurance through an interagency agreement with the Department for Social Services.

(3) Child care assistance shall be provided for children if the criteria in subsection (4) of this section are met.

(4) Technical eligibility. The following requirements shall be met during any month for which TCC is paid:

(a) The child(ren) is under age thirteen (13); or

1. Physically or mentally incapable of caring for himself, as verified by the state based on a determination of a physician or a licensed or certified psychologist; or

2. A dependent child under court supervision (if needy); or

3. Would be a dependent child except for the receipt of benefits under SSI under Title XVI or foster care under Title IV-E.

(b) Child care must be necessary in order to permit a member of an AFDC family to accept or retain employment;

(c) Payments are not made for care provided by parents, legal guardians or members of the assistance unit (including essential persons);

(d) The family shall have ceased to be eligible for AFDC as a result of increased hours of, or increased income from, employment or the loss of income disregards due to the time limitations at Section 4(3)(b) of this regulation;

(e) The family shall have received AFDC:

1. In at least three (3) of the six (6) months preceding the first month of ineligibility; and

2. At least one (1) of the three (3) months was received in the state of Kentucky.

(f) The family requests TCC benefits, provides the information necessary for determining eligibility and fees, and meets application requirements;

(g) The family ceased to be eligible for AFDC on or after April 1, 1990.

(5) Time limitations.

(a) Eligibility for TCC begins with the first month for which the family is ineligible for AFDC and continues for a period of twelve (12) consecutive months when the family requests

assistance for TCC.

(b) Families may begin to receive child care in any month during the twelve (12) month eligibility period.

(6) Notification of eligibility. A family shall be notified of their potential eligibility for TCC when their AFDC benefits are terminated.

(7) Sanctions. The family is not eligible for TCC for any remaining portion of the twelve (12) month period if the caretaker relative:

(a) Terminates employment unless good cause exists as follows:

1. The individual is personally providing care for a child under age six (6) and employment will require the individual to work more than twenty (20) hours per week.

2. Child care is necessary for the individual to participate in the program or accept employment and such care is not available or the available child care does not meet the special needs of the child, e.g., handicapped or retarded child.

3. The individual is unable to engage in employment or training for mental or physical reasons including participation in a drug and alcohol rehabilitation program.

4. Unavailability of transportation with no readily accessible alternative means of transportation available.

5. Travel time to the work site exceeds two (2) hours daily.

6. Illness of another household member requiring the presence of the participant.

7. Temporary incarceration.

8. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.

9. Work demands or conditions that render continued employment unreasonable, such as consistently not being paid on schedule or work presents a risk of the individual's health or safety.

10. Wage rates are decreased subsequent to acceptance of employment.

11. Acceptance of a better job which, because of circumstances beyond the control of the recipient, does not materialize.

12. Employment would result in a net loss of cash income.

(b) Fails to cooperate with the state IV-A agency in establishing payments and enforcing child support obligations, per 904 KAR 2:006, Section 11.

(8) Notices and hearings. Notices of adverse action, hearings, and appeals shall comply with the provisions of 904 KAR 2:046 and 904 KAR 2:055.

(9) Fee requirements. Each family receiving TCC shall be required to contribute toward the payment for child care based on the family's income.

(a) A minimum fee of one (1) percent of the family's gross income shall be charged for families who fall below the federal poverty income guidelines. A fee equivalent to seven and five-tenths (7.5) percent of gross income shall be charged for child care when the gross income exceeds the federal poverty guidelines as defined in 905 KAR 3:010 and 905 KAR 3:020.

(b) Individuals who fail to cooperate in paying required fees may, subject to notices and hearing requirements, lose eligibility for TCC for the period of time back fees are owed, unless satisfactory arrangements are made to make full payment.

(10) Recoupment. The following provisions apply to overpayments in TCC:

(a) Necessary action shall be taken promptly by the state IV-A agency to correct and recoup any overpayments.

(b) Overpayments, including assistance paid pending hearing decisions, shall be recovered from:

1. The responsible party;
2. The family unit which was overpaid;
3. The provider who was responsible for the overpayment;

4. Individuals who were members of the family when overpaid; or

5. Families which include members of a previously overpaid family.

(c) Overpayments shall be recovered through:

1. Repayment by the individual or child care provider to the cabinet; or

2. Reduction in child care payments; or

3. Reduction of AFDC benefits only upon a voluntary request of the recipient family.

(d) Repayment by the individual shall allow the recipient family to retain, for any month, a reasonable amount of funds.

(e) Underpayments and overpayments may be offset against each other in adjusting incorrect payments.

(f) Benefits shall not be suspended, reduced, discontinued or terminated until a decision is rendered after a hearing as specified in 904 KAR 2:055 requested within the timely notice period.

Section 10. Recoupment. The following provisions are effective for all overpayments discovered on or after April 1, 1982, regardless of when the overpayment occurred.

(1) Necessary action will be taken promptly to correct and recoup any overpayments.

(2) Overpayments, including assistance paid pending hearing decisions, shall be recovered:

(a) The claimant;

(b) The overpaid assistance unit;

(c) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member; or

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

(3) Overpayments shall be recovered through:

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

(b) Reduction of future AFDC benefits, which shall result in the assistance group retaining, for the payment month, family income and liquid resources of not less than ninety (90) percent of the amount of assistance paid to a like size family with no income in accordance with Section 7 of this regulation; or

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

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

(5) Neither reduction in future benefits nor civil action shall be taken except after notice and an opportunity for a fair hearing as specified in 904 KAR 2:055 is given and the administrative and judicial remedies have been exhausted or abandoned in accordance with Title 904, Chapter 2.

Section 11. Material Incorporated by Reference. (1) Forms necessary for verification

of child care and supportive service payments in the JOBS program are incorporated effective October 1, 1990. These forms include the PA-33, revised 10/90, the PA-33.1, revised 10/90, and the PA-32, revised 10/90.

(2) These forms may be inspected and copied at the Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

MIKE ROBINSON, Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

STATEMENT OF EMERGENCY 907 KAR 1:013E

This emergency administrative regulation is being amended to limit reimbursement for the professional component of hospital inpatient services provided by out-of-state hospitals to 75% of usual and customary charges; to show a new Medicaid utilization level for determination of disproportionate share hospitals; and to show new distribution methodology relating to the increased HICAP payments. This regulation must be promulgated on an emergency basis to meet program requirements on a timely basis, assure access to available federal financial participation, and comply with House Bill 21. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on February 6, 1991. This emergency administrative regulation is amended to show the revised utilization level for disproportionate share hospitals and new distribution methodology for increased HICAP payments. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler on or about April 1, 1991.

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

CABINET FOR HUMAN RESOURCES Department for Medicaid Services

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

RELATES TO: KRS 205.520, 205.575

STATUTORY AUTHORITY: KRS 194.050, 20 CFR 405.402 through 405.488, 42 CFR 440.10, 440.140, 447.250 through 447.280, 42 USC 1396a, b, d, r-4

EFFECTIVE: April 18, 1991

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. KRS 205.575 provides for hospital indigent care assurance program (HICAP) payments. This regulation sets forth the method for determining amounts payable by the cabinet for hospital inpatient services.

Section 1. Acute Care Hospital, Rehabilitation Hospital and Mental Hospital (Including Psychiatric Facility) Inpatient Services. The Department for Medicaid Services shall [state agency will] pay for inpatient hospital services provided to eligible recipients of Medical Assistance through the use of rates that are reasonable and adequate to meet the costs that are required to be incurred by efficiently and economically operated hospitals to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

Section 2. Establishment of Payment Rates. The policies, methods, and standards to be used by the cabinet in setting payment rates are specified in the cabinet's "Inpatient Hospital Reimbursement Manual" revised April 1, 1991 [July 1, 1990], and amended August 1, 1990, which is incorporated by reference in this regulation. For any reimbursement issue or area not specified in the manual, the cabinet shall [will] apply the Medicare standards and principles [described in 20 CFR Sections 405.402 through 405.488] (excluding the Medicare inpatient routine nursing salary differential). The Kentucky Medical Assistance Program Inpatient Hospital 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 3. Compliance with Federal Medicaid Requirements. The cabinet will comply with the requirements shown in 42 CFR 447.250 through 447.280.]

Section 3. [4.] General Description of the Payment System. (1) Use of prospective rates. Each hospital shall [will] be paid using a prospective payment rate based on allowable Medicaid costs and Medicaid inpatient days. The prospective rate shall [will] be all inclusive in that both routine and ancillary cost shall [will] be reimbursed through the rate. For universal rate years prior to January 1, 1985 the prospective rate shall [will] not be subject to retroactive adjustment except to the extent that an audited cost report alters the basis for the prospective rate or the projected inflation index utilized in setting the individual rate is different from actual inflation as determined by the index being used. For universal rate years beginning on or after January 1, 1985, the prospective rate shall [will] not be subject to retroactive adjustment except to the extent that facilities with a rate based on unaudited data shall [will] have their rate appropriately revised for the rate year when the audited cost report is received from the fiscal intermediary. However, total prospective payments shall not exceed the total customary charges in the prospective year. Overpayments shall [will] be recouped by payment from the provider to the cabinet of the amount of the overpayment, or alternatively, by the withholding of the overpayment amount by the cabinet from future payments otherwise due the provider.

(2) Use of a uniform rate year. A uniform rate year shall [will] be set for all facilities, with the rate year established as January 1 through December 31 of each year. The first

uniform rate year for mental hospitals shall be July 1, 1985 through June 30, 1986; however, effective January 1, 1986 the mental hospital rate year shall be reestablished and shall be January 1 through December 31 of each year thereafter. Changes of rates throughout the rate year as a result of policy changes shall not change the rate year, although the facility rates may change. Hospitals are not required to change their fiscal years.

(3) Trending of cost reports. Allowable Medicaid cost as shown in cost reports on file in the cabinet, both audited and unaudited, shall [will] be trended to the beginning of the rate year so as to update Medicaid costs. When trending, capital costs and return on equity capital are excluded. The trending factor to be used shall [will] be the Data Resources, Inc. rate of inflation for the period being trended.

(4) Indexing for inflation. After allowable costs have been trended to the beginning of the rate year, an indexing factor shall be [is] applied so as to project inflationary cost in the uniform rate year. The forecasting index currently in use is prepared by Data Resources, Inc. This policy shall be effective August 3, 1985.

(5) Peer grouping. Acute care hospitals (but not including those considered to be primarily rehabilitative in nature) shall [will] be peer grouped according to bed size. The peer groupings for the payment system shall [will] be: 0-50 beds, 51-100 beds, 101-200 beds, 201-400 beds, and 401 beds and up (except that the designated state teaching hospitals affiliated with or a part of the University of Kentucky and the University of Louisville shall not be included in the array for facilities with 401 beds and up unless such facility's primary characteristics are considered essentially the same as the peer group's, and the facility, although not a university teaching hospital as such, is treated in such a manner as to recognize the presence of the major pediatric teaching component existing outside the state university hospitals). No facility in the 201-400 peer group shall have its operational per diem reduced below that amount in effect in the 1982 rate year as a result of the establishment of a peer grouping of 401 beds and up. Mental hospitals shall [will] not be peer grouped but shall [will] have a separate array of mental hospitals only. Rehabilitation hospitals and acute care hospitals considered to be primarily rehabilitative in nature shall [will] not be peer grouped or arrayed.

(6) Use of a minimum occupancy factor. A minimum occupancy factor shall [will] be applied to capital costs attributable to the Medicaid program. A sixty (60) percent occupancy factor shall [will] apply to hospitals with 100 or fewer beds. A seventy-five (75) percent occupancy factor shall [will] apply to facilities with 101 or more beds. Capital costs are interest and depreciation related to plant and equipment.

(7) Use of a reduced depreciation allowance. The allowable amount for depreciation on building and fixtures (not including major movable equipment) shall be sixty-five (65) percent of the reported depreciation amount as shown in the hospital's cost reports. The use of a reduced depreciation allowance is not applicable with regard to mental hospitals.

(8) Use of upper limits with regard to

services provided on or after July 1, 1990.

(a) For acute care hospitals, an upper limit shall [will] be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in each peer group, using the most recent Medicaid cost report available as of December 1 of each year. For mental hospitals, an upper limit shall [will] be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in the array. A mental hospital designated by the cabinet as a primary referral and services resource for children in the custody of the cabinet shall be exempt from the upper limit for the array and shall be paid at actual projected cost with no year end settlement to actual cost; the projected cost may be adjusted for usual cost of living increases using the Data Resources, Incorporated Index. Upon being set, the arrays and upper limits shall [will] not be altered due to revisions or corrections of data; however the arrays or upper limits may be changed as a result of changes of agency policy. Hospitals participating in the Hospital Indigent Care Assurance Program (HICAP) shall also receive, in addition to regular program payments, amounts which are payable under HICAP. The HICAP payments shall be the product of the ratio of each hospital's Medicaid patient days compared to total Medicaid patient days as applied to total available HICAP funds (which are the hospital assessments paid minus administrative expense, hold-harmless amounts, and the contingency reserve amount and taking into consideration available federal Medicaid matching funds and upper limits on HICAP payments). The formula for determination of HICAP payment amounts is shown in the Reimbursement Manual at Section 102D.(b)(2), (3), (4), and (5). No hospital participating in HICAP shall receive less than its assessment plus \$100,000 annually. Hold harmless amounts are computed separately for the first twenty (20) percent of the fund, for the 21st through 60th percent of the fund, and 61st through 100th percent of the fund. For hospitals which are disproportionate share hospitals the limitations shown in paragraph (b) of this subsection and subsection (9) of this section shall be applicable for HICAP payments. If a hospital which is a nondisproportionate share hospital is determined by the cabinet to be a nonparticipant in HICAP, the amounts otherwise payable under HICAP to the hospital shall not be made.

(b) The following upper limits and payment principles shall apply to disproportionate share hospitals as defined in subsection (9) of this section.

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, and hospitals having twenty-five (25) percent or more nursing days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days, shall have an upper limit set at 120 percent of the weighted median per diem cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to infants under age one (1) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate

share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

2. Designated state teaching hospitals and major affiliated pediatric teaching hospitals (i.e., those affiliated with or a part of the University of Kentucky and the University of Louisville) shall have an upper limit set at 126 percent of the weighted median per diem cost for all other hospitals of comparable size (401 beds and up). The pediatric teaching hospitals shall also be paid, in addition to the facilities' base rate, an amount which is equal to two (2) percent of the base for each one (1) percent of Medicaid occupancy but this amount shall not exceed the prospective reasonably determined uncompensated Medicaid cost to the facility. In addition to the per diem amount computed using the limits specified in this subparagraph, the hospitals shall be paid (as appropriate) additional amounts for services to infants under age one (1) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

3. Mental hospitals with Medicaid utilization of thirty-five (35) percent or higher shall have an upper limit set at 115 percent of the weighted median per diem cost for hospitals in the array. The per diem amount shall be computed using this upper limit or by using the disproportionate share minimum payment amount shown in subsection (9)(b)1 of this section if doing so [will] results in a higher per diem amount.

4. All other disproportionate share acute care hospitals shall have their upper limit set at the weighed median per diem of the cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to infants under age one (1) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

(9) Disproportionate share hospitals.

(a) Disproportionate share hospitals are those hospitals meeting the criteria specified in 42 USC 1396r-4(b) [Section 4112(b)] and (d) [of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87)] and those hospitals which may not meet such criteria but meet the criteria specified in 42 USC 1396r-4(d) [Section 4112(d) of OBRA 87] and meet this additional criteria:

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher and mental hospitals with Medicaid utilization of thirty-five (35) percent or higher;

2. Hospitals which are designated state teaching hospitals;

3. Hospitals which are designated major pediatric teaching hospitals;

4. Hospitals having twenty-five (25) percent or more nursery days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days; and

5. Effective with regard to services provided on or after July 1, 1990, hospitals not meeting the additional criteria specified in

subparagraphs 1 through 4 of this paragraph but with Medicaid utilization of one-half (1/2) of one (1) [five (5)] percent or higher.

(b) The upper limit for payments for hospitals in Kentucky shall be [is] set at the lower of allowable Medicaid cost or the median of the facility array of allowable cost with payment adjustments allowed for hospitals deemed disproportionate share hospitals in accordance with subsections (8) and (9) of this section. For compliance with 42 USC 1396r-4(c) [Section 4112(c) of OBRA 1987], the minimum payment adjustment and actual payment adjustment shall [will] be computed in the following manner:

1. All hospitals determined to be disproportionate share hospitals shall be entitled to a minimum payment adjustment equal to one (1) dollar as an addition to the hospital payment rate computed using usual upper limits; and for hospitals with Medicaid utilization in excess of one (1) standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, a further payment adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid utilization in the hospital which is in excess of utilization at the one (1) standard deviation level.

2. Effective with regard to medically necessary hospital inpatient services provided by all Kentucky disproportionate share hospitals on or after July 1, 1990 to infants under the age of one (1) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other infants are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the infants.

3. Effective with regard to services provided on or after July 1, 1990 any hospital which is participating in the Hospital Indigent Care Assurance Program (HICAP) shall receive disproportionate share payments under HICAP. HICAP assessments and payments are described in 907 KAR 1:017, Hospital indigent care assurance program. If a hospital is determined by the cabinet to be a nonparticipant in the HICAP program, the hospital shall be entitled to the minimum adjustment shown in subparagraph 1 of this paragraph.

(10) Operating costs shall not include professional (physician) costs for purposes of establishing the median based upper limits. Professional costs shall be trended separately.

(11) Hospitals whose general characteristics are not those of an acute care or mental hospital (i.e., because they are rehabilitation hospitals or acute care hospitals considered to be primarily rehabilitative in nature) are not subject to the operating cost upper limits.

(12) Rate appeals. As specified in the Inpatient Hospital Reimbursement Manual, hospitals may request an adjustment to the prospective rate with the submittal of supporting documentation. The established appeal procedure allows a representative of the hospital group to participate as a member of the rate review panel.

Section 4. [5.] Payments to Participating Out-of-state Hospitals. (1) Effective with

regard to services provided on or after July 1, 1990 participating out-of-state hospitals shall be reimbursed for covered inpatient services rendered eligible Kentucky Medicaid recipients at the rate of seventy-five (75) percent of usual and customary charges, up to the in-state per diem upper limit for a comparable size hospital, except as specified in subsection (2) of this section.

(2) Effective with regard to medically necessary hospital inpatient services provided on or after July 1, 1990 to infants under the age of one (1), for days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other infants are after thirty (30) days from the date of admission, participating out-of-state disproportionate share hospitals (determined in the same manner as for in-state hospitals except that out-of-state hospitals are not included in facility arrays) shall be paid at the rate of eighty-five (85) percent of usual and customary actual billed charges up to 110 percent of the per diem upper limit for the in-state peer group for comparably sized hospitals in recognition of exceptionally high costs and lengths of stay related to infants under the age of one (1), without regard to length of stay or number of admissions of the infants.

(3) Effective with regard to services provided on or after February 1, 1991, professional costs (i.e., physician fees) for all covered days of stay shall be paid at seventy-five (75) percent of [on the basis of] the usual and customary charges of the provider.

Section 5. Effective Date. Except as provided in Sections 3(9)(a)5 and 4(3) of this regulation, the amendments to this regulation shall be effective with regard to services provided on or after January 1, 1991.

ROY BUTLER, Commissioner

APPROVED BY AGENCY: April 8, 1991

FILED WITH LRC: April 18, 1991 at 2 p.m.

STATEMENT OF EMERGENCY 907 KAR 1:019E

This emergency administrative regulation is being amended to comply with Section 4401 of the Omnibus Budget Reconciliation Act of 1990 which requires the Medicaid Program to cover only those outpatient drugs for which an appropriate rebate agreement has been signed by the manufacturer or labeler or which are provided based on a preauthorized exemption from the rebate agreement. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on October 9, 1990 as this regulation requires rebate agreements for outpatient drugs as required by the Omnibus Budget Reconciliation Act of 1990. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation will be filed with the Regulations Compiler on or about April 1, 1991.

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, 42 CFR 440.120, 447.331, 447.332, 447.333, 42 USC 1396a, 1396b, 1396c, 1396d, 1396s

[205.560(1)(a), (b), (c)]

EFFECTIVE: April 18, 1991

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 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. Definitions. (1) "Drug manufacturer [or distributor]" means an entity meeting the definition shown in 42 USC 1396s(k)(5) [those companies which the KMAP requests to provide directly to the KMAP pricing or cost information which shall be used in establishing the estimated acquisition cost upper limit as required by federal regulations].

(2) "Outpatient drug program" means the program of drug services provided directly by pharmacists to Medicaid recipients, including both the drug product and dispensing of the drug.

Section 2. Prescribed Drugs; Coverage and Limitations Provisions Relating to the Outpatient Drug Program. Drugs prescribed by a physician, osteopath, [or] dentist or podiatrist in accordance with 907 KAR 1:020 shall be provided in accordance with the coverage and [following] limitations provisions specified in this section of the regulation.

(1) Coverage for outpatient drugs shall be limited to drugs for which the drug manufacturer has entered into and complies with a rebate agreement under 42 USC 1396s(a) which are prescribed for a medically accepted indication, and those drugs with a preauthorized exemption from the rebate agreement granted by the Health Care Financing Administration.

(2) [(1) The] Drugs [must be] included on the Kentucky Medical Assistance Program Outpatient Drug List (as published by the Cabinet for Human Resources) may be provided without preauthorization. Preauthorization shall be required for all other drugs.

(3) The drugs or classes of drugs listed in 42 USC 1927s(d)(2) shall be excluded from coverage unless specifically (individually by drug within the class) placed on the outpatient drug list or preauthorized using the usual preauthorization criteria of the department for Medicaid services.

(4) [(2)] Prescribing quantities may be limited by the program.

(5) [(3)] Patients placed in "lock-in" status due to overutilization shall receive services only from their lock-in provider except in the case of emergency or referral.

(6) [(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.

(7) [(5)] No prescription shall be refilled more than five (5) times, or more than six (6) months after the original prescription is written.

(8) [(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.

(9) [(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.

(10) [(8) Effective May 1, 1975,] Legend drugs, of a type not included on the Kentucky Medical Assistance Program Outpatient Drug List, and which will prevent hospitalization or a higher level of care of the patient [meet established criteria], shall be considered covered for individual recipients when preauthorized by qualified medical professionals within the Department for Medicaid Services.

(11) [(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 for those recipients in nursing facilities who meet patient status criteria for the facility. [; and]

(12) [(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 3. [4.] The amendments to this regulation shall be effective with regard to services provided on or after May 1, 1991 [October 1, 1990].

ROY BUTLER, Commissioner

APPROVED BY AGENCY: April 8, 1991

FILED WITH LRC: April 18, 1991 at 2 p.m.

REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

KENTUCKY AGRICULTURAL FINANCE CORPORATION
(As Amended)

200 KAR 18:010. Guidelines for FmHA loan program.

RELATES TO: KRS 247.940 through 247.994

STATUTORY AUTHORITY: KRS Chapter 13A, 247.946

NECESSITY AND FUNCTION: KRS 247.946 authorizes the Kentucky Agricultural Finance Corporation to promulgate regulations in accordance with KRS Chapter 13A, to govern the application for and provision of financial assistance to qualified applicants for the purpose of financing agricultural loans from the Kentucky Agricultural Finance Corporation FmHA Loan Program.

Section 1. Definitions. For the purposes of this regulation the words and terms used shall have the same meaning as in KRS 247.942, with the following additions:

(1) "Act" means the Kentucky Agricultural Finance Corporation KRS Chapter 247.940 to 247.994, as amended.

(2) "Applicant" for purposes of this program shall have the same meaning given pursuant to KRS 247.942(2)(b) of the Act.

(3) "Application certification" means the certification attached to the FmHA guaranteed loan stating the applicant meets all Kentucky Agricultural Finance Corporation (hereinafter "KAFC") qualifications.

(4) "Assignment of guarantee" means FmHA's document outlining the terms, conditions, and obligations of the lender, purchaser and FmHA.

(5) "Commitment letter" means letter issued by the corporation to the lending institution stating the corporation's intent to purchase a portion of the FmHA guaranteed loan by a qualified applicant. The commitment letter is subject to FmHA final approval.

(6) "Conditional commitment letter" means FmHA's analysis of the application giving preliminary approval of the guarantee.

(7) "Corporation staff" means the staff of the Office of Financial Management and Economic Analysis.

(8) "FmHA" means the Farmers Home Administration and any successors or assigns. FmHA guarantee means the unconditional obligation of the United States of America, acting through the Farmers Home Administration of the United States Department of Agriculture as guarantor of the payment of principal and interest on the guaranteed portion of the qualified loan purchased through the program as evidenced by the loan note guarantee.

(9) "Guaranteed portion" means as to any qualified loan, the portion of principal and interest payments which are guaranteed by the FmHA.

(10) "Interest rates" mean the corporation shall establish interest rates based on the prevailing market conditions. The rate of interest shall be set forth in the commitment letter.

(11) "Lender's agreement" means FmHA's agreement between the lending institution and the borrower.

(12) "Lender certification" means certification attached to the FmHA guaranteed

loan stating the applicant and lending institution meet the KAFC qualifications.

(13) "Loan note guarantee" means FmHA's ninety (90) percent guarantee on the qualified loan.

(14) "Participation" means an undivided ownership interest in the guaranteed portion of a qualified loan as evidenced by a loan note guarantee.

(15) "Program" means the corporation's FmHA loan program for applicants defined above.

(16) "Qualified loan" means a loan made on or after February 1, 1991, by a lending institution to an applicant, which loan is the subject of a FmHA guarantee and has a term not in excess of three (3) years, providing for interest on the unpaid principal amount thereof at the fixed rate stipulated in the commitment letter issued with respect to such loan.

(17) "Servicing fee" means a fee payable to the originating lending institution, equal to a maximum of two (2) [one and one-half (1 1/2)] percent per annum of the outstanding principal of the amount of the guaranteed portion of each qualified loan.

(18) "Unguaranteed portion" means the portion of a qualified loan which is not evidenced by participation and which is not the subject of an FmHA guarantee.

Section 2. Eligible Lender. In order to participate as a lending institution in the program, a lending institution shall [must] be an eligible lender under applicable FmHA requirements and the definition of lending institution pursuant to KRS 247.942(13). The lender shall comply with the following criteria:

(1) The lender shall sign and return the lender's certification when requested.

(2) The lender shall [must] certify that the loan is a new agricultural loan and is not tied to any existing loan.

Section 3. Eligible Applicant. In order to be eligible for a loan under the program, an [any] applicant as defined in KRS 247.942(2)(b) is eligible to apply to receive financial assistance for an FmHA loan under the program. An [The] applicant shall comply with the following criteria:

(1) An applicant shall [must] meet the FmHA loan eligibility criteria; and

(2) An applicant shall [must] have his principal farming operation in the Commonwealth of Kentucky; and

(3) An [The] applicant shall not have defaulted on any corporation loan or loans under other state or federal loan programs; and

(4) An [The] applicant shall [must] sign and return the application certification.

Section 4. Program Participation. (1) Lending institutions shall [will] be notified of funds available to purchase participations from time to time as funds become available. A lending institution shall [should] submit an application for a FmHA guarantee based on a loan interest rate negotiated between the lending institution and the applicant and permitted by FmHA. If a qualified loan is approved by the corporation, the loan documents shall [must] be amended to provide for the program interest rate as provided for the loan.

(2) If [When] a lending institution has received a conditional amendment for guarantee from FmHA and has determined that the proposed applicant and the loan meet the program eligibility standards, [then] the lending institution shall forward copies of the following documents to the corporation:

(a) An attested copy of a conditional commitment letter for guarantee from FmHA.

(b) A copy of the application from FmHA for a guaranteed loan.

(c) The KAFC FmHA loan program application certification and lender's certification.

(d) The lender's agreement.

(3) Submission of these documents serves as the lending institution's notice to the corporation that the lending institution intends to sell the guarantee portion of the qualified loan to the corporation to comply with their requirements. [Any] Revisions or additions to documents required for FmHA shall [should] be forwarded to the corporation. After receipt of the lending institution's submission of these documents, the corporation shall [will] inform the lending institution whether the loan is eligible for inclusion in the program.

Section 5. Loan Closing. The qualified loan shall [must] be closed in accordance with the FmHA regulations. The lending institution shall [must] completely disburse the qualified loan and the lending institution shall [should] notify the corporation immediately if delay is anticipated.

(1) The lending institution shall [should] contact the corporation after:

(a) Receipt of loan note guarantee, from FmHA; and

(b) When the loan has been fully funded.

(2) The corporation shall [will] issue a written commitment letter. The commitment letter shall be in force for thirty (30) days, during which the interest rate on the loan shall [must] be modified to reflect the interest rate set forth in the commitment letter. Upon receipt of the written commitment, the lending institution shall [should] notify FmHA in writing if:

(a) The interest rate changed;

(b) There is a conversion to a fixed rate interest; or

(c) There is a conversion to a change in the applicant's payments.

(3) No concurrence by FmHA is necessary when the interest rate set forth in the commitment letter is the same as or lower than the interest rate originally provided by FmHA and the loan has already been approved by FmHA as a fixed rate loan. The applicant and lending institution's execution of a note modification shall [must] be in effect within the fifteen (15) day period that the commitment letter is effective.

(4) Except as provided in subsection (5) of this section, the lending institution shall contact the corporation immediately if the commitment letter expires prior to the execution of the note modification. [If the commitment letter expires prior to the execution of the note modification, the lending institution should contact the corporation immediately.]

(5) If the lending institution and FmHA agree on a common interest rate to an applicant within the ten (10) day period, the lending institution

shall:

(a) Close the loan with the interest rate set forth in the commitment letter; and

(b) Fund the loan. [The exception to the above procedure is when the lending institution and FmHA are able to agree on a common interest rate to the applicant within the ten (10) day period. In that case the lending institution should close the loan with the interest rate set forth in the commitment letter, and the lending institution should fund the loan. Modification of the note will not be necessary in this instance.]

Section 6. Participation Purchase Procedure.

(1) The procedure for purchasing the participations as regulated by FmHA shall be governed by the terms and conditions in the lender's agreement, the loan note guarantee and the assignment of guarantee agreement. The documents specified in this subsection shall set forth the rights and obligations of the purchaser, the lender and FmHA. [, which all documents set forth the rights and obligations of the purchaser, the lender and FmHA.]

(2) Participants shall [will] be purchased at par plus any interest accrued to the date of purchase.

(3) After the loan note guarantee has been modified to reflect the program interest rate, the lending institution shall [will] submit to the corporation the following documents:

(a) A copy of the lender's agreement;

(b) A copy of an attested loan note guarantee;

(c) A certified copy of the note and modification to the note, if applicable;

(d) Any other FmHA required documentation.

(4) The corporation shall [will] sign and forward to FmHA the original, certified assignment guarantee agreement. Upon FmHA's determination that the assignment guarantee agreement, has been properly completed, FmHA shall [will] inform the corporation that the participation is ready for sale. The corporation shall [will] then contact the lending institution to arrange a settlement date. Funds shall [will] be deposited as agreed between the corporation and the lending institution.

Section 7. Servicing.

(1) The lending institution shall hold the qualified loan instruments and shall collect all payments of principal and interest from the applicant. In the capacity of server, the lending institution shall apply its standards of loan servicing as employed by prudent lenders and shall do so strictly in accordance with FmHA's requirements.

(2) The lending institution shall forward to the corporation annually photocopies of guarantee loan status reports.

(3) The following procedures apply to qualified loan payments received in the month due:

(a) Each qualified loan payment remittance by the lender of the pro rata share due to the corporation on the participation shall be sent to the corporation within ten (10) days of receipt in the manner required by the assignment guarantee agreement.

(b) The statement of account shall:

1. The total amount received from the applicant under the note;

2. The interest rate paid to date;

3. The date on which such payment was received;

4. The pro rata share of interest due to the

corporation with respect to the guaranteed portion (less the lending institution's servicing fee);

5. The pro rata share of principal due to the corporation with respect to the guaranteed portion;

6. The total amount to be remitted to the corporation; and

7. The remaining outstanding principal balance of the guaranteed portion. The lending institution's servicing fee shall be a maximum of two (2) [one and one-half (1 1/2)] percent per annum computed on the unpaid principal balance of the guaranteed portion of the qualified loan for the period of actual services performed by the lending institutions.

(4) All payments received in a month other than the month due and payable prepayments or late payments shall be remitted within ten (10) days of receipt by the lending institution including prepayments which include payment during the month of prepayment. The lender shall provide to the corporation information listed above.

Section 8. Delinquencies. (1) Lending institutions shall [are expected to] collect or cause to be collected delinquent loan payments under the program with the same diligence as with respect to other loans in their portfolio in accordance with the lender's agreement.

(2) If [In the event] the qualified loan is past due more than thirty (30) days the lending institution shall [must] set up a meeting to include the applicant, FmHA, and the lending institution to determine:

(a) The reason for the default;

(b) Whether the reason is a temporary or permanent condition;

(c) The applicant's cooperation in correcting the delinquency; and [The applicant's attitude relative to the debt; and]

(d) The lending institution and FmHA's actions to be taken. The lending institution shall [must] promptly advise the corporation in writing of its and FmHA's recommendations for curing the default.

(3) The lending institution shall provide copies or otherwise inform the corporation in writing of all agreements, written or oral, with the applicant as to repayment agreements or other actions to be taken in connection with a delinquency. The lending institution shall notify the corporation and FmHA in writing upon ascertaining that any agreement cannot be met by the applicant.

Section 9. Repurchase of Defaulted, Qualified Loans. Upon failure of the applicant to prepay principal or interest due for sixty (60) calendar days or more or the lending institution's failure to remit to the corporation its pro rata share of any payment made by the applicant within thirty (30) days receipt thereof, the corporation shall act to protect its investment interest in a matter permitted by the assignment guarantee agreement, as follows:

(1) The corporation shall [will] demand in writing the lending institution's repurchase of the participation. The lending institution shall repurchase within thirty (30) days of the corporation's request as set forth in the assignment of guarantee agreement. The FmHA

shall demand that the lending institution repurchase the participation in order to facilitate the accounting for funds, resolve problems, and permit the applicant to cure the default, if reasonable. [FmHA demands the lending institution repurchase the participation to facilitate the accounting for funds, resolve the problem, and permit the applicant to cure the default where reasonable.] The lending institution shall [will] notify the corporation and FmHA of its decision.

(2) If the lending institution does not repurchase the participation, [then] the corporation will demand repurchase by FmHA.

(3) After participation has been repurchased by either the lender or FmHA, the corporation shall have no further interest in the qualified loan relating thereto.

CHARLES BENNETT, Chairman

APPROVED BY AGENCY: February 14, 1991

FILED WITH LRC: February 22, 1991 at 3 p.m.

**NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining
Reclamation and Enforcement
(As Amended)**

405 KAR 8:030. Surface coal mining permits.

RELATES TO: KRS 350.060, 350.465, 30 CFR Parts 730-733, 735, 773.13(a), 778-780, 785.17(b), (d), 917, 30 USC 1253, 1255, 1257, 1258, 1267

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.060, 350.465, 30 CFR Parts 730-733, 735, 773.13(a), 778-780, 785.17(b), (d), 917, 30 USC 1253, 1255, 1257, 1258, 1267.

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to permits for surface mining activities. This regulation specifies certain information to be shown by the applicant related to legal and compliance status, environmental resources, and his mining and reclamation plan. This regulation further specifies certain showings to be made by the applicant to obtain a permit.

Section 1. General. (1) This regulation applies to any person who applies for a permit to conduct surface mining activities.

(2) The requirements set forth in this regulation specifically for applications for permits to conduct surface mining activities are in addition to the requirements applicable to all applications for permits to conduct surface coal mining and reclamation operations as set forth in 405 KAR 8:010.

(3) This regulation sets forth information required to be contained in applications for permits to conduct surface mining activities, including:

(a) Legal, financial, compliance, and related information;

(b) Environmental resources information; and

(c) Mining and reclamation plan information.

(4)(a) The following forms, which are required to be submitted by applicants, are hereby incorporated by reference:

1. Preliminary Application, SMP-03, revised August 3, 1984;

2. Application for a Comprehensive Mining and Reclamation Permit, SMP-01-R, November, 1985;

3. Application for Mining Permit Revision, SMP-02-REV, December, 1987;

4. Application for Renewal of a Comprehensive Mining and Reclamation Permit, SMP-01-NI, September, 1987;

5. Application for Coal Marketing Reclamation Deferment, SMP-09, October, 1984;

6. Notification of Operator Change, SMP-11, August, 1990;

7. Notification of Change in Corporate Permittee and/or Corporate Name, SMP-10, December, 1987; and

8. Application for Transfer, Assignment or Sale of Permit Rights, SMP-08, October, 1982.

(b) The forms incorporated by reference in paragraph (a) of this subsection may be reviewed or obtained at the Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

Section 2. Identification of Interests. An application shall contain the following information, except that the submission of a Social Security Number is voluntary:

(1) A statement as to whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity;

(2) The name, address, telephone number and, as applicable, Social Security Number and employer identification number of the:

(a) Applicant;

(b) Applicant's resident agent; and

(c) Person who will pay the abandoned mine land reclamation fee.

(3) For each person who owns or controls the applicant under the definition of "owned or controlled" and "owns or controls" in 405 KAR 7:020, as applicable:

(a) The person's name, address, Social Security Number, and employer identification number;

(b) The person's ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure;

(c) The title of the person's position, date position was assumed, and when submitted under 405 KAR 8:010, Section 18(5) date of departure from the position;

(d) Each additional name and identifying number, including employer identification number, federal or state permit number, and MSHA number with date of issuance, under which the person owns or controls, or previously owned or controlled, a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of the application; and

(e) The application number or other identifier of, and the regulatory authority for, any other pending surface coal mining operation permit application filed by the person in any state in the United States.

(4) For any surface coal mining operation owned or controlled by either the applicant or by any person who owns or controls the applicant under the definition of "owned or controlled" and "owns and controls" in 405 KAR 7:020, the operation's:

(a) Name, address, identifying numbers, including employer identification number, federal or state permit number, and MSHA number, the date of issuance of the MSHA number, and the

regulatory authority; and

(b) Ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure.

(5) [(1) Each application shall contain] The names and addresses of:

[(a) The permit applicant, including his or her telephone number;]

[(a) [(b)] Every legal or equitable owner of record of the property to be mined (see the definition of "property to be mined" in 405 KAR 7:020);]

[(b) [(c)] The holders of record of any leasehold interest in the property to be mined; and

[(c) [(d)] Any purchaser of record, under a real estate contract, of the property to be mined. [;]

[(e) The operator, if different from the applicant, who will conduct surface mining activities on behalf of the applicant, including his or her telephone number; and]

[(f) The resident agent of the applicant who will accept service of process, including his or her telephone number.]

[(2) If any owner, holder, purchaser, or operator, identified under subsection (1) of this section, is a business entity other than a single proprietor, the application shall contain the names and addresses of their respective principals, officers, and resident agents.]

[(3) Each application shall contain a statement of whether the applicant is a corporation, partnership, single proprietorship, association or other business entity. For businesses other than single proprietorships, the application shall contain the following information, where applicable:]

[(a) Names and addresses of every officer, partner, director, or other person performing a function similar to a director of the applicant;]

[(b) Name and address of any person who is a principal shareholder of the applicant;]

[(c) Names under which the applicant, partner, or principal shareholder previously operated a surface coal mining operation in the United States within the five (5) years preceding the date of application;]

[(d) If a partnership, a certified copy of the partnership agreement; and]

[(e) If a domestic corporation, a certified copy of the certificate of incorporation from the Secretary of State; and if a foreign corporation, a certified copy of the certificate of authority to conduct business within the Commonwealth of Kentucky.]

[(6) [(4) Each application shall contain] A statement of any current or previous coal mining permits in the United States held by the applicant during the five (5) years preceding the application and by any person identified in subsection (3)(c) of this section, and of any pending permit application to conduct surface coal mining and reclamation operations in the United States. The information shall be listed by permit or application number and identify the regulatory authority for each of those coal mining operations.

[(7) [(5) Each application shall contain] The names and addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area.

[(8) [(6) Each application shall contain] The name of the proposed mine and all MSHA identification numbers that have been assigned

for the mine and all mine associated structures that require MSHA approval [sections].

(9) [(7) Each application shall contain] Proof, such as a power of attorney or a resolution of the board of directors, that the individual signing the application has the power to represent the applicant in the permit matter.

(10) [(8) Each application shall contain] A statement of all lands, interests in lands, options, or pending bids on interests held or made by the applicant for lands which are contiguous to the area to be covered by the permit.

(11) After an applicant has been notified that his or her application has been approved, but before the permit is issued, the applicant shall, as applicable, update, correct, or indicate that no change has occurred in the information previously submitted under subsections (1) through (4) of this section.

(12) The applicant shall submit the information required by this section and Section 3 of this regulation on the appropriate forms, incorporated by reference in Section 1(4) of this regulation, [in any prescribed cabinet format that is issued.]

Section 3. Violation [Compliance] Information. Each application shall contain the following information:

(1) [Each application shall contain] A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant has:

(a) Had a coal mining permit of the United States or any state suspended or revoked in the [last] five (5) years preceding the date of submission of the application; or

(b) Forfeited a coal mining performance bond or similar security deposited in lieu of bond.

(2) If any suspension, revocation, or forfeiture as described in subsection (1) of this section has occurred, the application shall contain a statement of the facts involved, including:

(a) Identification number and date of issuance of the permit, and date and amount of bond or similar security;

(b) Identification of the authority that suspended or revoked the [a] permit or forfeited the [a] bond and the stated reasons for that action;

(c) The current status of the permit, bond, or similar security involved;

(d) The date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and

(e) The current status of these proceedings.

(3) For any violation of a provision of SMCRA, federal regulations enacted pursuant to SMCRA, KRS Chapter 350 and regulations adopted pursuant thereto, any other state's laws or regulations under SMCRA, any federal law, rule, or regulation pertaining to air or water environmental protection, or any Kentucky or other state's law, rule, or regulation enacted pursuant to federal law, rule, or regulation pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, a list of all violation notices received by the applicant during the three (3) year period preceding the application date, and a list of all unabated cessation orders and unabated air and water

quality violation notices received prior to the date of the application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each violation notice or cessation order reported, the lists shall include the following information, as applicable: [Each application shall contain a list of each violation notice pertaining to SMCRA or KRS Chapter 350 and regulations promulgated thereto, received by the applicant in connection with any surface coal mining operation during the three (3) year period before the application date. Each application shall also contain a list of each violation notice pertaining to air or water environmental protection received by the applicant in connection with any surface coal mining operation during the three (3) year period before the application date, for violations of any law, rule or regulation of the United States, or of any state law, rule or regulation enacted pursuant to federal law, rule or regulation. The application shall also contain a statement regarding each violation notice, including:]

(a) Any identifying numbers for the operation, including the federal or state permit number and MSHA number, the dates of issuance of the violation notice and MSHA number, the name of the person to whom the violation notice was issued, and the name of the issuing regulatory authority, department, or agency; [The date of issuance and identity of the issuing regulatory authority, department, or agency;]

(b) A brief description of the particular violation alleged in the notice;

(c) The final resolution of each violation notice, if any;

(d) For each violation notice that has not been finally resolved:

1. The date, location, and type of any administrative or judicial proceedings initiated concerning [the fact of] the violation, including, but not limited to, proceedings initiated by any person identified in this subsection [the applicant] to obtain administrative or judicial review of the [fact of the] violation [and the current status of the proceedings]; and

2. The current status of the proceedings and of the violation notice; and

3. [2.] The actions, if any, taken or being taken by any person identified in this subsection [the applicant] to abate the violation.

(4) After an applicant has been notified that his or her application has been approved, but before the permit is issued, the applicant shall, as applicable, update, correct, or indicate that no change has occurred in the information previously submitted under subsections (1) through (3) of this section.

(5) [(4)] Upon request by a small operator as defined in KRS 350.450(4)(d), the cabinet shall provide to the small operator, with regard to persons under subsection (1) of this section which are identified by the small operator, the compliance information required by this section regarding suspension and revocation of permits and forfeiture of bonds under KRS Chapter 350, and information pertaining to violations of KRS Chapter 350 and regulations promulgated thereunder.

Section 4. Right of Entry and Right to Surface Mine. (1) Each application shall contain a description of the documents upon which the applicant bases his or her legal right to enter and begin surface mining activities in the permit area and whether that right is the subject of pending litigation. The description shall identify those documents by type and date of execution, identify the specific lands to which the document pertains, and explain the legal rights claimed by the applicant.

(2) Where the private mineral estate to be mined has been severed from the private surface estate, the application shall also provide for lands within the permit area, a copy of the document of conveyance that grants or reserves the right to extract the coal by surface mining methods.

(3) Nothing in this section shall be construed to afford the cabinet the authority to adjudicate property title disputes.

Section 5. Relationship to Areas Designated Unsuitable for Mining. (1) Each application shall contain a statement of available information on whether the proposed permit area is within an area designated unsuitable for surface mining activities under 405 KAR Chapter 24 or under study for designation in an administrative proceeding under that chapter.

(2) If an applicant claims the exemption in 405 KAR 8:010, Section 14(4)(b), the application shall contain information supporting the applicant's assertion that it made substantial legal and financial commitments before January 4, 1977, concerning the proposed surface mining activities.

(3) If an applicant proposes to conduct surface mining activities within 300 feet of an occupied dwelling, the application shall contain the waiver of the owner of the dwelling as required in 405 KAR 24:040, Section 2(5).

Section 6. Permit Term Information. (1) Each application shall state the anticipated or actual starting and termination date of each phase of the surface mining activities and the anticipated number of acres of land to be affected for each phase of mining and over the total life of the permit.

(2) If the applicant proposes to conduct the surface mining activities in excess of five (5) years, the application shall contain the information needed for the showing required under 405 KAR 8:010, Section 17(1).

Section 7. Personal Injury and Property Damage Insurance Information. Each permit application shall contain a certificate of liability insurance according to 405 KAR 10:030, Section 4.

Section 8. Identification of Other Licenses and Permits. Each application shall contain a list of all other licenses and permits needed by the applicant to conduct the proposed surface mining activities. This list shall identify each license and permit by:

- (1) Type of permit or license;
- (2) Name and address of issuing authority;
- (3) Identification numbers of applications for those permits or licenses or, if issued, the identification numbers of the permits or licenses; and
- (4) If a decision has been made, the date of

approval or disapproval by each issuing authority.

Section 9. Identification of Location of Public Office for Filing of Application. Each application shall identify, by name and address, the appropriate regional office of the cabinet where the applicant will file a copy of the entire application for public inspection under 405 KAR 8:010, Section 8(8).

Section 10. Newspaper Advertisement and Proof of Publication. A copy of the newspaper advertisement of the application and proof of publication of the advertisement shall be filed with the cabinet and made a part of the application, not later than fifteen (15) days after the last date of publication required under 405 KAR 8:010, Section 8(2).

Section 11. Environmental Resources Information. (1) Each permit application shall include descriptions of the existing environmental resources within the proposed permit area and adjacent areas as required by Sections 11 through 23 of this regulation. The descriptions required by this regulation may, where appropriate, be based upon published texts or other public documents together with reasonable extrapolations from specific data available from existing permit areas or other appropriate areas.

(2)(a) Each application shall describe and identify the nature of cultural, historic, and archaeological resources listed or eligible for listing on the National Register of Historic Places and known archaeological sights within the proposed permit area and adjacent areas. The description shall be based on all available information, including, but not limited to, information from the state Historic Preservation Officer and from local archaeological, historical, and cultural preservation agencies.

(b) The cabinet may require the applicant to identify and evaluate important historic and archaeological resources that may be eligible for listing on the National Register of Historic Places, through collection of additional information, field investigations, or other appropriate analyses.

Section 12. General Requirements for Baseline Geologic and Hydrologic Information. (1) The application shall contain baseline geologic and hydrologic information which has been collected, analyzed, and submitted in the detail and manner acceptable to the cabinet, and which shall be sufficient to:

(a) Identify and describe protective measures pursuant to Section 32(1) of this regulation which will be implemented during the mining and reclamation process to assure protection of the hydrologic balance, or to demonstrate that protection of the hydrologic balance can be assured without the design and installation of protective measures; and to design necessary protective measures pursuant to Section 32(2) of this regulation;

(b) Determine the probable hydrologic consequences of the mining and reclamation operations upon the hydrologic balance in the permit area and adjacent area pursuant to Section 32(3) of this regulation so that an assessment can be made by the cabinet pursuant to 405 KAR 8:010, Section 14(3) of the probable

cumulative impacts of all anticipated mining on the hydrologic balance in the cumulative impact area;

(c) Determine pursuant to 405 KAR 8:010, Section 14(2) and (3) whether reclamation as required by 405 KAR can be accomplished and whether the proposed operation has been designed to prevent material damage to the hydrologic balance; and

(d) Design surface and groundwater monitoring systems pursuant to Section 32(4) of this regulation for the during-mining and postmining time period which, together with the baseline data collected under Sections 14(1) and 15(1) of this regulation, will demonstrate whether the mining operation is meeting applicable effluent limitations and stream standards and protecting the hydrologic balance.

(2)(a) Geologic and hydrologic information pertaining to the area outside the permit and adjacent area but within the cumulative impact assessment area shall be provided to the applicant by the cabinet:

1. If this information is needed in preparing the cumulative impact assessment; and

2. If this information is available from an appropriate federal or state agency.

(b) If this information is needed by the cabinet for conducting the cumulative impact assessment and is not available from a federal or state agency, the applicant may gather and submit this information to the cabinet as part of the permit application.

(3) Interpolation, modeling, correlation or other statistical methods, and other data extrapolation techniques may be used if the applicant can demonstrate to the satisfaction of the cabinet that the data extrapolation techniques are valid and that information obtained through the techniques meets the requirements of subsection (1) of this section.

(4) All water quality analyses performed to meet the requirements of this chapter shall be conducted according to the methodology in the fourteenth edition of "Standard Methods for the Examination of Water and Wastewater," or the methodology in 40 CFR Parts 136 and 434. All water quality sampling shall be conducted according to either methodology listed above when feasible.

Section 13. Baseline Geologic Information. (1) The application shall contain baseline geologic information collected from the permit area which shall meet the requirements of Section 12(1) of this regulation and shall include at a minimum:

(a) The results of samples obtained from continuous cores; drill cuttings; channel cuttings from fresh, unweathered, rock outcrops; or other rock or soil material which has been collected using acceptable sampling techniques.

1. The vertical extent of sampling shall include those strata from the surface down to and including the stratum immediately below the lowest coal seam to be mined; and

2. Where aquifers which are located within the permit area underlie the lowest coal seam to be mined and these aquifers may be adversely affected by the mining operation, the vertical extent of sampling shall also include those strata from the lowest coal seam to be mined down to and including the aquifers.

3. The area and vertical density of sampling shall, at a minimum, be sufficient to determine the distribution of strata which have a

potential to produce acid drainage and to determine the area and vertical extent of aquifers which may be adversely affected.

4. If the vertical extent, and the area and vertical density of sampling specified in subparagraphs 1 through 3 of this paragraph are not sufficient to locate suitable strata for use as a topsoil substitute, or for other required design or analysis, additional sampling shall be conducted as necessary to furnish adequate geologic information.

(b) Chemical analyses including, but not limited to, maximum potential acidity and neutralization potential of each overburden stratum and the stratum immediately below the lowest coal seam to be mined, to identify those strata which have a potential to produce acid or toxic drainage.

(c) Chemical analyses of the coal seam to be mined to determine the potential to produce acid or toxic drainage, including the parameters of total sulfur and pyritic sulfur; except that the cabinet shall not require an analysis for pyritic sulfur if the applicant can demonstrate to the satisfaction of the cabinet that an analysis for total sulfur provides adequate information to assure protection of the hydrologic balance.

(d) Collection of geologic information from the permit area as required in this subsection may be waived in whole or in part if:

1. The applicant can demonstrate to the satisfaction of the cabinet through geologic correlation or other procedures that information collected from outside the permit area is representative of the permit area and is sufficient to meet the requirements of Section 12(1) of this regulation; or

2. Other information equivalent to that required by this subsection is available to the cabinet in a satisfactory form and is made a part of the permit application; and

3. The cabinet provides a written statement granting a waiver.

(2) The application shall contain a description of the geology of the proposed permit area and adjacent area which shall meet the requirements of Section 12(1) of this regulation and be based on the information required in subsection (1) of this section or other appropriate geologic information. The description shall include, at a minimum, geologic logs, cross-sections, fence diagrams, or other appropriate illustrations and written descriptions depicting:

(a) Within the permit area:

1. The structural geology and lithology of overburden strata and the stratum immediately below the lowest coal seam to be mined;

2. The thickness and chemical characteristics of each overburden stratum and the stratum immediately below the lowest coal seam to be mined; and

3. Where aquifers may be adversely affected by the mining operation, the structural geology, lithology, thickness, and area extent of the aquifers; and structural geology and lithology of strata, and thickness of each stratum, from the surface down to the aquifers.

(b) Within the adjacent area, the approximate area extent and approximate thickness of aquifers which may be adversely affected by the mining operation.

(3) If determined by the cabinet to be necessary to assure adequate reclamation and

protection of the hydrologic balance, the cabinet may require geologic information and description in addition to that required by subsections (1) and (2) of this section including, but not limited to, leaching tests of material from strata which may be disturbed by the operation to determine the potential for the operation to produce drainage with elevated levels of acidity, sulfate, and total dissolved solids, and the collection of information to greater depths within the proposed permit area or the collection of information for areas outside the proposed permit area.

Section 14. Baseline Ground Water Information.

(1) The application shall contain baseline groundwater information for the permit area and adjacent area which shall be collected and submitted in a manner acceptable to the cabinet and shall be adequate to meet the requirements of Section 12(1) of this regulation.

(2) Groundwater information shall include an inventory of wells, springs, underground mines, or other similar groundwater supply facilities which are currently being used, have been used in the past, or have a potential to be used for domestic, agricultural, industrial, or other beneficial purpose. The inventory shall include the location, ownership, type of usage, and where possible, other relevant information such as the depth and diameter of wells and approximate rate of usage, pumpage or discharge from wells, springs, and other groundwater supply facilities.

(3) Groundwater information shall include seasonal groundwater quantity and quality data collected from monitoring wells, springs, underground mines, or other appropriate groundwater monitoring facilities, at a sufficient number of monitoring locations with adequate area distribution to meet the requirements of Section 12(1) of this regulation. Seasonal groundwater quantity and quality data shall be provided for each water transmitting zone above, and potentially impacted water transmitting zone below, the lowest coal seam to be mined including at a minimum:

(a) Groundwater levels; and

(b) Total dissolved solids, or specific conductance corrected to twenty-five (25) degrees C; pH; dissolved iron; dissolved manganese; acidity; alkalinity; and sulfate. For data collected prior to August 13, 1985, total iron and total manganese may be substituted for dissolved iron and dissolved manganese.

(4) The groundwater information described in subsection (3) of this section shall be required in whole or in part for coal seams if the coal seams to be mined are serving as water supply sources or are otherwise significant in protecting the hydrologic balance.

(5) If additional information is needed to assess the need for protective measures, to design protective measures, to determine the probable hydrologic consequences of mining, or to conduct the cumulative impact assessment, the cabinet may require groundwater information in addition to that described in subsections (2), (3), and (4) of this section including, but not limited to, information pertaining to aquifer storage, yield, discharge, recharge capacity, and additional water quality parameters.

Section 15. Baseline Surface Water Information. (1) The application shall contain baseline surface water information for the permit area and adjacent area which shall be collected and submitted in a manner acceptable to the cabinet and shall be adequate to meet the requirements of Section 12(1) of this regulation.

(2) Surface water information shall include an inventory of all streams, lakes, impoundments or other surface water bodies in the permit and adjacent area which are currently being used for domestic, agricultural, industrial, or other beneficial purpose. The inventory shall include the name of the surface water body which is being used as a water supply source; the location, drainage area, ownership, and type of usage for the withdrawal; and where possible other relevant information such as the rate of withdrawal and seasonal variation.

(3) Surface water information shall include:

(a) The name, location, and ownership where appropriate, of all streams, lakes, impoundments, and other surface water bodies which receive run-off from watersheds which will be disturbed by the operation; and

(b) The location and description of any existing facilities located in watersheds which will be disturbed by the mining operation which may contribute to surface water pollution, such as existing or abandoned mining operations, oil wells, logging operations, or other similar facilities, including the location of any discharges which may be flowing from the facilities.

(4) Surface water information shall include seasonal quantity and quality data collected from a sufficient number of watersheds which will be disturbed by the operation with adequate area distribution to meet the requirements of Section 12(1) of this regulation and include at a minimum:

(a) Flow rates; and

(b) Total dissolved solids, or specific conductance corrected to twenty-five (25) degrees C; total suspended solids; pH; total iron; total manganese; acidity; alkalinity; and sulfate.

(5) If additional information is needed to assess the need for protective measures, to design protective measures, to determine the probable hydrologic consequences of mining, or to conduct the cumulative impact assessment, the cabinet may require surface water information in addition to that described in subsections (2), (3), and (4) of this section including, but not limited to, information pertaining to flood flows and additional water quality parameters.

Section 16. Alternative Water Supply Information. (1) The application shall identify the extent to which the proposed surface mining activities may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed permit area or adjacent area which is used for domestic, agricultural, industrial, or other beneficial use.

(2) If contamination, diminution, or interruption of a surface or groundwater source may result, then the application shall identify and describe the adequacy and suitability of the alternative sources of water supply that could be developed for existing premining uses and approved postmining land uses.

Section 17. Climatological Information. (1) When requested by the cabinet, the application shall contain a statement of the climatological factors that are representative of the proposed permit area, including:

- (a) The average seasonal precipitation;
- (b) The average direction and velocity of prevailing winds; and
- (c) Seasonal temperature ranges.

(2) The cabinet may request additional data as deemed necessary to ensure compliance with the requirements of this chapter.

Section 18. Soil Resources Information. (1) If soil survey information for the proposed permit area is available from SCS, the application shall include this information as a part of the description of premining land use capability and productivity required by Section 22(1)(b) of this regulation.

(2) Where the applicant proposes to use selected overburden materials as a supplement or substitute for topsoil, the application shall provide results of analyses, trials, and tests as required under 405 KAR 16:050, Section 2(5).

Section 19. Vegetation Information. (1) The permit application shall, as required by the cabinet, contain a map that delineates existing vegetative types and a description of the plant communities within the proposed permit area and within any proposed reference area. This description shall include information adequate to predict the potential for reestablishing vegetation.

(2) When a map or aerial photograph is required, sufficient adjacent areas shall be included to allow evaluation of vegetation as important habitat for fish and wildlife.

Section 20. Fish and Wildlife Resources Information. Permit applications shall not be required under this section to contain a study of fish and wildlife unless and until federal regulations requiring a study have been promulgated and this regulation has been amended as necessary to be consistent with the corresponding federal regulations.

Section 21. Prime Farmland Investigation. (1) The applicant shall before making application investigate the proposed permit area to determine whether lands within the area may be prime farmland.

(2) Land shall not be considered prime farmland where the applicant can demonstrate, to the satisfaction of the cabinet, one (1) of the following:

- (a) The land has not been historically used as cropland;
- (b) The slope of the land is ten (10) percent or greater;
- (c) Other relevant factors exist, which would preclude the soils from being defined as prime farmland according to 7 CFR 657, such as a very rocky surface, or the land is flooded during the growing season more often than once in two (2) years, and the flooding has reduced crop yields; or

(d) On the basis of a soil survey of lands within the permit area, there are no soil map units that have been designated prime farmland by the U.S. SCS.

(3) If the investigation establishes that the lands are not prime farmland, the applicant

shall submit with the permit application a request for a negative determination and results of the investigation which show that the land for which the negative determination is being sought meets one (1) of the criteria of subsection (2) of this section.

(4) If the investigation indicates that lands within the proposed permit area may be prime farmlands, the applicant shall contact the U.S. SCS to determine if a soil survey exists for those lands and whether the applicable soil map units have been designated as prime farmlands. If no soil survey has been made for the lands within the proposed permit area, the applicant shall request the SCS to conduct a soil survey.

(a) When a soil survey of lands within the proposed permit area contains soil map units which have been designated as prime farmlands, the applicant shall submit an application, in accordance with 405 KAR 8:050, Section 3 for the designated land.

(b) When a soil survey for lands within the proposed permit area contains no soil map units which have been designated as prime farmland after review by the U.S. SCS, the applicant shall submit with the permit application a request for negative determination under subsection (2)(d) of this section for the nondesignated land.

(5) The cabinet shall decide to grant or deny a negative determination based upon documentation provided by the applicant and any other pertinent information, such as cropping history, available to the cabinet from other sources.

(6) The cabinet shall consult with the SCS in deciding on a request for negative determination under subsection (2)(c) of this section.

(7) The cabinet shall examine any records on crop history available from the Agriculture Stabilization and Conservation Service when deciding on a request for negative determination under subsection (2)(a) of this section.

Section 22. Land-use Information. (1) The application shall contain a statement of the condition, capability, and productivity of the land within the proposed permit area, including:

(a) A map and supporting narrative of the uses of the land existing when the application is filed. If the premining use of the land was changed within five (5) years before the date of application, the historic use of the land shall also be described.

(b) A narrative of land use capability and productivity, which analyzes the land-use description in conjunction with other environmental resources information required under this regulation. The narrative shall provide analyses of:

1. The capability of the land before any mining to support a variety of uses, giving consideration to soil and foundation characteristics, topography, vegetative cover and the hydrology of the proposed permit area; and

2. The productivity of the proposed permit area before mining, expressed as average yield of food, fiber, forage, or wood products from the lands obtained under high levels of management. The productivity shall be determined by yield data or estimates for similar sites based on current data from the U.S. Department of Agriculture, state agricultural universities or appropriate state natural resource or

agricultural agencies.

(2) The application shall state whether the proposed permit area has been previously mined, and, if so, the following information, if available:

- (a) The type of mining method used;
- (b) The coal seams or other mineral strata mined;
- (c) The extent of coal or other minerals removed;
- (d) The approximate dates of past mining; and
- (e) The uses of the land preceding mining.

(3) The application shall contain a description of the existing land uses and local government land use classifications, if any, of the proposed permit area and adjacent areas.

(4) The application shall contain a description identifying the extent to which cities, towns, and municipalities, or parts thereof, are located within the proposed permit area.

Section 23. Maps and Drawings. (1) The permit application shall include a map or maps showing:

(a) The boundaries of all subareas which are proposed to be affected over the estimated total life of the proposed surface mining activities, with a description of the size, sequence, and timing of the surface mining operations for which it is anticipated that additional permits will be sought;

(b) Any land within the proposed permit area and adjacent area which is within the boundaries of any units of the National System of Trails or the Wild and Scenic Rivers System, including study rivers designated under Section 5(a) of the Wild and Scenic Rivers Act (16 USC 1276(a)), or which is within the boundaries of a wild river established pursuant to KRS Chapter 146;

(c) The boundaries of any public park and locations of any cultural or historical resources listed on or eligible for listing on the National Register of Historic Places and known archaeological sites within the permit area and adjacent areas;

(d) The locations of water supply intakes for current users of surface water within a hydrologic area defined by the cabinet, and those surface waters which will receive discharges from affected areas in the proposed permit area;

(e) All boundaries of lands and names of present owners of record of those lands, both surface and subsurface, included in or contiguous to the permit area;

(f) The boundaries of land within the proposed permit area upon which the applicant has the legal right to enter and begin surface mining activities;

(g) The location of surface and subsurface manmade features within, passing through, or passing over the proposed permit area, including, but not limited to, major electric transmission lines, pipelines, and agricultural drainage tile fields;

(h) The location and boundaries of any proposed reference areas for determining the success of revegetation for the permit area;

(i) The location of all buildings on and within 1,000 feet of the proposed permit area, with identification of the current use of the buildings;

(j) Each public road located in or within 100 feet of the proposed permit area;

(k) Each cemetery that is located in or within

100 feet of the proposed permit area;

(1) Other relevant information required by the cabinet.

(2) The application shall include drawings, cross sections, and maps showing:

(a) Elevations and locations of test borings and core samplings;

(b) Elevations and locations of monitoring stations or other sampling points in the permit area and adjacent areas used to gather data on water quality and quantity, fish and wildlife, and air quality, if required, in preparation of the application, or which will be used for such data gathering during the term of the permit;

(c) Nature, depth, and thickness of the coal seams to be mined, any coal or rider seams above the seam to be mined, each stratum of the overburden, and the stratum immediately below the lowest coal seam to be mined, for the permit area;

(d) All coal crop lines and the strike and dip of the coal to be mined within the proposed permit area;

(e) Location and extent of known workings of active, inactive, or abandoned underground mines, including mine openings to the surface within the proposed permit area and adjacent areas;

(f) Location and extent of subsurface water, if encountered, within the proposed permit area or adjacent areas;

(g) Location of surface water bodies such as streams, lakes, ponds, springs, constructed or natural drainage patterns, and irrigation ditches within the proposed permit area and adjacent areas;

(h) Location and extent of existing or previously surface-mined areas within the proposed permit area;

(i) Location, and depth if available, of gas and oil wells within the proposed permit area and water wells in the permit area and adjacent areas;

(j) Location and dimensions of existing areas of spoil, waste, and noncoal waste disposal, dams, embankments, other impoundments, and water treatment and air pollution control facilities within the proposed permit area;

(k) Sufficient slope measurements to adequately represent the existing land surface configuration of the proposed permit area, measured and recorded according to the following:

1. Each measurement shall consist of an angle of inclination along the prevailing slope extending 100 linear feet above and below or beyond the coal outcrop or the area to be disturbed or, where this is impractical, at locations and in a manner as specified by the cabinet.

2. Where the area has been previously mined, the measurements shall extend at least 100 feet beyond the limits of mining disturbances, or any other distance determined by the cabinet to be representative of the premining configuration of the land.

3. Slope measurements shall take in account natural variations in slope, to provide accurate representation of the range of natural slopes and reflect geomorphic differences of the area to be disturbed.

(3) The permit application shall include the map information specified in Sections 22(1)(a), 24(3), 24(4)(c), 24(4)(h), 27(1), 28(1), 31, 32, 33, 34, and 38 of this regulation, and 405 KAR 8:010, Section 5(6).

(4) Maps, drawings, and cross-sections included in a permit application which are required by this section shall be prepared by or under the direction of and certified by a qualified registered professional engineer, and shall be updated as required by the cabinet. The qualified registered professional engineer shall not be required to certify true ownership of property.

Section 24. Mining and Reclamation Plan; General Requirements. (1) Each application shall contain a detailed mining and reclamation plan (MRP) for the proposed permit area as set forth in this section through Section 38 of this regulation, showing how the applicant will comply with KRS Chapter 350 and 405 KAR Chapters 16 through 20.

(2) Each application shall contain a description of the mining operations proposed to be conducted within the proposed permit area, including, at a minimum, the following:

(a) A narrative description of the type and method of coal mining procedures and proposed engineering techniques, anticipated annual and total production of coal, by tonnage, and the major equipment to be used for all aspects of those operations; and

(b) A narrative explaining the construction, modification, use, maintenance, and removal of the following facilities (unless retention of the facilities is to be approved as necessary for postmining land use as specified in 405 KAR 16:210):

1. Dams, embankments, and other impoundments;
2. Overburden and topsoil handling and storage areas and structures;
3. Coal removal, handling, storage, cleaning, and transportation areas and structures;
4. Spoil, coal processing waste, and noncoal waste removal, handling, storage, transportation, and disposal areas and structures;
5. Mine facilities; and
6. Water and air pollution control facilities.

(3) Each application shall contain plans and maps of the proposed permit area and adjacent areas as follows:

(a) The plans and maps shall show the lands proposed to be affected throughout the operation and any change in a facility or feature to be caused by the proposed operations, if the facility or feature was shown under Section 23 of this regulation.

(b) The following shall be shown for the proposed permit area:

1. Buildings, utility corridors and facilities to be used;
2. The area of land to be affected within the proposed permit area, according to the sequence of mining and reclamation;
3. Each area of land for which a performance bond or other equivalent guarantee will be posted under 405 KAR Chapter 10;
4. Each coal storage, cleaning and loading area;
5. Each topsoil, spoil, coal waste, and noncoal waste storage area;
6. Each water diversion, collection, conveyance, treatment, storage, and discharge facility to be used;
7. Each air pollution collection and control facility;
8. Each source of waste and each waste disposal facility relating to coal processing or

pollution control;

9. Each facility to be used to protect and enhance fish and wildlife and related environmental values;

10. Each explosive storage and handling facility; and

11. Location of each sedimentation pond, permanent water impoundment, coal processing waste bank, and coal processing waste dam and embankment, in accordance with Section 34 of this regulation, and fill area for the disposal of excess spoil in accordance with Section 27 of this regulation.

(c) Plans, maps, and drawings required under this section shall be prepared by, or under the direction of, and certified by a qualified registered professional engineer.

(4) Each plan shall contain the following information for the proposed permit area:

(a) A projected timetable for the completion of each major step in the mining and reclamation plan;

(b) A detailed estimate of the cost of reclamation of the proposed operations required to be covered by a performance bond under 405 KAR Chapter 10, with supporting calculations for the estimates;

(c) A plan for backfilling, soil stabilization, compacting, and grading, with contour maps or cross-sections that show the anticipated final surface configuration of the proposed permit area, in accordance with 405 KAR 16:190;

(d) A plan for removal, storage, and redistribution of topsoil, subsoil, and other material to meet the requirements of 405 KAR 16:050 including a demonstration of suitability of any proposed topsoil substitutes or supplements;

(e) A plan for revegetation as required in 405 KAR 16:200, including, but not limited to, descriptions of the: schedule of revegetation; species and amounts per acre of seeds and seedlings to be used; methods to be used in planting and seeding; mulching techniques; irrigation, if appropriate; pest and disease control measures, if any; and measures proposed to be used to determine the success of revegetation as required in 405 KAR 16:200, Section 6; and a soil testing plan for evaluation of the results of topsoil handling and reclamation procedures related to revegetation;

(f) A description of the measures to be used to maximize the use and conservation of the coal resource as required in 405 KAR 16:010, Section 2;

(g) A description of measures to be employed to ensure that all debris, acid-forming and toxic-forming materials, and materials constituting a fire hazard are disposed of in accordance with 405 KAR 16:150, and 405 KAR 16:190, Section 3, and a description of the contingency plans which have been developed to preclude sustained combustion of the materials;

(h) A description, including appropriate maps and drawings, of the measures to be used to seal or manage mine openings, and to plug, case, or manage exploration holes, other bore holes, wells, and other openings within the proposed permit area, in accordance with 405 KAR 16:040; and

(i) A description of steps to be taken to comply with the requirements of the Clean Air Act (42 USC 7401 et seq.), the Clean Water Act

(33 USC 1251 et seq.), and other applicable air and water quality laws and regulations and health and safety standards. This description shall, at a minimum, consist of identification of permits or approvals required by these laws and regulations which the applicant either has obtained, has applied for, or intends to apply for.

Section 25. MRP; Existing Structures. (1) Each application shall contain a description of each existing structure proposed to be used in connection with or to facilitate the surface coal mining and reclamation operation. The description shall include:

- (a) Location;
- (b) Plans of the structure which describe its current condition;
- (c) Approximate dates on which construction of the existing structure was begun and completed; and
- (d) A showing, including relevant monitoring data or other evidence, whether the structure meets the performance standards of 405 KAR Chapters 16 through 20 or, if the structure does not meet those performance standards, a showing whether the structure meets the performance standards of the interim performance standards of 405 KAR Chapter 1.

(2) Each application shall contain a compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate the surface coal mining and reclamation operation. The compliance plan shall include:

- (a) Design specifications for the modification or reconstruction of the structure to meet the performance standards of 405 KAR Chapters 16 through 20;
- (b) A construction schedule which shows dates for beginning and completing interim steps and final reconstruction;
- (c) Provisions for monitoring the structure as required by the cabinet to ensure that the performance standards of 405 KAR Chapters 16 through 20 are met; and
- (d) A showing that the risk of harm to the environment or to public health or safety will not be significant during the period of modification or reconstruction.

Section 26. MRP; Blasting. (1) Each application shall contain a blasting plan for the proposed permit area explaining how the applicant intends to comply with the requirements of 405 KAR 16:120. This plan shall include, at a minimum, information setting forth the limitations the permittee will meet with regard to ground vibration and airblast, the bases for the ground vibration and airblast limitations, and the methods to be applied in controlling the adverse effects of blasting operations.

(2) Each application shall contain a description of the systems to be used to monitor compliance with the standards for ground vibration and airblast including identification of the types, capabilities, and sensitivities of blast monitoring equipment and identification of the monitoring procedures and locations.

(3) Blasting operations within 500 feet of active underground mines require approval of the cabinet, MSHA, and the Kentucky Department of Mines and Minerals.

Section 27. MRP; Disposal of Excess Spoil. (1) Each application shall contain descriptions, including appropriate maps and cross-section drawings, of the proposed disposal site and design of the spoil disposal structures according to 405 KAR 16:130. These plans shall describe the geotechnical investigation, design, construction, operation, maintenance, and removal if appropriate, of the site and structures.

(2) Each application shall contain the results of a geotechnical investigation of the proposed disposal site, including the following:

- (a) The character of bedrock and any adverse geologic conditions in the disposal area;
- (b) A survey identifying all springs, seepage, and groundwater flow observed or anticipated during wet periods in the area of the disposal site;
- (c) An assessment of the potential effects of subsidence of the subsurface strata due to past and future mining operations;
- (d) A technical description of the rock materials to be utilized in the construction of those disposal structures containing rock chimney cores or underlain by a rock drainage blanket; and
- (e) A stability analysis including, but not limited to, strength parameters, pore pressures and long-term seepage conditions. These data shall be accompanied by a description of all engineering design assumptions and calculations and the alternatives considered in selecting the specific design specifications and methods.

(3) If, under 405 KAR 16:130, Section 1(4), rock toe buttresses or key way cuts are required, the application shall include the following:

- (a) The number, location, and depth of borings or test pits which shall be determined with respect to the size of the spoil disposal structure and subsurface conditions; and
- (b) Engineering specifications utilized to design the rock toe buttresses or key way cuts which shall be determined in accordance with subsection (2)(e) of this section.

Section 28. MRP; Transportation Facilities.

(1) Each application shall contain a transportation facilities plan including a description of each road, conveyor, or rail system to be constructed, used, or maintained within the proposed permit area. The description shall include a map, appropriate cross-sections, and the following:

- (a) Specifications for each road width, road gradient, road surface, road cut, fill embankment, culvert, bridge, drainage ditch, and drainage structure.
- (b) A report of appropriate geotechnical analysis, where approval of the cabinet is required for alternative specifications, or for steep cut slopes under 405 KAR 16:220.

(c) A description of measures to be taken to obtain approval of the cabinet for alteration or relocation of a natural drainageway under 405 KAR 16:220.

(d) A description of measures, other than use of a rock headwall, to be taken to protect the inlet end of a ditch relief culvert, for approval by the cabinet under 405 KAR 16:220.

(2) Each plan shall contain a general description of each road, conveyor, or rail system to be constructed, used, or maintained within the proposed permit area.

Section 29. MRP; Surface Mining Near Underground Mining. For surface mining activities within the proposed permit area to be conducted within 500 feet of an underground mine, the application shall describe the measures to be used to comply with 405 KAR 16:010, Section 3.

Section 30. MRP; Protection of Public Parks and Historic Places. (1) For any publicly-owned parks or any places listed on the National Register of Historic Places that may be adversely affected by the proposed operations, each plan shall describe the measures to be used to prevent adverse impact; or, if valid existing rights exist or joint agency approval is to be obtained under 405 KAR 24:040, Section 2(4), to minimize adverse impacts.

(2) The cabinet may require the applicant to protect historic or archaeological properties listed or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. These measures need not be completed prior to permit issuance, but shall be completed before the properties are affected by surface mining activities.

Section 31. MRP; Protection of Public Roads. Each application shall describe, with appropriate maps and drawings, the measures to be used to ensure that the interests of the public and landowners affected are protected if, under 405 KAR 24:040, Section 2(6), the applicant seeks to have the cabinet approve:

(1) Conducting the proposed surface mining activities within 100 feet of the right-of-way line of any public road, except where mine access or haul roads join that right-of-way; or

(2) Relocating a public road.

Section 32. MRP; Protection of the Hydrologic Balance. (1) Each application shall contain a description, as set forth in this subsection, of the measures to be taken to minimize disturbances to the hydrologic balance within the permit area and adjacent area and to prevent material damage to the hydrologic balance outside the permit area.

(a) The description shall be based upon the baseline geologic, hydrologic, and other information required by Sections 12 through 16 of this regulation and other appropriate information, shall be specific to local hydrologic conditions, and shall be prepared in a manner and detail acceptable to the cabinet.

(b) The description shall identify the protective measures to be taken to enable the operation to meet, at a minimum, each of the hydrologic requirements referenced in this paragraph, or shall demonstrate to the satisfaction of the cabinet that protective measures are not necessary for the operation to meet the requirements:

1. Meet applicable water quality statutes, regulations, standards, and effluent limitations as required by 405 KAR 16:060, Section 1(3);

2. Avoid acid or toxic drainage as required by 405 KAR 16:060, Sections 4, 5, and 6;

3. Control the discharge of sediment to streams located outside the permit area as required by 405 KAR 16:060, Section 2;

4. Control the drainage and discharge of water within the permit area as required by 405 KAR 16:060, Sections 1(4), 3, 9, and 12, and 405 KAR

16:080;

5. Restore the approximate premining recharge capacity of the permit area as required by 405 KAR 16:060, Section 5; and

6. Protect or replace the water supply of present users as required by 405 KAR 16:060, Section 8.

(c) The cabinet may require that the description include protective measures in addition to those identified under paragraph (b) of this subsection, if the cabinet determines that additional measures are needed to protect the hydrologic balance in accordance with 405 KAR 16:060.

(2) Each application shall include the design of any necessary protective measures identified under subsection (1) of this section. The design shall be prepared in a manner and detail acceptable to the cabinet including, as appropriate, calculations, maps, drawings, and written explanations as necessary to document the design.

(3) Each application shall include a determination of the probable hydrologic consequences of the mining and reclamation operations for the permit area and adjacent area.

(a) The determination shall be based upon the baseline geologic, hydrologic, and other information required by Sections 12 through 16 of this regulation and other appropriate information, and may include information statistically representative of the site.

(b) The determination shall be completed according to the parameters and in the detail required by the cabinet to enable the cabinet to prepare a cumulative impact assessment, and shall take into account the anticipated effects of protective measures required by this chapter.

(c) For surface water systems, the determination shall, at a minimum, include probable impacts on:

1. Peak discharge rates, emphasizing the potential for flooding;

2. Settleable solids at peak discharge;

3. Low-flow discharge rates, emphasizing the potential for water supply diminution;

4. Suspended solids at low flow;

5. pH, at low flow, emphasizing the potential for acid drainage conditions, including depressed levels of alkalinity and elevated levels of iron, manganese, acidity, sulfate, and total dissolved solids or specific conductance, which are generally associated with acid drainage conditions.

(d) For groundwater systems, the determination shall, at a minimum, include probable impacts on:

1. Water quantity, emphasizing water levels and the potential for water supply diminution for existing users, and dewatering of aquifers which are not currently being used for water supply but have the potential to be developed as a water supply source.

2. pH, emphasizing the potential for acid drainage conditions, including depressed levels of alkalinity and elevated levels of iron, manganese, acidity, sulfate, and total dissolved solids or specific conductance, which are generally associated with acid drainage conditions.

(e) An application for a major revision to a permit shall be reviewed by the cabinet to determine whether a new or updated determination of the probable hydrologic consequences shall be required.

(4)(a) The application shall include a plan

for the collection, recording, and reporting of groundwater and surface water quantity and quality data to monitor the effects of the mining and reclamation operations on the hydrologic balance, according to 405 KAR 16:110.

(b) The monitoring plan shall be based on the geologic and hydrologic baseline information, the mining and reclamation plan, and the determination of probable hydrologic consequences; and shall:

1. Identify the quantity and quality parameters to be monitored, sampling frequency, and monitoring site locations; and
2. Describe how the data may be used to determine the impacts of the operation on the hydrologic balance.

(5) An application for a major revision to a permit shall be reviewed by the cabinet to determine whether a new or updated cumulative hydrologic impact assessment shall be made.

Section 33. MRP; Diversions. Each application shall contain descriptions, including maps and cross-sections, of stream channel diversions and other diversions to be constructed within the proposed permit area to achieve compliance with 405 KAR 16:080.

Section 34. MRP; Impoundments and Embankments. (1) General. Each application shall include detailed design plans for each proposed sedimentation pond, water impoundment, and coal processing waste bank, dam, or embankment within the proposed permit area. Each plan shall:

(a) Be prepared by, or under the direction of, and certified by a qualified registered professional engineer;

(b) Contain a description, map, and appropriate cross-sections and drawings of the structure and its location;

(c) Contain all hydrologic and geologic information and computations necessary to demonstrate compliance with the design and performance standards of 405 KAR Chapter 16; and all information utilized by the applicant to determine the probable hydrologic consequences of the mining operations under Section 32(3) of this regulation;

(d) Contain an assessment of the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred;

(e) Include any geotechnical investigation, design, and construction requirements for the structure;

(f) Describe the operation and maintenance requirements for each structure; and

(g) Describe the timetable and plans to remove each structure, if appropriate.

(2) Sedimentation ponds.

(a) Sedimentation ponds, whether temporary or permanent, shall be designed in compliance with the requirements of 405 KAR 16:090. Any sedimentation pond or earthen structure which will remain on the proposed permit area as a permanent water impoundment shall also be designed to comply with the requirements of 405 KAR 16:100.

(b) Each plan shall, at a minimum, comply with the requirements of the MSHA, 30 CFR 77.216-1 and 77.216-2.

(3) Permanent and temporary impoundments. Permanent and temporary impoundments shall be designed to comply with the requirements of 405

KAR 16:100. Each plan shall comply with the requirements of the MSHA, 30 CFR 77.216-1 and 77.216-2.

(4) Coal processing waste banks. Coal processing waste banks shall be designed to comply with the requirements of 405 KAR 16:140.

(5) Coal processing waste dams and embankments. Coal processing waste dams and embankments shall be designed to comply with the requirements of 405 KAR 16:160. Each plan shall comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area, to determine the structural competence of the foundation which will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist, according to the following:

(a) The number, location, and depth of borings and test pits shall be determined using current prudent engineering practice for the size of the dam or embankment, quantity or material to be impounded, and subsurface conditions.

(b) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions which may affect the particular dam, embankment, or reservoir site shall be considered.

(c) All springs, seepage, and groundwater flow observed or anticipated during wet periods in the area of the proposed dam or embankment shall be identified on each plan.

(d) Consideration shall be given to the possibility of mud flows, rock-debris falls, or other landslides into the dam, embankment, or impounded material.

(6) If the structure is to be twenty (20) feet or higher or is to impound more than twenty (20) acre-feet, each plan under subsections (2), (3), and (5) of this section shall include a stability analysis of each structure. The stability analysis shall include, but not be limited to, strength parameters, pore pressures, and long-term seepage conditions. The plan shall also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

Section 35. MRP; Air Pollution Control. For all surface mining activities the application shall contain an air pollution control plan which includes the following:

(1) An air quality monitoring program, if required by the cabinet, to provide sufficient data to evaluate the effectiveness of the fugitive dust control practices under subsection (2) of this section to comply with applicable federal and state air quality standards; and

(2) A plan for fugitive dust control practices, as required under 405 KAR 16:170.

Section 36. MRP; Fish and Wildlife. Permit applications shall not be required under this section to contain a fish and wildlife plan unless and until federal regulations requiring a plan have been promulgated and this regulation has been amended as necessary to be consistent with the corresponding federal regulations.

Section 37. MRP; Postmining Land Use. (1) Each plan shall contain a description of the proposed use, following reclamation, of the land within the proposed permit area, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses, and the relationship of the proposed use to existing land use policies and plans. This description shall explain:

(a) How the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use;

(b) Where a land use different from the premining land use is proposed, all supporting documentation submitted for approval of the proposed use under 405 KAR 16:210;

(c) The consideration which has been given to making all of the proposed surface mining activities consistent with surface owner plans and applicable state and local land use plans and programs; and

(d) Where grazing is the proposed postmining land use, the detailed management practices necessary to properly implement the postmining use for grazing.

(2) The description shall be accompanied by a copy of the comments concerning the proposed use by the legal or equitable owner of record of the surface of the proposed permit area and the state and local government agencies, if any, which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.

(3) Approval of the initial postmining land use plan pursuant to this section, shall not preclude subsequent consideration and approval of a revised postmining land use plan in accordance with the applicable requirements of 405 KAR.

Section 38. MRP; Transportation on Public Roads. The application shall include or be accompanied by a public roads transportation plan and map (at least the scale and detail of the separate county maps published by the Kentucky Transportation Cabinet) which shall set forth the portions of the public road system, if any, over which the applicant proposes to transport coal extracted in the surface coal mining operation.

(1) The plan shall specify the legal weight limits for each portion of any public road or bridge over which the applicant proposes to transport coal.

(2) The plan shall include any proposal by the applicant to obtain a special permit pursuant to KRS 189.271 to exceed the weight limits on any road or bridge.

(3) The plan shall contain a certification by a duly authorized official of the Kentucky Transportation Cabinet attesting the accuracy of the plan in regard to the locations and identities of roads and bridges on the public road system and the accuracy of the specifications of weight limits on the roads and bridges.

CARL H. BRADLEY, Secretary
FRANK DICKERSON, Commissioner

APPROVED BY AGENCY: January 22, 1991

FILED WITH LRC: January 23, 1991 at 3 p.m.

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Surface Mining
Reclamation and Enforcement
(As Amended)

405 KAR 8:040. Underground coal mining permits.

RELATES TO: KRS 350.060, 350.151, 30 CFR Parts 730-733, 735, 773.13(a), 778, 783, 784, 785.17(b), (d), 917, 30 USC 1253, 1255, 1257, 1258, 1266, 1267

STATUTORY AUTHORITY: KRS Chapter 13A, 350.020, 350.028, 350.060, 350.151, 350.465, 30 CFR Parts 730-733, 735, 773.13(a), 778, 783, 784, 785.17(b), (d), 917, 30 USC 1253, 1255, 1257, 1258, 1266, 1267

NECESSITY AND FUNCTION: KRS Chapter 350 in pertinent part requires the cabinet to promulgate rules and regulations pertaining to permits for underground mining activities. This regulation recognizes the distinct differences between surface mining activities and underground mining activities. This regulation specifies certain information to be shown by the applicant related to legal and compliance status, environmental resources, and his mining and reclamation plan. This regulation further specifies certain showings to be made by the applicant to obtain a permit.

Section 1. General. (1) Applicability.

(a) This regulation applies to any person who applies for a permit to conduct underground mining activities.

(b) The requirements set forth in this regulation specifically for applications for permits to conduct underground mining activities, are in addition to the requirements applicable to all applications for permits to conduct surface coal mining and reclamation operations as set forth in 405 KAR 8:010.

(c) This regulation sets forth information required to be contained in applications for permits to conduct underground mining activities, including:

1. Legal, financial, compliance, and related information;

2. Environmental resources information; and

3. Mining and reclamation plan information.

(2) The permit applicant shall provide to the cabinet in the application all the information required by this regulation.

(3)(a) The following forms, which are required to be submitted by applicants, are hereby incorporated by reference:

1. Preliminary Application, SMP-03, revised August 3, 1984;

2. Application for a Comprehensive Mining and Reclamation Permit, SMP-01-R, November, 1985;

3. Application for Mining Permit Revision, SMP-02-REV, December, 1987;

4. Application for Renewal of a Comprehensive Mining and Reclamation Permit, SMP-01-N1, September, 1987;

5. Application for Coal Marketing Reclamation Deferment, SMP-09, October, 1984;

6. Notification of Operator Change, SMP-11, August, 1990;

7. Notification of Change in Corporate Permittee and/or Corporate Name, SMP-10, December, 1987; and

8. Application for Transfer, Assignment or Sale of Permit Rights, SMP-08, October, 1982.

(b) The forms incorporated by reference in paragraph (a) of this subsection may be reviewed or obtained at the Department for Surface Mining Reclamation and Enforcement, #2 Hudson Hollow, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

Section 2. Identification of Interests. An application shall contain the following information, except that the submission of a Social Security Number is voluntary:

(1) A statement as to whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity;

(2) The name, address, telephone number and, as applicable, Social Security Number and employer identification number of the:

(a) Applicant;

(b) Applicant's resident agent; and

(c) Person who will pay the abandoned mine land reclamation fee.

(3) For each person who owns or controls the applicant under the definition of "owned or controlled" and "owns or controls" in 405 KAR 7:020, as applicable:

(a) The person's name, address, Social Security Number, and employer identification number;

(b) The person's ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure;

(c) The title of the person's position, date position was assumed, and when submitted under 405 KAR 8:010, Section 18(5) date of departure from the position;

(d) Each additional name and identifying number, including employer identification number, federal or state permit number, and MSHA number with date of issuance, under which the person owns or controls, or previously owned or controlled, a surface coal mining and reclamation operation in the United States within the five (5) years preceding the date of the application; and

(e) The application number or other identifier of, and the regulatory authority for, any other pending surface coal mining operation permit application filed by the person in any state in the United States.

(4) For any surface coal mining operation owned or controlled by either the applicant or by any person who owns or controls the applicant under the definition of "owned or controlled" and "owns or controls" in 405 KAR 7:020, the operation's:

(a) Name, address, identifying numbers, including employer identification number, federal or state permit number, and MSHA number, the date of issuance of the MSHA number, and the regulatory authority; and

(b) Ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure.

(5) [(1) Each application shall contain] The names and addresses of:

[(a) The permit applicant, including his or her telephone number;]

[(a) [(b)] Every legal or equitable owner of record of the areas to be affected by surface operations and facilities and every legal or equitable owner of record of the coal to be mined;

[(b) [(c)] The holders of record of any

leasehold interest in areas to be affected by surface operations or facilities and the holders of record of any leasehold interest in the coal to be mined; and

[(c) [(d)] Any purchaser of record under a real estate contract of areas to be affected by surface operations and facilities and any purchaser of record under a real estate contract of the coal to be mined. [;]

[(e) The operator, if different from the applicant, who will conduct underground coal mining activities on behalf of the applicant, including his or her telephone number; and]

[(f) The resident agent of the applicant who will accept service of process, including his or her telephone number.]

[(2) If any owner, holder, purchaser, or operator, identified under subsection (1) of this section, is a business entity other than a single proprietor, the application shall contain the names and addresses of their respective principals, officers, and resident agents.]

[(3) Each application shall contain a statement of whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity. For businesses other than single proprietorships, the application shall contain the following information where applicable:]

[(a) Names and addresses of every officer, partner, director, or other person performing a function similar to a director of the applicant;]

[(b) Name and address of any person who is a principal shareholder of the applicant;]

[(c) Names under which the applicant, partner, or principal shareholder previously operated a surface coal mining operation in the United States within the five (5) years preceding the date of application;]

[(d) If a partnership, a certified copy of the partnership agreement; and]

[(e) If a domestic corporation, a certified copy of the certificate of incorporation from the Secretary of State, and if a foreign corporation, a certified copy of the Certificate of Authority to conduct business within the Commonwealth of Kentucky.]

[(6) [(4) Each application shall contain] A statement of any current or previous coal mining permits in the United States held by the applicant during the five (5) years preceding the application, and by any person identified in subsection (3)(c) of this section and of any pending permit application to conduct surface coal mining and reclamation operations in the United States. The information shall be listed by permit or application number and identify the regulatory authority for each of those coal mining operations.

[(7) [(5) Each application shall contain] The names and addresses of the owners of record of all surface and subsurface areas contiguous to any part of the proposed permit area.

[(8) [(6) Each application shall contain] The name of the proposed mine and all MSHA identification numbers that have been assigned for the mine and all mine associated structures that require MSHA approval [sections].

[(9) [(7) Each application shall contain] Proof, such as a power of attorney or resolution of the board of directors, that the individual signing the application has the power to represent the applicant in the permit matter.

[(10) [(8) Each application shall contain] A statement of all lands, interests in lands,

options, or pending bids on interests held or made by the applicant for lands which are contiguous to the area to be covered by the permit.

(11) After an applicant has been notified that his or her application has been approved, but before the permit is issued, the applicant shall, as applicable, update, correct, or indicate that no change has occurred in the information previously submitted under subsections (1) through (4) of this section.

(12) The applicant shall submit the information required by this section and Section 3 of this regulation on the appropriate forms, incorporated by reference in Section 1(3) of this regulation. [in any prescribed cabinet format that is issued.]

Section 3. Violation [Compliance] Information. Each application shall contain the following information:

(1) [Each application shall contain] A statement of whether the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant has:

(a) Had a coal mining permit of the United States or any state suspended or revoked in the [last] five (5) years preceding the date of submission of the application; or

(b) Forfeited a coal mining performance bond or similar security deposited in lieu of bond.

(2) If any suspension, revocation, or forfeiture, as described in subsection (1) of this section, has occurred, the application shall contain a statement of the facts involved, including:

(a) Identification number and date of issuance of the permit, and date and amount of bond or similar security;

(b) Identification of the authority that suspended or revoked the [a] permit or forfeited the [a] bond and the stated reasons for that action;

(c) The current status of the permit, bond, or similar security involved;

(d) The date, location, and type of any administrative or judicial proceedings initiated concerning the suspension, revocation, or forfeiture; and

(e) The current status of these proceedings.

(3) For any violation of a provision of SMCRA, federal regulations enacted pursuant to SMCRA, KRS Chapter 350 and regulations adopted pursuant thereto, any other state's laws or regulations under SMCRA, any federal law, rule, or regulation pertaining to air or water environmental protection, or any Kentucky or other state's law, rule, or regulation enacted pursuant to federal law, rule, or regulation pertaining to air or water environmental protection incurred in connection with any surface coal mining operation, a list of all violation notices received by the applicant during the three (3) year period preceding the application date, and a list of all unabated cessation orders and unabated air and water quality violation notices received prior to the date of the application by any surface coal mining and reclamation operation owned or controlled by either the applicant or by any person who owns or controls the applicant. For each violation notice or cessation order reported, the lists shall include the following information, as applicable: [Each application shall contain a list of each violation notice

pertaining to SMCRA or KRS Chapter 350 and regulations promulgated pursuant thereto, received by the applicant in connection with any surface coal mining operation during the three (3) year period before the application date. Each application shall also contain a list of each violation notice pertaining to air or water environmental protection received by the applicant in connection with any surface coal mining operation during the three (3) year period before the application date, for violations of any law, rule, or regulation of the United States, or of any state law, rule, or regulation enacted pursuant to federal law, rule or regulation. The application shall also contain a statement regarding each violation notice, including:]

(a) Any identifying numbers for the operation, including the federal or state permit number and MSHA number, the dates of issuance of the violation notice and MSHA number, the name of the person to whom the violation notice was issued, and the name of the issuing regulatory authority, department, or agency; [The date of issuance and identity of the issuing regulatory authority, department, or agency;]

(b) A brief description of the particular violation alleged in the notice;

(c) The final resolution of each violation notice, if any;

(d) For each violation notice that has not been finally resolved:

1. The date, location, and type of any administrative or judicial proceedings initiated concerning [the fact of] the violation, including, but not limited to, proceedings initiated by any person identified in this subsection [the applicant] to obtain administrative or judicial review of the [fact of the] violation [and the current status of the proceedings]; and

2. The current status of the proceedings and of the violation notice; and

3. [2.] The actions, if any, taken or being taken by any person identified in this subsection [the applicant] to abate the violation.

(4) After an applicant has been notified that his or her application has been approved, but before the permit is issued, the applicant shall, as applicable, update, correct, or indicate that no change has occurred in the information previously submitted under subsections (1) through (3) of this section.

(5) [(4)] Upon request by a small operator as defined in KRS 350.450(4)(d), the cabinet shall provide to the small operator, with regard to persons under subsection (1) of this section which are identified by the small operator, the compliance information required by this section regarding suspension and revocation of permits and forfeiture of bonds under KRS Chapter 350, and information pertaining to violations of KRS Chapter 350 and regulations promulgated thereunder.

Section 4. Right of Entry and Right to Mine.

(1) Each application shall contain a description of the documents upon which the applicant bases his or her legal right to enter and begin underground mining activities in the permit area and whether that right is the subject of pending litigation. The description shall identify those documents by type and date of execution, identify the specific lands to which the

document pertains, and explain the legal rights claimed by the applicant.

(2) For underground mining activities where the associated surface operations involve the surface mining of coal and the private mineral estate to be mined has been severed from the private surface estate, the application shall also provide, for lands to be affected by those operations within the permit area, a copy of the document of conveyance that grants or reserves the right to extract the coal by surface mining methods.

(3) Nothing in this section shall be construed to afford the cabinet the authority to adjudicate property title disputes.

Section 5. Relationship to Areas Designated Unsuitable for Mining. (1) Each application shall contain a statement of available information on whether the proposed permit area is within an area designated unsuitable for underground mining activities under 405 KAR Chapter 24, or designated unsuitable for surface mining activities if the proposed underground mining activities also involve surface mining of coal, or under study for designation in an administrative proceeding initiated under that chapter.

(2) If an applicant claims the exemption in 405 KAR 8:010, Section 14(4)(b), the application shall contain information supporting the applicant's assertion that it made substantial legal and financial commitments before January 4, 1977, concerning the proposed underground mining activities.

(3) If an applicant proposes to conduct or locate surface operations or facilities within 300 feet of an occupied dwelling, the application shall include the waiver of the owner of the dwelling as required in 405 KAR 24:040, Section 2(5).

Section 6. Permit Term Information. (1) Each application shall state the anticipated or actual starting and termination date of each phase of the underground mining activities and the anticipated number of acres of surface lands to be affected, and the horizontal and vertical extent of proposed underground mine workings including the surface acreage overlying the underground workings, for each phase of mining and over the total life of the permit.

(2) If the applicant proposes to conduct the underground mining activities in excess of five (5) years, the application shall contain the information needed for the showing required under 405 KAR 8:010, Section 17(1).

Section 7. Personal Injury and Property Damage Insurance Information. Each application shall contain a certificate of liability insurance according to 405 KAR 10:030, Section 4.

Section 8. Identification of Other Licenses and Permits. Each application shall contain a list of all other licenses and permits needed by the applicant to conduct the proposed underground mining activities. This list shall identify each license and permit by:

- (1) Type of permit or license;
- (2) Name and address of issuing authority;
- (3) Identification numbers of applications for those permits or licenses or, if issued, the identification numbers of the permits or licenses; and

(4) If a decision has been made, the date of approval or disapproval by each issuing authority.

Section 9. Identification of Location of Public Office for Filing of Application. Each application shall identify, by name and address, the appropriate regional office of the cabinet where the applicant will file a copy of the entire application for public inspection under 405 KAR 8:010, Section 8(8).

Section 10. Newspaper Advertisement and Proof of Publication. A copy of the newspaper advertisement of the application and proof of publication of the advertisement shall be filed with the cabinet and made a part of the application not later than fifteen (15) days after the last date of publication required under 405 KAR 8:010, Section 8(2).

Section 11. Environmental Resource Information. (1) Each permit application shall include a description of the existing environmental resources either within the areas affected by proposed surface operations and facilities, or within the proposed permit area and adjacent areas, as required by Sections 11 through 23 of this regulation. The descriptions required by this regulation may, where appropriate, be based upon published texts or other public documents together with reasonable extrapolations from specific data available from existing permit areas or other appropriate areas.

(2)(a) Each application shall describe and identify the nature of cultural, historic, and archaeological resources listed or eligible for listing on the National Register of Historic Places and known archaeological sites within the proposed permit area and adjacent areas. The description shall be based on all available information, including, but not limited to, information from the state Historic Preservation Officer and from local archaeological, historical, and cultural preservation agencies.

(b) The cabinet may require the applicant to identify and evaluate important historic and archaeological resources that may be eligible for listing on the National Register of Historic Places, through collection of additional information, field investigations, or other appropriate analyses.

Section 12. General Requirements for Baseline Geologic and Hydrologic Information. (1) The application shall contain baseline geologic and hydrologic information which has been collected, analyzed, and submitted in the detail and manner acceptable to the cabinet, and which shall be sufficient to:

(a) Identify and describe protective measures pursuant to Section 32(1) of this regulation which will be implemented during the mining and reclamation process to assure protection of the hydrologic balance, or to demonstrate that protection of the hydrologic balance can be assured without the design and installation of protective measures; and to design necessary protective measures pursuant to Section 32(2) of this regulation.

(b) Determine the probable hydrologic consequences of the mining and reclamation operations upon the hydrologic balance in the permit area and adjacent area pursuant to Section 32(3) of this regulation so that an

assessment can be made by the cabinet pursuant to 405 KAR 8:010, Section 14(3) of the probable cumulative impacts of all anticipated mining on the hydrologic balance in the cumulative impact area;

(c) Determine pursuant to 405 KAR 8:010, Section 14(2) and (3) whether reclamation as required by 405 KAR can be accomplished and whether the proposed operation has been designed to prevent material damage to the hydrologic balance; and

(d) Design surface and groundwater monitoring systems pursuant to Section 32(4) of this regulation for the during-mining and postmining time period which, together with the baseline data collected under Sections 14(1) and 15(1) of this regulation, will demonstrate whether the mining operation is meeting applicable effluent limitations and stream standards and protecting the hydrologic balance.

(2)(a) Geologic and hydrologic information pertaining to the area outside the permit and adjacent area but within the cumulative impact assessment area shall be provided to the applicant by the cabinet:

1. If this information is needed in preparing the cumulative impact assessment; and

2. If this information is available from an appropriate federal or state agency.

(b) If this information is needed by the cabinet for conducting the cumulative impact assessment and is not available from a federal or state agency, the applicant may gather and submit this information to the cabinet as part of the permit application.

(3) Interpolation, modeling, correlation or other statistical methods, and other data extrapolation techniques may be used if the applicant can demonstrate to the satisfaction of the cabinet that the data extrapolation techniques are valid and that information obtained through the techniques meets the requirements of subsection (1) of this section.

(4) All water quality analyses performed to meet the requirements of this chapter shall be conducted according to the methodology in the fourteenth edition of "Standard Methods for the Examination of Water and Wastewater," or the methodology in 40 CFR Parts 136 and 434. All water quality sampling shall be conducted according to either methodology listed above when feasible.

Section 13. Baseline Geologic Information. (1) The application shall contain baseline geologic information collected from the permit area which shall meet the requirements of Section 12(1) of this regulation and shall include at a minimum:

(a) The results of samples obtained from continuous cores; drill cuttings; channel cuttings from fresh, unweathered, rock outcrops; or other rock or soil material which has been collected using acceptable sampling techniques.

1. For those areas where overburden will be removed, the vertical extent of sampling shall include those strata from the surface down to and including the stratum immediately below the lowest coal seam to be mined; and

2. For those areas overlying underground workings where overburden will not be removed, the vertical extent of sampling shall include those strata above and below the coal seam to be mined which may be impacted by the mining operation.

3. Where aquifers within the permit area are

located above or below the coal seam to be mined and these aquifers may be adversely affected by the mining operation, the vertical extent of sampling shall also include the aquifer and those strata which lie between the coal seam and the aquifer.

4. The areal and vertical density of sampling shall, at a minimum, be sufficient to determine the distribution of strata which have a potential to produce acid drainage and to determine the areal and vertical extent of aquifers which may be adversely affected.

5. If the vertical extent, and the areal and vertical density of sampling specified in subparagraphs 1 through 4 of this paragraph are not sufficient to locate suitable strata for use as a topsoil substitute, to determine the potential for subsidence, or for other required design or analysis, additional sampling shall be conducted as necessary to furnish adequate geologic information.

(b)1. To identify strata which have a potential to produce acid or toxic drainage for areas where overburden will be removed, chemical analyses including, but not limited to, maximum potential acidity and neutralization potential of each overburden stratum and the stratum immediately below the lowest coal seam to be mined; and

2. To identify strata which have a potential to produce acid or toxic drainage for areas overlying underground workings where overburden will not be removed, chemical analyses including, but not limited to, maximum potential acidity and neutralization potential of the strata immediately above and below the coal seam to be mined.

(c) Chemical analyses of the coal seam to be mined to determine the potential to produce acid or toxic drainage, including the parameters of total sulfur and pyritic sulfur; except that the cabinet shall not require an analysis for pyritic sulfur if the applicant can demonstrate to the satisfaction of the cabinet that an analysis for total sulfur provides adequate information to assure protection of the hydrologic balance.

(d) For standard room and pillar mining operations, the engineering properties of clays or soft rock such as clay shale, if any, located immediately above and below each coal seam to be mined.

(e) Collection of geologic information from the permit area as required in this subsection may be waived in whole or in part if:

1. The applicant can demonstrate to the satisfaction of the cabinet through geologic correlation or other procedures that information collected from outside the permit area is representative of the permit area and is sufficient to meet the requirements of Section 12(1) of this regulation; or

2. Other information equivalent to that required by this subsection is available to the cabinet in a satisfactory form and is made a part of the permit application; and

3. The cabinet provides a written statement granting a waiver.

(2) The application shall contain a description of the geology of the proposed permit area and adjacent area which shall meet the requirements of Section 12(1) of this regulation and be based on the information required in subsection (1) of this section or other appropriate geologic information. The

description shall include, at a minimum, geologic logs, cross-sections, fence diagrams, or other appropriate illustrations and written descriptions depicting:

(a) Within the permit area:

1. The structural geology and lithology of overburden strata and the stratum immediately below the lowest coal seam to be mined for those areas where overburden will be removed; and the structural geology and lithology of strata which may be impacted by the mining operation for those areas overlying underground workings where overburden will not be removed.

2. The thickness and chemical characteristics of each overburden stratum and the stratum immediately below the lowest coal seam to be mined for those areas where overburden will be removed; or the thickness and chemical characteristics of each stratum which may be impacted by the mining operation for those areas overlying underground workings where overburden will not be removed.

3. Where aquifers may be adversely affected by the mining operation, the structural geology, lithology, thickness, and areal extent of the aquifers; and structural geology and lithology of strata, and thickness of each stratum, whether located above or below the coal seam to be mined, which lie between the coal seam and the aquifers.

4. For standard room and pillar mining operations, the thickness and engineering properties of clays or soft rock such as clay shale, if any, located immediately above and below each coal seam to be mined.

(b) Within the adjacent area, the approximate areal extent and approximate thickness of aquifers which may be adversely affected by the mining operation.

(3) If determined by the cabinet to be necessary to assure adequate reclamation and protection of the hydrologic balance, the cabinet may require geologic information and description in addition to that required by subsections (1) and (2) of this section including, but not limited to, leaching tests of material from strata which may be disturbed by the operation to determine the potential for the operation to produce drainage with elevated levels of acidity, sulfate, and total dissolved solids, and the collection of information to greater depths within the proposed permit area or the collection of information for areas outside the proposed permit area.

Section 14. Baseline Ground Water Information.

(1) The application shall contain baseline groundwater information for the permit area and adjacent area which shall be collected and submitted in a manner acceptable to the cabinet and shall be adequate to meet the requirements of Section 12(1) of this regulation.

(2) Groundwater information shall include an inventory of wells, springs, underground mines, or other similar groundwater supply facilities which are currently being used, have been used in the past, or have a potential to be used for domestic, agricultural, industrial, or other beneficial purpose. The inventory shall include the location, ownership, type of usage, and where possible, other relevant information such as the depth and diameter of wells and approximate rate of usage, pumpage or discharge from wells, springs, and other groundwater supply facilities.

(3) Groundwater information shall include seasonal groundwater quantity and quality data collected from monitoring wells, springs, underground mines, or other appropriate groundwater monitoring facilities, at a sufficient number of monitoring locations with adequate areal distribution to meet the requirements of Section 12(1) of this regulation. Seasonal groundwater quantity and quality data shall be provided for each water transmitting zone above, and potentially impacted water transmitting zone below, the lowest coal seam to be mined including at a minimum:

(a) Groundwater levels; and

(b) Total dissolved solids, or specific conductance corrected to twenty-five (25) degrees C; pH; dissolved iron; dissolved manganese; acidity; alkalinity; and sulfate. For data collected prior to August 13, 1985, total iron and total manganese may be substituted for dissolved iron and dissolved manganese.

(4) The groundwater information described in subsection (3) of this section shall be required in whole or in part for coal seams if the coal seams to be mined are serving as water supply sources or are otherwise significant in protecting the hydrologic balance.

(5) If additional information is needed to assess the need for protective measures, to design protective measures, to determine the probable hydrologic consequences of mining, or to conduct the cumulative impact assessment, the cabinet may require groundwater information in addition to that described in subsections (2), (3), and (4) of this section including, but not limited to, information pertaining to aquifer storage, yield, discharge, recharge capacity, and additional water quality parameters.

Section 15. Baseline Surface Water Information. (1) The application shall contain baseline surface water information for the permit area and adjacent area which shall be collected and submitted in a manner acceptable to the cabinet and shall be adequate to meet the requirements of Section 12(1) of this regulation.

(2) Surface water information shall include an inventory of all streams, lakes, impoundments or other surface water bodies in the permit and adjacent area which are currently being used for domestic, agricultural, industrial, or other beneficial purpose. The inventory shall include the name of the surface water body which is being used as a water supply source; the location, drainage area, ownership, and type of usage for the withdrawal; and where possible other relevant information such as the rate of withdrawal and seasonal variation.

(3) Surface water information shall include:

(a) The name, location, and ownership where appropriate, of all streams, lakes, impoundments, and other surface water bodies which receive run-off from watersheds which will be disturbed by the operation; and

(b) The location and description of any existing facilities located in watersheds which will be disturbed by the mining operation which may contribute to surface water pollution, such as existing or abandoned mining operations, oil wells, logging operations, or other similar facilities, including the location of any discharges which may be flowing from the facilities.

(4) Surface water information shall include

seasonal quantity and quality data collected from a sufficient number of watersheds which will be disturbed by the operation with adequate areal distribution to meet the requirements of Section 12(1) of this regulation and include at a minimum:

(a) Flow rates; and
(b) Total dissolved solids, or specific conductance corrected to twenty-five (25) degrees C; total suspended solids; pH; total iron; total manganese; acidity; alkalinity; and sulfate.

(5) If additional information is needed to assess the need for protective measures, to design protective measures, to determine the probable hydrologic consequences of mining, or to conduct the cumulative impact assessment, the cabinet may require surface water information in addition to that described in subsections (2), (3), and (4) of this section including, but not limited to, information pertaining to flood flows and additional water quality parameters.

Section 16. Alternative Water Supply Information. If contamination, diminution, or interruption of an underground or surface source of water (for domestic, agricultural, industrial, or other legitimate use) within the proposed permit area or adjacent area may result from underground mining activities, then the applicant may identify, in the permit application, the alternative sources of water supply that could be developed to replace the existing sources.

Section 17. Climatological Information. (1) When requested by the cabinet, the application shall contain a statement of the climatological factors that are representative of the proposed permit area, including:

(a) The average seasonal precipitation;
(b) The average direction and velocity of prevailing winds; and
(c) Seasonal temperature ranges.

(2) The cabinet may request additional data as deemed necessary to ensure compliance with the requirements of this chapter.

Section 18. Soil Resources Information. (1) If soil survey information for the proposed permit area is available from SCS, the application shall include this information as a part of the description of premining land use capability and productivity required by Section 22(1)(b) of this regulation.

(2) Where the applicant proposes to use selected overburden materials as a supplement or substitute for topsoil, the application shall provide results of the analyses, trials and tests required under 405 KAR 18:050, Section 2(5).

Section 19. Vegetation Information. (1) The permit application shall, as required by the cabinet, contain a map that delineates existing vegetative types and a description of the plant communities within the area affected by surface operations and facilities and within any proposed reference area. This description shall include information adequate to predict the potential for reestablishing vegetation.

(2) When a map or aerial photograph is required, sufficient adjacent areas shall be included to allow evaluation of vegetation as important habitat for fish and wildlife.

Section 20. Fish and Wildlife Resources Information. Permit applications shall not be required under this section to contain a study of fish and wildlife unless and until federal regulations requiring a study have been promulgated and this regulation has been amended as necessary to be consistent with the corresponding federal regulations.

Section 21. Prime Farmland Investigation. (1) The applicant shall conduct a preapplication investigation of the area proposed to be affected by surface operations or facilities to determine whether lands within the area may be prime farmland.

(2) Land shall not be considered prime farmland where the applicant can demonstrate, to the satisfaction of the cabinet, one (1) or more of the following:

(a) The land has not been historically used as cropland;

(b) The slope of the land is ten (10) percent or greater;

(c) Other relevant factors exist which would preclude the soils from being defined as prime farmland according to 7 CFR 657, such as a very rocky surface, or the land is frequently flooded during the growing season more often than once in two (2) years and the flooding has reduced crop yields; or

(d) On the basis of a soil survey of the lands within the permit area there are no soil map units that have been designated prime farmland by the U.S. SCS.

(3) If the investigation establishes that the lands are not prime farmland, the applicant shall submit with the permit application a request for a negative determination and results of the investigation which show that the land for which the negative determination is being sought meets one (1) or more of the criteria in subsection (2) of this section.

(4) If the investigation indicates that lands within the proposed area to be affected by surface operations and facilities may be prime farmlands, the applicant shall contact the U.S. SCS to determine if these lands have a soil survey and whether the applicable soil map units have been designated prime farmlands. If no soil survey has been made for these lands, the applicant shall request the SCS to conduct a soil survey.

(a) When a soil survey as required by this section contains soil map units which have been designated as prime farmlands, the applicant shall submit an application, in accordance with 405 KAR 8:050, Section 3 for the designated land.

(b) When a soil survey as required by this section contains no soil map units which have been designated as prime farmland, after review by the U.S. SCS, the applicant shall submit with the permit application a request for negative determination under subsection (2)(d) of this section for the nondesignated land.

(5) The cabinet shall decide to grant or deny a negative determination based upon documentation provided by the applicant and any other pertinent information, such as cropping history, available to the cabinet from other sources.

(6) The cabinet shall consult with the SCS in deciding on a request for negative determination under subsection (2)(c) of this section.

(7) The cabinet shall examine any records on crop history available from the Agriculture

Stabilization and Conservation Service when deciding on a request for negative determination under subsection (2)(a) of this section.

Section 22. Land-use Information. (1) The application shall contain a statement of the condition, capability and productivity of the land which will be affected by surface operations and facilities within the proposed permit area, including:

(a) A map and supporting narrative of the uses of the land existing when the application is filed. If the premining use of the land was changed within five (5) years before the date of application, the historic use of the land shall also be described.

(b) A narrative of land capability and productivity, which analyzes the land-use description in conjunction with other environmental resources information required under this regulation. The narrative shall provide analyses of:

1. The capability of the land before any mining to support a variety of uses, giving consideration to soil and foundation characteristics, topography, vegetative cover, and the hydrology of the area proposed to be affected by surface operations or facilities; and

2. The productivity of the area proposed to be affected by surface operations and facilities before mining, expressed as average yield of food, fiber, forage, or wood products from the lands obtained under high levels of management. The productivity shall be determined by yield data or estimates for similar sites based on current data from the U.S. Department of Agriculture, state agricultural universities or appropriate state natural resources or agricultural agencies.

(2) The application shall state whether the proposed permit area has been previously mined, and, if so, the following information, if available:

(a) The type of mining method used;

(b) The coal seams or other mineral strata mined;

(c) The extent of coal or other minerals removed;

(d) The approximate dates of past mining; and

(e) The uses of the land preceding mining.

(3) The application shall contain a description of the existing land uses and local government land use classifications, if any, of the proposed permit area and adjacent areas.

(4) The application shall contain a description identifying the extent to which cities, towns, and municipalities, or parts thereof, are located within the proposed permit area.

Section 23. Maps and Drawings. (1) The permit application shall include maps showing:

(a) The boundaries of all subareas which are proposed to be affected over the estimated total life of the underground mining activities, with a description of size, sequence and timing of the underground mining activities for which it is anticipated that additional permits will be sought;

(b) Any land within the proposed permit area and adjacent area which is within the boundaries of any units of the National System of Trails or the Wild and Scenic Rivers System, including study rivers designated under Section 5(a) of the Wild and Scenic Rivers Act (16 USC 1276(a)),

or which is within the boundaries of a wild river established pursuant to KRS Chapter 146;

(c) The boundaries of any public park and locations of any cultural or historical resources listed on or eligible for listing on the National Register of Historic Places and known archaeological sites within the permit area and adjacent areas;

(d) The locations of water supply intakes for current users of surface waters within a hydrologic area defined by the cabinet, and those surface waters which will receive discharges from affected areas in the proposed permit area;

(e) All boundaries of lands and names of present owners of record of those lands, both surface and subsurface, included in or contiguous to the permit area;

(f) The boundaries of land within the proposed permit area upon which, or under which, the applicant has the legal right to conduct underground mining activities. In addition, the map shall indicate the boundaries of that portion of the permit area which the applicant has the legal right to enter upon the surface to conduct surface operations.

(g) The location of surface and subsurface manmade features within, passing through, or passing over the proposed permit area, including, but not limited to, major electric transmission lines, pipelines, and agricultural drainage tile fields;

(h) The location and boundaries of any proposed reference areas for determining the success of revegetation for the permit area;

(i) The location of all buildings in and within 1000 feet of the proposed permit area, with identification of the current use of the buildings;

(j) Each public road located in or within 100 feet of the proposed permit area;

(k) Each cemetery that is located in or within 100 feet of the proposed permit area;

(l) Other relevant information required by the cabinet.

(2) The application shall include drawings, cross-sections, and maps showing:

(a) Elevations and locations of test borings and core samplings;

(b) Elevations and locations of monitoring stations or other sampling points in the permit area and adjacent areas used to gather data on water quality and quantity, fish and wildlife, and air quality, if required, in preparation of the application or which will be used for such data gathering during the term of the permit;

(c) All coal crop lines and the strike and dip of the coal to be mined within the proposed permit area;

(d) Location and extent of known workings of active, inactive, or abandoned underground mines, including mine openings to the surface within the proposed permit area and adjacent areas;

(e) Location and extent of subsurface water, if encountered, within the proposed permit area or adjacent areas;

(f) Location of surface water bodies such as streams, lakes, ponds, springs, constructed or natural drainage patterns, and irrigation ditches within the proposed permit area and adjacent areas;

(g) Location, and depth if available, of gas and oil wells within the proposed permit area and water wells in the permit area and adjacent

areas;

(h) Location and dimensions of existing coal refuse disposal areas and dams, or other impoundments within the proposed permit area;

(i) Sufficient slope measurements to adequately represent the existing land surface configuration of the area to be affected by surface operations and facilities, measured and recorded according to the following:

1. Each measurement shall consist of an angle of inclination along the prevailing slope extending 100 linear feet above and below or beyond the coal outcrop or the area to be disturbed or, where this is impractical, at locations and in a manner as specified by the cabinet.

2. Where the area has been previously mined, the measurements shall extend at least 100 feet beyond the limits of mining disturbances, or any other distance determined by the cabinet to be representative of the premining configuration of the land.

3. Slope measurements shall take into account natural variations in slope, to provide accurate representation of the range of natural slopes and reflect geomorphic differences of the area to be disturbed.

(3) The permit application shall include the map information specified in Sections 22(1)(a), 24(3), 24(4)(c), 24(4)(h), 26, 27(1), 28, 31, 32, 33, 34, and 38 of this regulation and 405 KAR 8:010, Section 5(6).

(4) Maps, drawings and cross-sections included in a permit application and required by this section shall be prepared by, or under the direction of and certified by a qualified registered professional engineer, and shall be updated as required by the cabinet. The qualified registered professional engineer shall not be required to certify the true ownership of property.

Section 24. Mining and Reclamation Plan; General Requirements. (1) Each application shall contain a detailed mining and reclamation plan (MRP) for the proposed permit area as set forth in this section through Section 39 of this regulation, showing how the applicant will comply with KRS Chapter 350 and 405 KAR Chapters 16 through 20.

(2) Each application shall contain a description of the mining operations proposed to be conducted within the proposed permit area, including, at a minimum, the following:

(a) A narrative description of the type and method of coal mining procedures and proposed engineering techniques, anticipated annual and total production of coal, by tonnage, and the major equipment to be used for all aspects of those operations; and

(b) A narrative explaining the construction, modification, use, maintenance, and removal of the following facilities (unless retention of the facility is to be approved as necessary for postmining land use as specified in 405 KAR 18:220):

1. Dams, embankments, and other impoundments;
2. Overburden and topsoil handling and storage areas and structures;
3. Coal removal, handling, storage, cleaning, and transportation areas and structures;
4. Spoil, coal processing waste, mine development waste, and noncoal waste removal, handling, storage, transportation, and disposal areas and structures;

5. Mine facilities; and

6. Water pollution control facilities.

(3) Each application shall contain plans and maps of the proposed permit area and adjacent areas as follows:

(a) The plans, maps and drawings shall show the underground mining activities to be conducted, the lands to be affected throughout the operation, and any change in a facility or feature to be caused by the proposed operations, if the facility or feature was shown under Section 23 of this regulation.

(b) The following shall be shown for the proposed permit area:

1. Buildings, utility corridors, and facilities to be used;

2. The area of land to be affected within the proposed permit area, according to the sequence of mining and reclamation;

3. Each area of land for which a performance bond or other equivalent guarantee will be posted under 405 KAR Chapter 10;

4. Each coal storage, cleaning and loading area;

5. Each topsoil, spoil, coal preparation waste, underground development waste, and noncoal waste storage area;

6. Each water diversion, collection, conveyance, treatment, storage and discharge facility to be used;

7. Each source of waste and each waste disposal facility relating to coal processing or pollution control;

8. Each facility to be used to protect and enhance fish and wildlife related environmental values;

9. Each explosive storage and handling facility;

10. Location of each sedimentation pond, permanent water impoundment, coal processing waste bank, and coal processing waste dam and embankment, in accordance with Section 34 of this regulation, and each disposal area for underground development waste and excess spoil, in accordance with Section 28 of this regulation;

11. Cross-sections, at locations as required by the cabinet, of the anticipated final surface configuration to be achieved for the affected areas;

12. Location of each water and any subsidence monitoring point;

13. Location of each facility that will remain on the proposed permit area as a permanent feature, after the completion of underground mining activities.

(c) Plans, maps and drawings required under this section shall be prepared by, or under the direction of, and certified by a qualified registered professional engineer.

(4) Each plan shall contain the following information for the proposed permit area:

(a) A projected timetable for the completion of each major step in the mining and reclamation plan;

(b) A detailed estimate of the cost of the reclamation of the proposed operations required to be covered by a performance bond under 405 KAR Chapter 10, with supporting calculations for the estimates;

(c) A plan for backfilling, soil stabilization, compacting and grading, with contour maps or cross-sections that show the anticipated final surface configuration of the proposed permit area, in accordance with 405 KAR 18:190;

(d) A plan for removal, storage, and redistribution of topsoil, subsoil, and other material to meet the requirements of 405 KAR 18:050 including a demonstration of suitability of any proposed topsoil substitutes or supplements;

(e) A plan for revegetation as required in 405 KAR 18:200, including, but not limited to, descriptions of the: schedule of revegetation; species and amounts per acre of seeds and seedlings to be used; methods to be used in planting and seeding; mulching techniques; irrigation, if appropriate, and pest and disease control measures, if any; measures proposed to be used to determine the success of revegetation as required in 405 KAR 18:200, Section 6; and a soil testing plan for evaluation of the results of topsoil handling and reclamation procedures related to revegetation;

(f) A description of the measures to be used to maximize the use and conservation of the coal resource as required in 405 KAR 18:010, Section 2;

(g) A description of measures to be employed to ensure that all debris, acid-forming and toxic-forming materials, and materials constituting a fire hazard are disposed of in accordance with 405 KAR 18:150 and 405 KAR 18:190, Section 3 and a description of the contingency plans which have been developed to preclude sustained combustion of the materials;

(h) A description, including appropriate drawings and maps, of the measures to be used to seal or manage mine openings, and to plug, case or manage exploration holes, other bore holes, wells and other openings within the proposed permit area, in accordance with 405 KAR 18:040; and

(i) A description of steps to be taken to comply with the requirements of the Clean Air Act (42 USC 7401 et seq.), the Clean Water Act (33 USC 1251 et seq.), and other applicable air and water quality laws and regulations and health and safety standards. This description shall, at a minimum, consist of identification of the permits or approvals required by these laws and regulations which the applicant has obtained, has applied for, or intends to apply for.

Section 25. MRP; Existing Structures. (1) Each application shall contain a description of each existing structure proposed to be used in connection with or to facilitate the surface coal mining and reclamation operation. The description shall include:

- (a) Location;
- (b) Plans of the structure which describe its current condition;
- (c) Approximate dates on which construction of the existing structure was begun and completed; and
- (d) A showing, including relevant monitoring data or other evidence, whether the structure meets the performance standards of 405 KAR Chapters 16 through 20, or if the structure does not meet those performance standards, a showing whether the structure meets the interim performance standards of 405 KAR Chapter 3.

(2) Each application shall contain a compliance plan for each existing structure proposed to be modified or reconstructed for use in connection with or to facilitate the surface coal mining and reclamation operation. The compliance plan shall include:

(a) Design specifications for the modification or reconstruction of the structure to meet the performance standards of 405 KAR Chapters 16 through 20;

(b) A construction schedule which shows dates for beginning and completing interim steps and final reconstruction;

(c) Provisions for monitoring the structure as required by the cabinet to ensure that the performance standards of 405 KAR Chapters 16 through 20 are met; and

(d) A showing that the risk of harm to the environment or to public health or safety will not be significant during the period of modification or reconstruction.

Section 26. MRP; Subsidence Control. (1) The application shall include a survey which shall show whether structures or renewable resource lands exist within the proposed permit area and adjacent areas and whether subsidence, if it occurred could cause material damage or diminution of reasonably foreseeable use of the structures or renewable resource lands.

(2) If the survey shows that no structures or renewable resource lands exist, or no material damage or diminution could be caused in the event of mine subsidence, and if the cabinet agrees with this conclusion, no further information need be provided in the application under this section.

(3) If the survey shows that structures or renewable resource lands exist, or that subsidence could cause material damage or diminution of value or foreseeable use of the land, or if the cabinet determines that damage or diminution could occur, the application shall include a subsidence control plan which shall contain the following information:

(a) A detailed description of the mining method and other measures to be taken which may affect subsidence, including:

- 1. The technique of coal removal, such as longwall mining, room and pillar with pillar removal, hydraulic mining or other methods; and
- 2. The extent, if any, to which planned and controlled subsidence is intended.

(b) A detailed description of the measures to be taken to prevent subsidence from causing material damage or lessening the value of reasonably foreseeable use of the surface, including:

1. The anticipated effects of planned subsidence, if any;

2. Measures, if any, to be taken in the mine to reduce the likelihood of subsidence, including measures such as backstowing or backfilling of voids; leaving support pillars of coal; and areas in which no coal removal is planned, including a description of the overlying area to be protected by leaving coal in place.

3. Measures to be taken on the surface to prevent material damage or lessening of the value or reasonably foreseeable use of the surface, including measures such as reinforcement of sensitive structures or features; installation of footers designed to reduce damage caused by movement; change of location of pipelines, utility lines or other features; relocation of movable improvements to sites outside the angle-of-draw; and monitoring, if any, to determine the commencement and degree of subsidence so that other appropriate measures can be taken to prevent or reduce material

damage.

(c) A detailed description of the measures to be taken to mitigate the effects of any material damage or diminution of value or foreseeable use of lands which may occur, including one (1) or more of the following as required by 405 KAR 18:210, Section 3:

1. Restoration or rehabilitation of structures and features, including approximate land-surface contours, to premining condition;
2. Replacement of structures destroyed by subsidence;
3. Purchase of structures prior to mining and restoration of the land after subsidence to condition capable of supporting and suitable for the structures and foreseeable land uses;
4. Purchase of noncancellable insurance policies payable to the surface owner in the full amount of the possible material damage or other comparable measures.

(d) A detailed description of measures to be taken to determine the degree of material damage or diminution of value or foreseeable use of the surface, including measures such as:

1. The results of presubsidence surveys of all structures and surface features which might be materially damaged by subsidence;
2. Monitoring, if any, proposed to measure deformations near specified structures or features or otherwise as appropriate for the operation.

Section 27. MRP; Return of Coal Processing Waste to Abandoned Underground Workings. (1) Each plan shall describe the design, operation and maintenance of any proposed use of abandoned underground workings for coal processing waste disposal, including flow diagrams and any other necessary drawings and maps, for the approval of the cabinet and MSHA under 405 KAR 18:140, Section 7.

(2) Each plan shall describe the source and quality of waste to be stowed, area to be backfilled, percent of the mine void to be filled, method of constructing underground retaining walls, influence of the backfilling operation on active underground mine operations, surface area to be supported by the backfill, and the anticipated occurrence of surface effects following backfilling.

(3) The applicant shall describe the source of the hydraulic transport mediums, method of dewatering the placed backfill, retainment of water underground, treatment of water if released to surface streams, and the effect on the hydrologic regime.

(4) The plan shall describe each permanent monitoring well to be located in the backfilled area, the stratum underlying the mined coal, and gradient from the backfilled area.

(5) The requirements of this section shall also apply to pneumatic backfilling operations, except where the operations are exempted by the cabinet from requirements specifying hydrologic monitoring.

Section 28. MRP; Underground Development Waste and Excess Spoil. Each plan shall contain descriptions, including appropriate maps and cross-section drawings, of the proposed disposal methods and sites for placing underground development waste and excess spoil according to 405 KAR 18:130, 405 KAR 18:140, and 405 KAR 18:160 as applicable. Each plan shall describe the geotechnical investigation, design,

construction, operation, maintenance; and removal, if appropriate, of the structures and be prepared according to 405 KAR 8:030, Section 27 and the applicable requirements of this regulation.

Section 29. MRP; Transportation Facilities. (1) Each application shall contain a description of each road, conveyor, and rail system to be constructed, used, or maintained within the proposed permit area. The description shall include a map, appropriate cross-sections, and the following:

(a) Specifications for each road width, road gradient, road surface, road cut, fill embankment, culvert, bridge, drainage ditch, and drainage structure.

(b) A report of appropriate geotechnical analysis, where approval of the cabinet is required for alternative specifications or for steep cut slopes under 405 KAR 18:230.

(c) A description of each measure to be taken to obtain approval of the cabinet for alteration or relocation of a natural drainageway under 405 KAR 18:230.

(d) A description of measures, other than use of a rock headwall, to be taken to protect the inlet end of a ditch relief culvert, for approval by the cabinet under 405 KAR 18:230.

(2) Each plan shall contain a general description of each road, conveyor, or rail system to be constructed, used, or maintained within the proposed permit area.

Section 30. MRP; Protection of Public Parks and Historic Places. (1) For any publicly-owned parks or any places listed on the National Register of Historic Places that may be adversely affected by the proposed operations, each plan shall describe the measures to be used to prevent adverse impact; or, if valid existing rights exist or joint agency approval is to be obtained under 405 KAR 24:040, Section 2(4), to minimize adverse impacts.

(2) The cabinet may require the applicant to protect historic or archaeological properties listed or eligible for listing on the National Register of Historic Places through appropriate mitigation and treatment measures. These measures need not be completed prior to permit issuance, but shall be completed before the properties are affected by underground mining activities.

Section 31. MRP; Relocation or Use of Public Roads. Each application shall describe, with appropriate maps and drawings, the measures to be used to ensure that the interests of the public and landowners affected are protected if, under 405 KAR 24:040, Section 2(6), the applicant seeks to have the cabinet approve:

(1) Conducting the proposed underground mining activities within 100 feet of the right-of-way line of any public road, except where mine access or haul roads join that right-of-way; or

(2) Relocating a public road.

Section 32. MRP; Protection of Hydrologic Balance. (1) Each application shall contain a description, as set forth in this subsection, of the measures to be taken to minimize disturbances to the hydrologic balance within the permit area and adjacent area and to prevent material damage to the hydrologic balance outside the permit area.

(a) The description shall be based upon the baseline geologic, hydrologic, and other information required by Sections 12 through 16 of this regulation and other appropriate information, shall be specific to local hydrologic conditions, and shall be prepared in a manner and detail acceptable to the cabinet.

(b) The description shall identify the protective measures to be taken to enable the operation to meet, at a minimum, each of the hydrologic requirements referenced in this paragraph, or shall demonstrate to the satisfaction of the cabinet that protective measures are not necessary for the operation to meet the requirements:

1. Meet applicable water quality statutes, regulations, standards, and effluent limitations as required by 405 KAR 18:060, Section 1(3);

2. Avoid acid or toxic drainage as required by 405 KAR 18:060, Sections 4, 5, and 6;

3. Control the discharge of sediment to streams located outside the permit area as required by 405 KAR 18:060, Section 2; and

4. Control the drainage and discharge of water within the permit area as required by 405 KAR 18:060, Sections 1(4), 3, 8 and 9, and 405 KAR 18:080.

(c) The cabinet may require that the description include protective measures in addition to those identified under paragraph (b) of this subsection, if the cabinet determines that additional measures are needed to protect the hydrologic balance in accordance with 405 KAR 18:060.

(2) Each application shall include the design of any necessary protective measures identified under subsection (1) of this section. The design shall be prepared in a manner and detail acceptable to the cabinet including, as appropriate, calculations, maps, drawings, and written explanations as necessary to document the design.

(3) Each application shall include a determination of the probable hydrologic consequences of the mining and reclamation operations for the permit area and adjacent area.

(a) The determination shall be based upon the baseline geologic, hydrologic, and other information required by Sections 12 through 16 of this regulation and other appropriate information, and may include information statistically representative of the site.

(b) The determination shall be completed according to the parameters and in the detail required by the cabinet to enable the cabinet to prepare a cumulative impact assessment, and shall take into account the anticipated effects of protective measures required by this chapter.

(c) For surface water systems, the determination shall, at a minimum, include probable impacts on:

1. Peak discharge rates, emphasizing the potential for flooding;

2. Settleable solids at peak discharge;

3. Low-flow discharge rates, emphasizing the potential for water supply diminution;

4. Suspended solids at low flow;

5. pH, at low flow, emphasizing the potential for acid drainage conditions, including depressed levels of alkalinity and elevated levels of iron, manganese, acidity, sulfate, and total dissolved solids or specific conductance, which are generally associated with acid drainage conditions.

(d) For groundwater systems, the determination

shall, at a minimum, include probable impacts on:

1. Water quantity, emphasizing water levels and the potential for water supply diminution for existing users, and dewatering of aquifers which are not currently being used for water supply but have the potential to be developed as a water supply source.

2. pH, emphasizing the potential for acid drainage conditions, including depressed levels of alkalinity and elevated levels of iron, manganese, acidity, sulfate, and total dissolved solids or specific conductance, which are generally associated with acid drainage conditions.

(e) An application for a major revision to a permit shall be reviewed by the cabinet to determine whether a new or updated determination of the probable hydrologic consequences shall be required.

(4)(a) The application shall include a plan for the collection, recording, and reporting of groundwater and surface water quantity and quality data to monitor the effects of the mining and reclamation operations on the hydrologic balance, according to 405 KAR 18:110.

(b) The monitoring plan shall be based on the geologic and hydrologic baseline information, the mining and reclamation plan, and the determination of probable hydrologic consequences; and shall:

1. Identify the quantity and quality parameters to be monitored, sampling frequency, and monitoring site locations; and

2. Describe how the data may be used to determine the impacts of the operation on the hydrologic balance.

(5) An application for a major revision to a permit shall be reviewed by the cabinet to determine whether a new or updated cumulative hydrologic impact assessment shall be made.

Section 33. MRP; Diversions. Each application shall contain descriptions, including maps and cross-sections, of stream channel diversions and other diversions to be constructed within the proposed permit area to achieve compliance with 405 KAR 18:080.

Section 34. MRP; Impoundments and Embankments.

(1) General. Each application shall include detailed design plans for each proposed sedimentation pond, water impoundment, and coal processing waste bank, dam, or embankment within the proposed permit area. Each design plan shall:

(a) Be prepared by, or under the direction of, and certified by, a qualified registered professional engineer;

(b) Contain a description, map, and appropriate cross-sections and drawings of the structure and its location;

(c) Contain all hydrologic and geologic information and computations necessary to demonstrate compliance with the design and performance standards of 405 KAR Chapter 18; and all information utilized by the applicant to determine the probable hydrologic consequences of the mining operation under Section 32(3) of this regulation;

(d) Contain an assessment of the potential effect on the structure from subsidence of the subsurface strata resulting from past underground mining operations if underground mining has occurred;

(e) Include any geotechnical investigation, design, and construction requirements for the

structure;

(f) Describe the operation and maintenance requirements for each structure; and

(g) Describe the timetable and plans to remove each structure, if appropriate.

(2) Sedimentation ponds.

(a) Sedimentation ponds, whether temporary or permanent, shall be designed in compliance with the requirements of 405 KAR 18:090. Any sedimentation pond or earthen structure which will remain on the proposed permit area as a permanent water impoundment shall also be designed to comply with the requirements of 405 KAR 18:100.

(b) Each plan shall, at a minimum, comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2.

(3) Permanent and temporary impoundments. Permanent and temporary impoundments shall be designed to comply with the requirements of 405 KAR 18:100. Each plan shall comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2.

(4) Coal processing waste banks. Coal processing waste banks shall be designed to comply with the requirements of 405 KAR 18:140.

(5) Coal processing waste dams and embankments. Coal processing waste dams and embankments shall be designed to comply with the requirements of 405 KAR 18:160. Each plan shall comply with the requirements of MSHA, 30 CFR 77.216-1 and 77.216-2, and shall contain the results of a geotechnical investigation of the proposed dam or embankment foundation area, to determine the structural competence of the foundation which will support the proposed dam or embankment structure and the impounded material. The geotechnical investigation shall be planned and supervised by an engineer or engineering geologist, according to the following:

(a) The number, location, and depth of borings and test pits shall be determined using current prudent engineering practice for the size of the dam or embankment, quantity of material to be impounded, and subsurface conditions.

(b) The character of the overburden and bedrock, the proposed abutment sites, and any adverse geotechnical conditions which may affect the particular dam, embankment, or reservoir site shall be considered.

(c) All springs, seepage, and groundwater flow observed or anticipated during wet periods in the area of the proposed dam or embankment shall be identified on each plan.

(d) Consideration shall be given to the possibility of mud flows, rock-debris falls, or other landslides into the dam, embankment, or impounded material.

(6) If the structure is to be twenty (20) feet or higher or is to impound more than twenty (20) acre-feet, each plan under subsections (2), (3), and (5) of this section shall include a stability analysis of each structure. The stability analysis shall include, but not be limited to, strength parameters, pore pressures, and long-term seepage conditions. The plan shall also contain a description of each engineering design assumption and calculation with a discussion of each alternative considered in selecting the specific design parameters and construction methods.

Section 35. MRP; Air Pollution Control. For all surface operations associated with

underground mining activities, the application shall contain an air pollution control plan which includes the following:

(1) An air quality monitoring program, if required by the cabinet, to provide sufficient data to evaluate the effectiveness of the fugitive dust control practices, under subsection (2) of this section to comply with applicable federal and state air quality standards; and

(2) A plan for fugitive dust control practices, as required under 405 KAR 18:170.

Section 36. MRP; Fish and Wildlife. Permit applications shall not be required under this section to contain a fish and wildlife plan unless and until federal regulations requiring a plan have been promulgated and this regulation has been amended as necessary to be consistent with the corresponding federal regulations.

Section 37. MRP; Postmining Land Use. (1) Each plan shall contain a description of the proposed use, following reclamation, of the land to be affected within the proposed permit area by surface operations or facilities, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses, and the relationship of the proposed use to existing land use policies and plans. This description shall explain:

(a) How the proposed postmining land use is to be achieved and the necessary support activities which may be needed to achieve the proposed land use;

(b) Where a land use different from the premining land use is proposed, all supporting documentation submitted for approval of the proposed use under 405 KAR 18:220;

(c) The consideration given to making all of the proposed underground mining activities consistent with surface owner plans and applicable state and local land use plans and programs;

(d) Where grazing is the proposed postmining land use, the detailed management practices necessary to properly implement the postmining use for grazing.

(2) The description shall be accompanied by a copy of the comments concerning the proposed use from the legal or equitable owner of record of the surface areas to be affected by surface operations or facilities within the proposed permit area and the state and local government agencies, if any, which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.

(3) Approval of the initial postmining land use plan pursuant to this section, shall not preclude subsequent consideration and approval of a revised postmining land use plan in accordance with the applicable requirements of 405 KAR.

Section 38. MRP; Transportation on Public Roads. The application shall include or be accompanied by a transportation plan and map (at least the scale and detail of the separate county maps published by the Kentucky Transportation Cabinet) which shall set forth the portions of the public road system, if any, over which the applicant proposes to transport coal extracted in the underground mining activities.

(1) The plan shall specify the legal weight

limits for each portion of any public road or bridge over which the applicant proposes to transport coal.

(2) The plan shall include any proposal by the applicant to obtain a special permit pursuant to KRS 189.271 to exceed the weight limits on any road or bridge.

(3) The plan shall contain a certification by a duly authorized official of the Kentucky Transportation Cabinet attesting the accuracy of the plan in regard to the locations and identities of roads and bridges on the public road system and the accuracy of the specifications of weight limits on the roads and bridges.

Section 39. MRP; Blasting. (1) Each application shall contain a blasting plan for the proposed permit area explaining how the applicant intends to comply with the requirements of 405 KAR 18:120. This plan shall include, at a minimum, information setting forth the limitations the permittee will meet with regard to ground vibration and airblast, the bases for the ground vibration and airblast limitations, and the methods to be applied in controlling the adverse effects of blasting operations.

(2) Each application shall contain a description of the systems to be used to monitor compliance with the standards for ground vibration and airblast including the types, capabilities, and sensitivities of blast monitoring equipment and identification of the monitoring procedures and locations.

(3) Blasting operations within 500 feet of active underground mines require approval of the cabinet, MSHA, and the Kentucky Department of Mines and Minerals.

CARL H. BRADLEY, Secretary

FRANK DICKERSON, Commissioner

APPROVED BY AGENCY: January 22, 1991

FILED WITH LRC: January 23, 1991 at 3 p.m.

CORRECTIONS CABINET (As Amended)

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 of 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 March 15, 1991 [December 14, 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
- 1.12 Operation of Motor Vehicles by Corrections Cabinet Employees
- 2.1 Inmate Canteen
- 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
- [7.3 Hazardous Waste (Added 3/15/91) (~~Deleted 5/6/91~~)]
- 8.4 Emergency Preparedness
- 9.1 Use of Force
- 9.4 Transportation of Inmates to Funerals or Bedside Visits
- 9.6 Contraband
- 9.7 Storage, Issue and Use of Weapons Including Chemical Agents
- 9.8 Search Policy
- 9.9 Transportation of Inmates
- 9.10 Security Inspections
- 9.11 Tool Control
- 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
- 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 (Amended 3/15/91)
- 13.6 Sex Offender Treatment Program
- 14.2 Personal Hygiene Items
- 14.3 Marriage of Inmates
- 14.4 Legal Services Program
- 14.6 Inmate Grievance Procedures
- 15.1 Hair and Grooming Standards
- 15.2 Offenses and Penalties
- 15.3 Meritorious Good Time
- 15.5 Restoration of Forfeited Good Time
- 15.6 Adjustment Procedures and Programs
- 16.1 General Inmate Visiting Procedure
- 16.2 Inmate Correspondence
- 16.3 Telephone Calls
- 16.4 Inmate Packages
- 17.1 Inmate Personal Property
- 17.2 Assessment Center Operations
- 17.3 Controlled Intake of Inmates
- 18.4 Classification of the Inmate
- 18.5 Custody/Security Guidelines (Amended 3/15/91) [(Amended 12/14/90)]
- 18.6 Classification Document (Amended 3/15/91)
- 18.7 Transfers (Amended 3/15/91)
- 18.8 Guidelines for Transfers Between Institutions (Amended 3/15/91)
- 18.9 Out-of-state Transfers
- 18.10 Parole Progress Reports

ADMINISTRATIVE REGISTER - 3415

18.11	Kentucky Correctional Psychiatric Center Transfer Procedures	27-20-03	Prisoner Status Change
18.12	Referral Procedure for Inmates	27-21-01	Apprehension and Transportation of Probation and Parole Violators
18.13	Adjudicated Guilty But Mentally Ill	27-22-01	Fugitive Unit - Apprehensions
18.15	Population Categories	27-22-02	Fugitive Unit - Transportation of Fugitives
19.1	Protective Custody	27-23-01	In-state Transfer
19.2	Government Services Projects	27-24-01	Closing Supervision Report
20.6	Community Services Projects	27-24-02	Reinstatement of Clients to Active Supervision
22.1	Vocational Study Release	27-25-01	Application for Final Discharge from Parole
25.1	Privilege Trips	27-26-01	Assistance to Former Clients and Dischargees
25.2	Gratuities	27-27-01	Restoration of Civil Rights
25.3	Public Official Notification of Release of an Inmate	27-28-01	Firearms/Explosives: Application for Relief from Disability
25.4	Prerelease Program	27-29-01	Parole Review Dates Modification
25.6	Inmate Furloughs	28-01-01	Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
25.7	Community Center Program (Amended 3/15/91) [(Amended 12/14/90)]	28-01-02	Probation and Parole Investigation Reports (Administrative Responsibilities)
25.8	Expedient Release	28-01-03	Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
25.10	Extended Furloughs	28-01-04	Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
27-01-01	Administrative Release of Inmates (Added 3/15/91)	28-01-05	Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
27-02-01	Probation and Parole Procedures	28-01-06	Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)
27-03-01	Duties of Probation and Parole Officers	28-01-07	Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
27-05-01	Workload Formula Supervisor/Staff Ratio	28-01-08	Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
27-06-01	Testimony, Court Demeanor and Availability of Legal Services	28-01-09	Release of Information of Factual Content on Presentence/Postsentence Investigation Reports (Amended 3/15/91)
27-06-02	Availability of Supervision Services	28-02-01	Expedient Release Program
27-07-01	Equal Access to Services	28-03-01	Parole Plans/Halfway Houses/Extended Furlough/Sponsorship/Gradual Release
27-08-01	Cooperation with Law Enforcement Agencies	28-04-01	Furlough Verifications
27-09-01	Use of Force (Amended 3/15/91)	28-05-01	Out-of-state Investigations
27-10-01	Kentucky Community Resources Directory		
27-11-01	Advanced Supervision		
27-12-01	Intensive Supervision		
27-12-02	Supervision: Case Classification		
27-12-03	Risk/Needs Assessment		
27-12-04	Initial Interview		
27-12-05	Conditions of Regular Supervision/Request for Modification		
27-12-06	Releasee's Report		
27-12-07	Grievance Procedures for Offenders		
27-12-08	Employment, Education/Vocational Referral		
27-12-09	Supervision Plan		
27-12-10	Casebook		
27-12-11	Guidelines for Monitoring Supervision Fee		
27-12-12	Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority		
27-12-13	Other Financial Obligations (Not Ordered by Releasing Authority)		
27-12-14	Community Service Work		
27-13-02	Client Travel Restrictions		
27-14-01	Alcohol Detection		
27-14-02	Interstate Compact Transfers		
27-15-01	Interstate Compact Out-of-state Probation and Parole Violation 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 (Amended 3/15/91)		
27-20-01	Division of Probation and Parole Controlled Intake Program [(Amended 12/14/90)]		
27-20-02	Prisoner Intake Notification (Amended 3/15/91)		

JOHN T. WIGGINTON, Secretary
APPROVED BY AGENCY: March 15, 1991
FILED WITH LRC: March 15, 1991 at noon

TRANSPORTATION CABINET
Department of Highways
Division of Planning and Maintenance
(As Amended)

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:

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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		61.9 Woodford County Line
	56.3 Mercer 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		15.8 Harlan CO LN
* US 119	0.0 US 25E	
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		10.1 Buffalo Creek RD
* KY 66	0.0 US 25E	
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

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* 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 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

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* 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
* Buckhorn Creek RD		
CR 5135	0.0 KY 476	0.3 Mine

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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 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		

ADMINISTRATIVE REGISTER - 3421

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 US 68		21.1 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			2.0 Mine
CR 5418	0.0 KY 1296		

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			

ADMINISTRATIVE REGISTER - 3422

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

DAVISS 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		

ADMINISTRATIVE REGISTER - 3423

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		11.3 US 60 Bypass
* US 231	0.0 Ohio CO LN	
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		11.9 US 60 Bypass
* KY 81	0.0 McLean CO LN	
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		11.9 Flora RD
* KY 144	0.0 US 60	
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		1.9 Mine
* KY 331	0.0 US 60 (East)	
	(Via Industrial Dr. & Medley-Roost Rd.)	4.8 KY 81
* KY 554	1.9 Mine	2.9 Mine
* KY 951	0.0 KY 144	
* Floral Road		1.4 Mine
CR 5035	0.0 KY 144	
* St Lawrence Road		1.8 Indian Hill Rd
CR 5036	1.6 Mine	
* Indian Hill Road		0.5 St. Lawrence RD
CR 5038	0.0 KY 951	
* 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		19.3 Clark CO LN
10.2 KY 4 (East)		
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		3.1 KY 4
* US 68	0.0 Jessamine CO LN	
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		12.7 US 60 (East)
* KY 4	2.2 US 68 (South)	
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		2.9 I-75
* KY 922	1.0 KY 4	
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		

ADMINISTRATIVE REGISTER - 3424

FLOYD COUNTY

ROAD	FROM	TO
* US 23	0.0 Pike CO LN	15.7 KY 114
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

ADMINISTRATIVE REGISTER - 3425

* 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

ADMINISTRATIVE REGISTER - 3426

* 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

ADMINISTRATIVE REGISTER - 3427

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 I = 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		

ADMINISTRATIVE REGISTER - 3428

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 US 41 (South)	38.2 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 End Nontoll Segment @ US 41 (North)	48.0 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 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

ADMINISTRATIVE REGISTER - 3430

* 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 2051	5.2 Ralph AVE	6.4 KY 1934
* KY 2056	0.4 B.F. Goodrich Plant	1.1 I-264
<u>Baxter Avenue (Louisville)</u>		
<u>Liberty Street</u>		
* Ralph Avenue (Louisville)		<u>US 60 (Main Street)</u>
	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

ADMINISTRATIVE REGISTER - 3431

* 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
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

ADMINISTRATIVE REGISTER - 3432

* 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		
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

ADMINISTRATIVE REGISTER - 3433

* 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		
* 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		
* US 25E	0.0 Knox CO LN	23.1 KY 909
* KY 30	1.4 KY 490	0.3 US 25 & US 25W 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 Olivioville-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

ADMINISTRATIVE REGISTER - 3434

* KY 35	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

ADMINISTRATIVE REGISTER - 3435

* 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

ADMINISTRATIVE REGISTER - 3436

* 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		

ADMINISTRATIVE REGISTER - 3437

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		

ADMINISTRATIVE REGISTER - 3438

* 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		

ADMINISTRATIVE REGISTER - 3439

* 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 II = 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		

ADMINISTRATIVE REGISTER - 3440

* 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 601 5.1 CR 5419 5.8 CR 5417
* 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

ADMINISTRATIVE REGISTER - 3441

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
- * Sunnysdale Road
- CR 5076 8.3 Sugar Grove RD 8.4 Sugar Grove RD
- * Sugar Grove Road
- CR 5077 0.0 KY 1414 1.5 Sunnysdale RD
- 1.5 Sunnysdale RD
- * 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 | | |

ADMINISTRATIVE REGISTER - 3442

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 @ milepoint 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

ADMINISTRATIVE REGISTER - 3443

* 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		

ADMINISTRATIVE REGISTER - 3444

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 8.129
 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

ADMINISTRATIVE REGISTER - 3445

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
 * 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

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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

ADMINISTRATIVE REGISTER - 3447

* Old Bridge Street (Elkhorn City) CR 53612	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

ADMINISTRATIVE REGISTER - 3448

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 808	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

ADMINISTRATIVE REGISTER - 3449

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 (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
	3.2 KAEC Gasahol Plant	6.5 KY 100 in Franklin
	6.5 KY 100 in Franklin (Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)	14.0 Tennessee State LN

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 (West)
	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 (Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)	9.0 Simpson County LN
* 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		

ADMINISTRATIVE REGISTER - 3450

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 Hopkins CO LN	55.6 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

ADMINISTRATIVE REGISTER - 3451

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		
* KY 1595	3.0 Mine	17.1 KY 6
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	4.6 KY 92
0.4 McCreary CO LN		
1.2 Ball Branch RD		
1.4 Knox CO LN		
* KY 1809	0.0 KY 92	
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 155	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.

O. GILBERT NEWMAN, State Highway Commissioner
MILO D. BRYANT, Secretary
APPROVED BY AGENCY: February 26, 1991
FILED WITH LRC: March 25, 1991 at 8 a.m.

KENTUCKY STATE UNIVERSITY
Board of Regents
(As Amended)

745 KAR 1:015. Fund acquisition and disbursement.

RELATES TO: KRS 164A.560, 164A.565

STATUTORY AUTHORITY: KRS 164A.560

NECESSITY AND FUNCTION: KRS 164A.560 permits the governing board of each public institution of higher education to elect to perform financial management functions in accordance with [per] KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provisions of KRS 164A.560 and 164A.565 at Kentucky State University. [The scheduled implementation date of this regulation is July 1, 1991.]

Section 1. The Board of Regents of Kentucky State University elects to perform the financial management functions set forth in KRS 164A.560(2), related to the receipt, deposit, collection, retention, investment, disbursement, and accounting of all funds, and set forth in KRS 164A.565 related to the installation of an accrual basis accounting system, other records, and annual reports.

Section 2. The Board of Regents of Kentucky State University elects to comply with KRS 164A.560(2)(b), to limit disbursements to the accounts and for the purposes for which the state appropriations, or other monies have been received for through the enacting resolution of the institution's annual operating budget.

Section 3. The Board of Regents of Kentucky State University shall install an accrual basis accounting system and fund structure in conformance with generally accepted accounting principles and procedures established for colleges and universities by the National Association of College and University Business Officers and the American Institute of Certified Public Accountants, and shall act to ensure further compliance with KRS 164A.565(2), (3), (6), (7), and (8).

Section 4. 745 KAR 1:010, Acquisition and disbursement of funds, is hereby repealed.

LOUIE B. NUNN, Chairman
ADOPTED BY AGENCY: February 15, 1991
FILED WITH LRC: February 15, 1991 at 4 p.m.

KENTUCKY STATE UNIVERSITY
Board of Regents
(As Amended)

745 KAR 1:025. Institutional audit.

RELATES TO: KRS 164A.570
STATUTORY AUTHORITY: KRS 164A.560
NECESSITY AND FUNCTION: KRS 164A.560 permits the governing board of each public institution of higher education to elect to perform financial management functions in accordance with [per] KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.570 at Kentucky State University. [The scheduled implementation date of this regulation is July 1, 1991.]

Section 1. The Board of Regents of Kentucky State University shall engage a qualified firm of certified public accountants for the purpose of submitting an independent opinion and preparing a report of findings and recommendations concerning internal accounting controls and procedures on the compliance with KRS 164A.555 to 164A.630. The engagement of the accounting firm, scope of the audit, and report of findings shall be in accordance with the provisions of KRS 164A.570.

Section 2. 745 KAR 1:020, Annual audit, is hereby repealed.

LOUIE B. NUNN, Chairman
ADOPTED BY AGENCY: February 15, 1991
FILED WITH LRC: February 15, 1991 at 4 p.m.

KENTUCKY STATE UNIVERSITY
Board of Regents
(As Amended)

745 KAR 1:035. Procurement procedures.

RELATES TO: KRS 164A.575
STATUTORY AUTHORITY: KRS 164A.560
NECESSITY AND FUNCTION: KRS 164A.560 permits the governing board of each public institution of higher education to elect to perform financial management functions in accordance with [per] KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.575 at Kentucky State University. [The scheduled implementation date of this regulation is July 1, 1991.]

Section 1. The Board of Regents of Kentucky State University, under the provisions of KRS 164A.560, elects to purchase interests in real property, contractual services, rentals of all types, supplies, materials, equipment, printing, and services in accordance with KRS 164A.575(1) through (12).

Section 2. 745 KAR 1:030, Purchasing, inventory, sales of surplus property, bidding procedures, is hereby repealed.

LOUIE B. NUNN, Chairman
ADOPTED BY AGENCY: February 15, 1991
FILED WITH LRC: February 15, 1991 at 4 p.m.

KENTUCKY STATE UNIVERSITY
Board of Regents
(As Amended)

745 KAR 1:045. Bond issue.

RELATES TO: KRS 164A.605
STATUTORY AUTHORITY: KRS 164A.560
NECESSITY AND FUNCTION: KRS 164A.560 permits the governing board of each public institution of higher education to elect to perform financial management functions in accordance with [per] KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.605 at Kentucky State University. [The scheduled implementation date of this regulation is July 1, 1991.]

Section 1. The Board of Regents of Kentucky State University, under the provisions of KRS 164A.560, elects the authority to issue bonds subject to the conditions as set forth in KRS 164A.605.

Section 2. 745 KAR 1:050, Issuance of bonds, is hereby repealed.

LOUIE B. NUNN, Chairman
ADOPTED BY AGENCY: February 15, 1991
FILED WITH LRC: February 15, 1991 at 4 p.m.

KENTUCKY STATE UNIVERSITY
Board of Regents
(As Amended)

745 KAR 1:055. Fund for excellence.

RELATES TO: KRS 164.410, 164A.620
STATUTORY AUTHORITY: KRS 164A.560
NECESSITY AND FUNCTION: KRS 164A.560 permits the governing board of each public institution of higher education to elect to perform financial management functions in accordance with [per] KRS 164A.555 to 164A.630 by issuing regulations to do so. This regulation implements the provision of KRS 164A.620 at Kentucky State University. [The scheduled implementation date of this regulation is July 1, 1991.]

Section 1. The Board of Regents of Kentucky State University, under the provisions of KRS 164A.560, elects and authorizes the establishment of a fund for excellence under the conditions and for the purposes set forth in KRS 164A.620.

Section 2. 745 KAR 1:040, Disposal of property, proceeds; title, is hereby repealed.

LOUIE B. NUNN, Chairman
ADOPTED BY AGENCY: February 15, 1991
FILED WITH LRC: February 15, 1991 at 4 p.m.

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

906 KAR 1:080. Standards for utilization review.

RELATES TO: KRS 211.461 to 211.466, 211.990, 304.17-412, 304.18-045, 304.32-147, 304.32-330, 304.38-225, 311.131 to 311.139, 311.990,

STATUTORY AUTHORITY: KRS 194.050, 216B.042

NECESSITY AND FUNCTION: KRS 216B.042 mandates that the Kentucky Cabinet for Human Resources regulate health facilities and health services. KRS 211.464 and 311.133 mandate that the Kentucky Cabinet for Human Resources promulgate regulations to implement the program necessary to register private review agents.

Section 1. Definitions. (1) "Dispute resolution" is a procedure to resolve utilization review disputes between private review agents and health care providers and patients.

(2) "Board" means the American Boards of Medical Specialists.

(3) "Utilization review procedures" means a professionally developed set of objective standards used to evaluate proposed or delivered medical services not including descriptions and names of review criteria, the release of which is governed by KRS 311.133(2).

(4) "Policies and procedures" means the principles that are involved in the overall administration of the utilization review program, the release of which is governed by KRS 211.464(3).

(5) "Qualified personnel" means licensed physician, registered nurse, licensed practical nurse, medical records technician, or other personnel who through training and experience shall render consistent decisions based on the review criteria.

Section 2. Applicability. Private review agents shall not conduct utilization review unless issued a certificate of registration by the cabinet. All private review agents shall comply with the certification requirements within ninety (90) days after the effective date of this regulation. This administrative regulation shall not apply to the payment of medical benefits governed by KRS Chapter 342.

Section 3. Certificates Required; Transferability, and Reporting Requirements. (1) Certification required pursuant to Section 2 of this regulation shall be renewed every two (2) years.

(2) The cabinet shall issue a certificate of registration to an applicant that has met all statutory provisions and the requirements of this regulation.

(3) A certificate issued under this regulation is not transferable.

(4) An applicant seeking certification or certificate holder seeking renewal shall:

(a) Submit an application on forms that the cabinet requires; and

(b) Pay an application fee of \$500.

(5) An application for certification shall be accompanied by the required documentation listed in Section 4 of this regulation.

Section 4. Application Process. (1) Each private review agent shall file an application with the cabinet which shall meet the requirements established by KRS 211.464-465 and 311.135 including the following specific information:

(a) A utilization review plan that includes the statutory provisions in KRS 211.464, 311.135 and the following elements of review:

1. Information utilized for preadmission, admission or readmission;

2. Information utilized for preauthorization; and

3. Information utilized for continued stay authorization.

4. Utilization review procedures and policies and procedures for each of the above listed elements of review used to evaluate proposed or delivered medical services including:

a. Time frames for review;

b. A written summary describing the review process and required forms;

c. Documentation of qualifications of personnel who developed the specific utilization review procedures relating to specialty and subspecialty areas;

d. Descriptions and names of review criteria upon which utilization review decisions are based; and

e. Additional standards, if any, for the consideration of special circumstances.

5. A description of instances, if any, in which utilization review may be delegated to a hospital utilization review program.

6. The manner in which the private review agent provides notice of denial, including:

a. Time frames for issuing decisions;

b. The provision of a written notice following any telephone notifications; and

c. The content of notices, including:

(i) Form used; and

(ii) Reasons for denial.

7. A summary or abstract of the procedure by which patients and providers can appeal adverse decisions including:

a. Time frames for conducting review of initial decision and for issuing reconsideration decision;

b. Procedures for expediting appeals for hospitalized patients awaiting treatment; and

c. Qualifications of the person or persons conducting reconsideration of initial decision.

(b) Types and qualifications of personnel performing utilization review including:

1. A list of three (3) individuals responsible for the operation of the private review agency;

2. Names, addresses, and telephone numbers of persons to contact for various elements and aspects of review; and

3. Qualification of personnel employed directly or under contract by various job category.

(c) Assurances that a toll free line will be provided for patients, hospitals, and physicians to contact the private review agent and policies and procedures to assure that a representative of the private review agent shall be reasonably accessible at least five (5) days/week, forty (40) hours/week during normal business hours in this state which shall include:

1. The manner in which the private review agent may be contacted in the case of emergency admissions if preauthorization by the private review agency is required for emergency admissions; and

2. The manner in which the private review agent may be contacted to review weekend admissions if preauthorization is required by the private review agency on weekends.

(d) Policies and procedures to protect confidentiality of patient information.

(e) A copy of the form materials designed to inform applicable patients and providers of the requirements of the utilization review plan, including:

1. Materials that explain requirements that patients must meet and specific penalties for noncompliance;

2. Requirements for review of emergency admissions and the procedure for obtaining such review;

3. Telephone numbers and hours of operation of the private review agent and how to contact the agency for a review determination after normal business hours if required by the private review agency; and

4. Appeal rights to challenge denials.

(f) A listing of the third party payors for which the private review agent is performing utilization review in this state.

(2) Application review procedure. Upon receipt of an application for issuance or renewal of a certificate of registration the cabinet shall:

(a) Notify applicant by letter of receipt of the application and inform the applicant that supplemental information is or is not needed;

(b) Review the application and material required by KRS 311.135 and 211.464 and this regulation; and

(c) Approve or deny issuance or renewal of certificate of registration within sixty (60) days.

Section 5. Evidence of Compliance. In taking action to approve applications for registration or renewal, the cabinet shall determine whether the applicant has demonstrated evidence of compliance with statutory or regulatory requirements including the following:

(1) In determining whether a private review agent has available sufficient and appropriate staff with appropriate supervision to conduct utilization review, the following shall be deemed evidence of compliance:

(a) Only qualified personnel shall approve positive utilization review decisions;

(b) Only licensed physicians shall issue denials; and

(c) Only licensed physicians shall supervise personnel conducting case review.

(2) In determining whether a private review agent's procedures will effect timely reconsideration or appeal, the following shall be evidence of compliance:

(a) Reconsideration shall only be conducted by a licensed physician who did not participate in the initial review and denial. However, in the case of a review involving a medical or surgical specialty or subspecialty, if the denial is upheld upon reconsideration without the use of a board eligible or certified physician in the appropriate specialty or subspecialty area, [a patient or provider may request that] the utilization review agent shall, upon request by a patient or provider, utilize a board eligible or certified physician in the appropriate specialty or subspecialty area before the final denial is issued;

(b) Those portions of the medical record that are relevant to the reconsideration, if

authorized by the patient and in accordance with state or federal law, shall be considered and providers given the opportunity to present additional information; and

(c) An expedited appeals process shall provide for hospitalized patients awaiting treatment with decisions rendered no later than three (3) working days after the request for the expedited appeal.

(3) In determining the adequacy of the manner in which private review agents provide notice of denials, the following shall be evidence of compliance:

(a) Notice of review decisions shall be provided to the patient, hospital, and physician in accordance with the time frames set out in KRS 211.463; and

(b) Notices of denials shall contain an abstract of the reasons for denial including the following:

1. For medical necessity denials, a statement of the medical reasons, name, state of licensure and medical license number of the reviewer, and appeal rights; and

2. For technical (contractual) denials, the reason, and appeal rights.

Section 6. Denial/Revocation Hearing Procedure. Before the cabinet denies an application for issuance or renewal of a certificate of registration, or revokes an existing certificate of registration, it shall:

(1) Give written notice of its proposed action and advise the applicant or certificate holder that a written request for a hearing may be filed within seven (7) calendar days of the cabinet's notice;

(2) Upon receipt of the written request, the cabinet shall appoint an impartial hearing officer;

(3) Notice of hearing shall be mailed to the applicant or certificate holder not less than fourteen (14) days prior to the commencement of the hearing. The notice of hearing shall contain the information necessary to conduct the hearing and the initial reasons for the action. The notice of hearing shall be delivered by certified mail;

(4) The hearing must be held within thirty (30) calendar days from the receipt of the written request for a hearing;

(5) The applicant or certificate holder and the cabinet may be represented by counsel and make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of such actions. The cabinet shall have the authority to request any relevant information from the utilization review agent including any criteria utilized for review. No depositions shall be permitted for the purpose of discovery, however, the hearing officer may authorize depositions of witnesses who, in his opinion for good cause shown cannot be present at the hearing. A hearing officer shall preside at the hearing, shall keep order, administer oaths, may issue subpoenas and may admit relevant and probative evidence and shall conduct the hearing in accordance with reasonable administrative practice;

(6) All testimony at the hearing shall be recorded but need not be transcribed unless requested. The person or organization requesting a transcript shall bear the cost of such transcript;

(7) The hearing officer shall make a written

recommendation to the cabinet including findings of fact and conclusions of law. With the recommendation, the hearing officer shall forward to the cabinet the record consisting of all documents, exhibits and recorded testimony introduced in the hearing;

(8) The cabinet shall issue a final determination within thirty (30) days of the receipt of the recommendation of the hearing officer;

(9) The cabinet may also order a monetary penalty in accordance with KRS 211.990 and KRS 311.990; and

(10) Any party aggrieved by the final decision may appeal that decision to the Franklin Circuit Court in accordance with KRS 311.138.

Section 7. Complaint Process. (1) Within ten (10) days of the receipt of a written complaint, a copy will be sent to the private review agency which will have ten (10) days to document that the complaint has or has not been reconciled through the internal appeal/grievance process. If the cabinet does not receive such documentation or the complaint has not been reconciled then a copy of the complaint and a letter from the cabinet will be sent to the private review agent requiring the following:

(a) A request for a written reply within ten (10) days;

(b) A statement of the incident or problem;

(c) Any pertinent information including any criteria directly relating to the incident or problem; and

(d) Corrective actions, if any, with time frames.

(2) Within ninety (90) days of receipt of a written complaint, the cabinet will investigate the complaint, and shall present a written response to the complainant and the private review agent. This response shall include the following:

(a) A statement of the original complaint;

(b) A determination of findings by the cabinet;

(c) Corrective actions, if any, on the part of the private review agent which the cabinet finds appropriate; and

(d) A monetary penalty, if any, in accordance with KRS 211.990 and 311.990; and

(e) A time frame in which any corrective actions are to be completed.

Section 8. Dispute Resolution Procedure. (1) The cabinet is charged with responsibility to establish a process to resolve utilization review disputes between private review agents and health care providers and patients;

(2) Upon receipt of written notice of a dispute, the cabinet shall appoint an impartial hearing officer;

(3) Notice of hearing shall be mailed not less than fourteen (14) days prior to the commencement of the hearing. The notice of hearing shall contain the information necessary to conduct the hearing. The notice of hearing shall be delivered by certified mail;

(4) The hearing must be held within thirty (30) calendar days from the receipt of a written request for a hearing;

(5) The parties may be represented by counsel and make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of such actions. The cabinet shall have the authority to request any relevant information from the review agent including any criteria which directly relates to the dispute. No depositions shall be permitted for the purpose of discovery, however, the hearing officer may authorize depositions of witnesses who, in his opinion for good cause shown cannot be present at the hearing. A hearing officer shall preside at the hearing, shall keep order, administer oaths, may issue subpoenas and may admit relevant and probative evidence and shall conduct the hearing in accordance with reasonable administrative practice;

(6) All testimony at the hearing shall be recorded but need not be transcribed unless requested. The person or organization requesting a transcript shall bear the cost of such transcript;

(7) The hearing officer shall make a written recommendation to the cabinet including findings of fact and conclusions of law. With the recommendation, the hearing officer shall forward to the cabinet the record consisting of all documents, exhibits and recorded testimony introduced in the hearing; and

(8) The cabinet shall issue a final determination within thirty (30) days of the receipt of the recommendation of the hearing officer.

Section 9. Reporting Requirements. All private review agents shall, as a condition of registration, submit reasonable and pertinent reports as required by the cabinet. Completed reports shall be submitted within forty-five (45) days of the date of the request.

CLAY CESSNA, Inspector General

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: February 6, 1991

FILED WITH LRC: February 15, 1991 at 11 a.m.

REGULATION AMENDED AFTER PUBLIC HEARING OR WRITTEN COMMENTS RECEIVED

NATURAL RESOURCES AND
ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division of Water
(Amended After Hearing)

401 KAR 4:220. Water supply plan requirements.

RELATES TO: KRS Chapter 151
STATUTORY AUTHORITY: KRS 151.110, 151.114,
151.116, 151.118, 151.125

NECESSITY AND FUNCTION: This regulation is required to implement the legislative mandate of KRS 151.110, 151.114, 151.116, and 151.118, directing the Natural Resources and Environmental Protection Cabinet to administer a program for developing a long range water supply plan for each county in the Commonwealth. This regulation describes planning procedures, details to be included in a plan, funding criteria, and uniform data base development.

Section 1. Definitions. The following definitions describe terms used in this regulation. Terms not defined below shall have the meanings given to them in KRS 151.100, or if not so defined, the meanings attributed by common use.

(1) "Aquifer" means a saturated, permeable geological unit that is capable of yielding water to wells or springs [can transmit significant quantities of water].

(2) "Available water" means water that may be withdrawn by any one (1) user at a specific site, according to the water withdrawal permitting requirements of KRS 151.140 through KRS 151.170 and 401 KAR 4:010.

(3) "Base year" means the year that is the starting point for planning conducted pursuant to this regulation, usually the year in which planning begins, and from which existing water use information is drawn.

(4) "Contributing watershed" means a watershed delineated in such a way that noncontributing areas, such as areas draining to sinkholes that drain into another watershed, are excluded.

(5) "Discharge" means the volume of water that flows past a given point within a given period of time, usually expressed in cubic feet per second or gallons per minute.

(6) "Historical year" means a year four (4) to six (6) years prior to the base year.

(7) "Hydrologic unit" means watershed boundaries as shown on the U.S. Geological Survey's Hydrologic Unit Map of Kentucky.

(8) "Impoundment" means a water-retaining structure with the ability to retain at least twenty-five (25) acre-feet of water at normal pool.

(9) "Interconnection" means a linkage between two (2) or more water suppliers that can be used to transfer water from one (1) water supplier to the other.

(10) "Kentucky River Authority" means the authority established under KRS 151.700 and 151.710.

(11) [(10)] "Local planning fund contributors" means counties, cities, and water suppliers that pay any portion of the expenditures necessary to comply with this regulation.

(12) [(11)] "Monthly average flow" means

the average flow for each month of the year based on the period of record. It is equal to the total volume of water used for the month divided by the number of days in the month.

(13) [(12)] "Nonpoint source pollution" means pollution caused by diffuse sources, including land runoff, precipitation, atmospheric deposition, or percolation.

(14) [(13)] "Phase one planning activities" include the activities required by this regulation that relate to data collection and assessment of water supply planning needs. Specifically, these activities include the requirements for initiating the planning process, including notifications and setting planning objectives, and Section 6(1) through (8) of this regulation.

(15) [(14)] "Phase two planning activities" include the activities required by this regulation that relate to inventorying water resources, protecting water supplier sources, preparing emergency plans, evaluating water supply alternatives, and to all other planning activities not completed as phase one planning activities.

(16) [(15)] "Planning council" means a group formed for the express purpose of creating a water supply plan in compliance with this regulation.

(17) [(16)] "Planning grant" means funds awarded by the General Assembly and the cabinet to support water supply planning pursuant to this regulation.

(18) [(17)] "Planning representative" means a person who is designated by a planning council to perform tasks in compliance with this regulation.

(19) [(18)] "Planning unit" means a county or group of counties that have agreed to join with other counties to create a water supply plan that encompasses more than one (1) county.

(20) [(19)] "Recharge area" means that area that captures and supplies water to a spring or an aquifer.

(21) [(20)] "Regionalization" means the creation of a regional, administrative or infrastructural, water supplier unit by consolidation or expansion.

(22) [(21)] "Safe yield" means the amount of water a user can withdraw annually from a groundwater basin throughout the year without depleting the well or aquifer and without adversely affecting other users of the aquifer.

(23) [(22)] "Semipublic water supplier" means any water supply system that serves more than three (3) families, but is not a water supplier or distributor.

(24) [(23)] "Seven (7) day, ten (10) year low flow" means the lowest mean flow for seven (7) consecutive days having a recurrence interval of ten (10) years, or having a ten (10) percent chance of occurring in any year.

(25) [(24)] "Seven (7) day, twenty (20) year low flow" means lowest mean flow for seven (7) consecutive days having a recurrence interval of twenty (20) years, or having a five (5) percent chance of occurring in any year.

(26) [(25)] "Source classification" means the particular type of a water supply site, including surface water intake, well, or spring-fed intake.

(27) [(26)] "Specific capacity" means

yield of a well per unit of drawdown.

(28) [(27)] "Unaccounted for water" means water that is withdrawn and not used for commercial, residential, industrial, or municipal purposes.

(29) [(28)] "Water conservation" means methods and technological applications of passive and active water savings and reuse devices, components and processes to reduce demand for water supply.

(30) [(29)] "Water supplier" means any system that provides water to the public for human consumption, has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year, and withdraws more than fifty (50) percent of the water it distributes.

(31) [(30)] "Water supply distributor" means any system that provides water to the public for human consumption, has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year, and depends on a water supplier to provide fifty (50) percent or more of the water it distributes.

(32) [(31)] "Water supply reservoir" means a water retaining structure with the ability to retain at least thirty (30) days of average water use at normal pool, used by a water supplier.

(33) [(32)] "Water supply source" means a particular site or classification of site where water is withdrawn.

(34) [(33)] "Water watch group" means a group registered with the cabinet as part of the water watch program.

(35) [(34)] "Zone of contribution" means the entire area recharging or contributing to a well or well field.

(36) [(35)] "Zone of influence" means the spatial area surrounding a well, in which drawdown effects occur from groundwater pumpage.

(37) [(36)] The following items used in this regulation are defined in KRS 151.100: cabinet; dam; domestic use; groundwater; reservoir; secretary; watershed; and withdrawal of water.

Section 2. Scope and Applicability. Each county, its municipalities and water suppliers, shall prepare a water supply plan. Representatives of each county, its municipalities and water suppliers shall decide whether to form a multicounty planning unit and shall form a planning council to oversee the planning process. Under the oversight of the planning council, a planning representative shall assess the need to provide increased or alternative water supplies for the water supplier systems within each county, formulate recommendations to protect water supplies, and prepare a water supply contamination response plan. If increased or alternative water supplies are needed, the planning representative shall develop water shortage response plans and evaluate water supply alternatives. The planning council shall select [a] water supply alternatives. Until July 15, 1996, the cabinet shall award grants, if budgeted by the General Assembly, for water supply planning.

Section 3. Content and Format of the Planning Documents. The planning representative shall

prepare no less than two (2) documents which shall include the information as required by this regulation and additional information as considered necessary by the planning council. The cabinet may accept planning documents that were prepared prior to the existence of a planning council in place of specific sections of the planning documents required by this regulation.

(1) Plan formulation document. Documentation of the details of the planning process shall be placed in a publication subtitled "Plan Formulation Document." The plan formulation document shall have sections named and numbered as specified in this subsection.

(a) Phase one planning activities shall be documented in sections named and numbered as follows: I. Formation of the planning unit; II. Planning council and planning representative; III. Notifications; IV. Workplan and process for setting objectives; V. County base map; VI. Water use and water use forecast; VII. Water supplier source assessment; VIII. Supply adequacy assessment; Appendix PFD-A - Paying for the planning process; Appendix PFD-B - Council minutes.

(b) Phase two planning activities shall be documented in sections named and numbered as follows: IX. Supply protection; X. Water resources inventory; XI. Water supply alternatives; XII. Primary water supply alternative; XIII. Emergency plans; XIV. Implementation plan; Appendix PFD-A - Paying for the planning process; Appendix PFD-B - Council minutes. If the current supply source is adequate for forecasted demands, plan formulation document sections X, XI, XII, and XIV shall contain a brief statement of adequacy and the consequent lack of need to assemble information for each of those sections.

(2) Final plan document. Documentation of the water supply plan shall be placed in a publication subtitled "Final Plan Document." The final plan document shall have sections named and numbered as specified in this subsection.

(a) Phase one planning activities shall be documented in sections named and numbered as follows: I. Formation of the planning unit; II. Planning council and planning representative; III. Planning objectives and water supply planning conflicts; IV. County base map; V. Water use, forecast, and infrastructure assessment; VI. Water supplier source assessment; VII. Supply adequacy assessment; Appendix FPD-A - Obstacles to the planning process.

(b) Phase two planning activities shall be documented in sections named and numbered as follows: VIII. Supply protection; IX. Water resources inventory; X. Water supply alternatives; XI. Primary water supply alternative; XII. Emergency plans; XIII. Implementation plan; XIV. Plan approvals; Appendix FPD-A - Obstacles to the planning process. If the current supply source is adequate for forecasted water use, final plan document section X shall contain a brief statement of adequacy and the consequent lack of need to assemble information for that section.

Section 4. Plan Initiation and Cabinet Assistance. (1) Planning unit: geographic area of plan. A county may develop a water supply plan independently or it may enter into a written agreement to join with other counties to

form a regional water supply planning unit. A multicounty plan may or may not entail regionalization or interconnection between water supplier systems.

(a) If a county has fewer than seven (7) cities, then the decision to join with other counties shall be supported by a two-thirds (2/3) majority of representatives of water suppliers in the county and each city in the county that is not a water supplier.

(b) If a county has at least seven (7) but no more than ten (10) cities, then the decision to join with other counties shall be supported by a two-thirds (2/3) majority of representatives of water suppliers in the county and representatives of the first, second, third, and fourth class cities in the county that are not water suppliers.

(c) If a county has more than ten (10) cities, then the decision to join with other counties must be supported by a two-thirds (2/3) majority of representatives of water suppliers in the county and representatives of the first, second, and third class cities in the county that are not water suppliers.

(2) Planning council. A planning council shall be formed to oversee the planning process.

(a) Membership requirements. The planning council shall consist, at least, of representatives from the following categories in the planning unit:

1. Each county judge-executive or mayor of an urban-county government, or his or her authorized representative;

2. One (1) representative of each water supplier that provides water to persons in the planning unit;

3. One (1) representative of each water supply distributor serving persons in the planning unit, unless that water supply distributor enters a written agreement with a water supplier from which the water supply distributor purchases water to be represented by that water supplier;

4. One (1) representative of semipublic water suppliers, appointed by the county judge-executive or mayor of an urban-county government, or one (1) representative from a local health department in the planning unit; and

5. One (1) representative of each first, second, or third class city that is not a water supplier or distributor, unless that city enters a written agreement to be represented by another planning council member.

(b) Other city representation on the planning council.

1. If any county in the planning unit has fewer than ten (10) cities, the planning council shall include a representative from each fourth class city that is not a water supplier or water supply distributor, and the county judge-executive shall appoint one (1) representative of fifth and sixth class cities that are not water suppliers or water supply distributors.

2. If any county in the planning unit has ten (10) or more cities, the county judge-executive shall appoint one (1) representative of fourth class cities and one (1) representative of fifth and sixth class cities.

(c) Membership options. At any planning council meeting, a majority of the required members of the planning council, listed in paragraph (a) of this subsection, may also choose to appoint other planning council

members. The cabinet may require additional planning council members so that the planning council fully represents the planning unit or if the planning unit has unique social or economic characteristics.

(d) Planning council chair. The planning council chair shall be elected by a majority of the planning council members.

(e) Quorum. The planning council shall determine what constitutes a quorum at the first meeting of a majority of its members.

(3) Optional water supply advisory group. A planning council may create one (1) or more water supply advisory groups to assist in the planning process.

(4) Planning representative. The planning council shall select a planning representative who shall be responsible for conducting the water supply planning process and creating water supply plan documents.

(5) Cabinet assistance. At the request of one (1) or more counties on a planning council, the cabinet may award water supply planning grants to a county or planning representative. The cabinet shall provide access to records and data collected by the cabinet, in accordance with the Kentucky Open Records Act. The cabinet shall also make every reasonable effort, as resources allow, to provide special data reports and make staff available for consultation and technical support to planning councils and planning representatives.

(6) Documentation of plan initiation.

(a) Section I of the plan formulation document shall describe how the county (or counties), cities, and water suppliers reached agreement as to the composition of the planning unit and shall include copies of any agreements written between water supply distributors and water suppliers. Section II of the plan formulation document shall describe how a planning representative was selected.

(b) Section I of the final plan document shall include a description of the planning unit and a planning unit map that shows planning unit boundaries, county boundaries, hydrologic unit boundaries of watersheds, county seats, and first through fourth class cities. Section II of the final plan document shall include a list of planning council members and shall identify the planning representative and the individuals who will prepare the plan under the direction of the planning representative. If a county advisory group has been formed, section II of the final plan document shall also list the members of that group.

Section 5. Planning Council Duties and Procedures. After a planning representative has been designated, the planning council shall continue to oversee the planning process. This process shall use principles of hydrologic science, effective environmental protection, efficient water management and conservation, and democratic governance.

(1) Public notice and public participation. The planning council shall solicit public input for planning decisions.

(a) Council meetings. Each meeting of a planning council shall allow time to discuss progress of the planning process and obtain public input. The planning council shall notify local broadcast and print media of the meetings and request that the media make a public announcement of the time, place and purpose of

the meeting. The planning council shall keep minutes of its meetings and a list of attendees and other interested persons. These shall be available to the public on request and shall be included as Appendix PFD-B of the plan formulation document.

(b) Public notice shall include the following:

1. A public notice shall be placed in the newspaper of greatest circulation in the area. The public notice shall be at least three (3) column inches in size, and shall be large enough that all information contained therein is easily readable. A copy of each public notice shall be placed in section III of the plan formulation document.

2. A letter shall be mailed to each water watch group in the planning unit. A sample letter and a list of recipients shall be placed in section III of the plan formulation document.

3. Public notice for a public meeting shall include the date, time, and location of the meeting; the mailing address and deadline for providing written comment; the purpose of the meeting; a brief statement of the purpose of the plan and planning procedures; and any other information to ensure that the public is aware of the nature of the meeting and the planning process.

(2) Conflict resolution.

(a) Planning council members shall attempt to reach consensus on planning goals, objectives, and preferred supply, emergency, and implementation alternatives. The planning council may select mediation as a method to achieve an acceptable solution. The cabinet may provide mediation assistance if requested by planning council members.

(b) If planning council members are unable to reach consensus concerning any aspect of the planning process, a description of the conflict shall be included in section III of the final plan document. This section shall also describe conflicts or potential conflicts between the water supply plan and existing plans of local units of government, water suppliers, or water supply distributors and conflicts or potential conflicts between the water supply plan and existing or proposed plans of surrounding counties. Each description of a conflict shall identify the units of government or water suppliers or distributors involved in the conflict. Each description shall also identify the provisions or omissions causing the conflict and the nature of the conflict, including objections and the type of authority applicable.

(3) Notification. The planning council shall comply with the requirements in this subsection within fourteen (14) days of the first meeting of the planning council. If phase two planning activities for any county within the planning unit are begun two (2) years or more after the notifications required by this subsection, the planning council shall repeat the notifications required by this subsection before beginning phase two planning activities. If a water supply plan has been prepared for the county within five (5) years of the base year, the cabinet may allow variances in the notification process.

(a) Notification to adjacent counties. The planning council shall send written notification to mayors, county judge-executives, and water suppliers in counties adjacent to the planning unit of the intent to develop a water supply plan.

(b) Notification to the public. The planning council shall give public notice of the intent to develop a water supply plan. Public notice shall describe the planning unit and planning council membership. Public notice shall state that a water supply plan is being developed, that public attendance at council meetings is welcomed, and that a meeting concerning planning goals and a meeting concerning plan alternatives will be publicly announced. Further, it shall announce the date, time, and location of the next council meeting or provide a telephone number at which such information shall be available.

(c) Notification to local governments and water suppliers. The planning council shall send written notification of the intent to develop a water supply plan to the following: all local units of government within the planning unit; water suppliers that provide water for use in the planning unit; and local units of government that use the same source of water as any water supplier in the planning unit. The letter of notification to local governments and water suppliers shall request the following information:

1. A copy of any existing water or related plans;

2. A statement of any current or potential conflicts, problems or opportunities that the local units or water systems want the planning process to examine or address, including water use rights, access and conservation; and

3. A description of expected changes in or around the planning unit that may alter current growth trends, including existing ordinances and planning goals.

(d) Notification to the cabinet. The planning council shall notify the cabinet of the intent to develop a water supply plan. Notification to the cabinet shall include a list of members of the planning council, their affiliation, and a list of counties included in the planning unit. The notification shall identify any designated planning council member who declines to serve on the planning council. The notification shall state whether counties in the planning unit will apply for a planning grant from the cabinet. The cabinet shall notify the planning council of data that is readily available from the cabinet, state universities or other state or federal agencies.

(e) Notification to the Kentucky River Authority. If any portion of any county in a planning unit is located within the watershed of the Kentucky River, the planning council shall notify the Kentucky River Authority of the intent to develop a water supply plan. The letter of notification shall ask the authority to provide information concerning any planning objectives or activities that might impact the water supply planning process of the planning unit.

(f) [(e)] Documentation of notifications. Section III of the plan formulation document shall include a copy of each public notice and notification sent to adjacent counties and to local units of government and water suppliers, a list of persons to whom these documents were sent, and a description of information received in response to notification sent to local governments and water suppliers. If any portion of any county in a planning unit is located within the watershed of the Kentucky River, section III of the plan formulation document

shall include a copy of the notification sent to the Kentucky River Authority and a description of the response from the authority.

(4) Planning goals and objectives.

(a) The planning council shall consider the following objectives for the planning process:

1. Use of conservation to the maximum extent practical;

2. Choice of supply dependability. In addition to the level of water supply that meets minimum standards described in Section 6(8) of this regulation, a planning council may plan to provide a continuous level of supply under all conditions or plan to rely on consumer cooperation to maintain a supply buffer, allowing a supplier to provide less than a continuous level of supply;

3. Compatibility with existing plans, or to offer recommendations to alter those plans;

4. Preservation and use of natural water storage and retention systems, whenever cost and data constraints permit;

5. Protection and enhancement of the overall quality of the environment;

6. Cost effectiveness; and

7. Social and political acceptability, and community cohesion.

(b) The planning council shall assess existing plans and public input regarding planning objectives and existing and forthcoming issues to be addressed in the planning process. The planning council shall identify any planning objectives specific to the planning unit. The planning council shall conduct at least one (1) public meeting to obtain public input concerning objectives and issues affecting the planning process. The planning council shall conduct the public meeting concerning objectives and issues early in the planning process, prior to determining the objectives of the planning process.

(c) Documentation. Section III of the final plan document shall describe the planning objectives and summarize the process used to determine these objectives. Section IV of the plan formulation document shall fully describe the objective-setting process.

(5) Water supply alternatives and emergency response plans. The planning council shall conduct at least one (1) public meeting to obtain public input concerning supply protection recommendations and emergency plans. If the existing sources of supply are not adequate to meet forecasted needs for twenty (20) years after the base year, the public meeting shall be conducted as part of the process for selecting a water supply alternative, to obtain public input concerning plan alternatives, implementation strategies, and any reevaluation of goals and objectives. The planning council shall review water supply plan alternatives and implementation strategies; [. The planning council shall] consider public input, reevaluate goals and objectives; [,] and select alternatives to be included in the final plan document. [The planning council shall conduct at least one (1) public meeting as part of the process for selecting a water supply alternative, to obtain public input concerning plan alternatives, implementation strategies, and any reevaluation of goals and objectives.]

(6) Water supply plan document approval. Section XIV of the final plan document shall include the signature of each member of the planning council who has participated in the

planning process, signifying that the document accurately reflects the planning effort. If any member disagrees with the chosen plan alternative, it is the responsibility of that member to identify objections in a minority report in Section III of the final plan document, as described in subsection (2) of this section. The cabinet may approve a final plan document that is not signed by each planning council member if the planning council justifies the absence of each missing signature.

(7) Plan implementation.

(a) Upon completion and acceptance of the plan by the cabinet, the planning council shall act as an oversight or advisory group to plan implementation. The planning council shall reconvene at least annually and update the plan at least every five (5) years. A tentative date and location for reconvening the planning council shall be placed in section XIII of the final plan document.

(b) If any portion of any county in a planning unit is located within the watershed of the Kentucky River, the planning council shall address the consistency of the plan with regulations promulgated by the Kentucky River Authority and with the Kentucky River Authority's water resource plan at the annual meeting.

Section 6. Responsibilities of the Planning Representative. (1) Workplan. The planning representative shall develop a workplan for council approval and submission to the cabinet. Workplans may be separately developed for phase one and phase two planning activities. The workplan shall define objectives and deadlines for the planning process in accordance with the objectives established by the planning council, KRS 151.110 through KRS 151.116, and this regulation. The rate of plan development for specific counties within multicounty units may vary. A copy of the workplan shall be placed in section IV of the plan formulation document. The workplan shall identify the following:

(a) The planning representative;

(b) Overall goals, proposed procedures, and quarterly objectives;

(c) A planning budget;

(d) Sources of funds for the planning effort, including in-kind services, if any; and

(e) Any proposed deviations from the standard procedures required in this section and Sections 3 and 5 of this regulation. Deviations from the standard procedures in this regulation are allowed only with prior approval from the cabinet.

(2) Information review. The planning representative shall assemble and review information collected through the notification process described in subsections (3)(c) and (4) of this section. The planning representative shall review any plans and studies prepared within five (5) years previous to the base year by city, county, regional, state, and federal agencies that are related to water, sewer, waste management, or commercial and industrial growth. Existing water or water-related plans shall be described in section III of the final plan document.

(3) Obstacles to the planning process. The planning representative shall describe obstacles to the planning process that affect the potential accuracy, effectiveness, or implementation of the planning effort. These

obstacles may include lack of equipment; insufficient legal, fiscal or other resources necessary to implement data collection; inadequate authority or responsibility at any governmental or organizational level; or lack of available information. Appendix FPD-A of the final plan document shall identify and describe obstacles to the planning process, state the relevance of the incomplete or unavailable information to the planning process, and make recommendations to remove the obstacle for future planning efforts.

(4) County base map.

(a) The following information shall be located and identified on a map of each county in the planning unit: two (2) tick marks on both the right and left margins and two (2) along both the bottom and the top, each showing latitude and longitude; county boundary; state, federal, and significant county roads; hydrologic unit boundaries of watersheds; rivers, creeks, and other tributaries within the county or shared with contiguous counties; county seat; names and jurisdictional boundaries of first through fourth class cities; significant springs; water supply reservoirs; and dams. Maps of counties that have less than ten (10) fifth class cities shall show the name and location of these cities.

(b) County base maps shall be used as a base for each map required in this regulation, with the exception of the planning unit map and maps generated by state or federal agencies, or as specifically approved by the cabinet. The scale of county base maps and maps created using the county base map shall be between 1:24,000 and 1:90,000. The map document from which county base maps are compiled shall originally be a map at a scale of 1:90,000 or larger. Scales for county base maps in a planning unit shall be identical. Maps required in this regulation may be created as overlays to county base maps. The plan formulation document and the final plan document may include reduced copies of maps in addition to the maps created at the scale required in this paragraph.

(c) The county base map shall be placed in section V of the plan formulation document and section IV of the final plan document.

(5) Water use assessment. The planning representative shall assess water use for the base year. The planning representative shall use sources of data specified in this subsection unless the planning representative establishes that other information is more accurate or that the required information is not available. If a comprehensive water supply study has been completed within five (5) years of the base year by the U.S. Army Corps of Engineers for any area of the planning unit, the planning representative shall use the information developed in those studies, with corrections if data varies significantly from the latest U.S. census. Information developed in other water supply studies that have been completed within five (5) years of the base year may also be used, with corrections based on the latest U.S. census data, with the approval of the cabinet.

(a) Water suppliers and distributors.

1. Amounts of water used by water suppliers and distributors shall be determined for the base year. Usage shall be entered into a computerized database, using software described in subsection (7)(a) of this section. Water supplier and distributor usage shall also be determined for a historical year, four (4) to

six (6) years prior to the base year. This information shall be used to calibrate the forecasting software output. Usage data shall be disaggregated by usage sector.

2. Amounts of water used by water suppliers shall be determined from reports of metered water withdrawals, unless the planning representative justifies to the cabinet the use of other figures.

3. Amounts of water used by water supply distributors shall be determined from meter readings.

4. Water losses shall be calculated from the difference between metered readings of water purchased or withdrawn and water sold or otherwise accounted for.

5. Population figures used shall be based on the latest U.S. census and projections made by the Urban Studies Center at the University of Louisville. These figures may be adjusted for the planning unit, with cabinet approval, if the planning representative justifies the need to do so.

(b) Water use for withdrawal permittees other than water suppliers or distributors shall be determined from water withdrawal permit records available from the cabinet. Water withdrawals in violation of the water withdrawal permitting program shall also be determined.

(c) Agricultural water use from each water source shall be estimated.

(d) Other permit-exempt water withdrawals, including water used for fire protection at rates less than 10,000 gallons per day and for domestic uses, shall be estimated. Permit-exempt water withdrawals shall be described by source classification and usage.

(e) Documentation of water use assessment. Written records shall be kept regarding the sources of any water use data. The sources of data and water use information compiled pursuant to this subsection shall be fully described in section VI of the plan formulation document and summarized in section V of the final plan document, unless otherwise specified.

1. The planning representative shall create a water use map of each county in the planning unit. The water use map shall identify water supplier intakes, water supplier wells, and permitted water withdrawal intakes or wells that do not serve water suppliers. The map shall identify the source type and use category of each permitted site. The map shall also show water withdrawal sites for entities that withdraw more than 10,000 gallons of water per day and are exempt from or in violation of the water withdrawal permitting requirements of KRS 151.140 through 151.170 and 401 KAR 4:010, and identify the source classification and use category of each permit-exempt user.

2. The planning representative shall create one (1) or more diagrams showing disaggregated use of water that was withdrawn by each water supplier, including the categories of domestic, industrial, commercial, municipal, and lost or unaccounted for water use during the base year. Disaggregated demand figures shall be listed with respect to the source of supply, unless these sources are interconnected.

3. The planning representative shall describe water use conflicts or potential conflicts, including those caused by groundwater pumping that affects other wells or surface water or by other existing or potential competing users.

(6) Water supplier source assessment.

(a) Data collection constraints. The planning representative shall forecast the amount of available water, under normal and drought conditions, from each source being used by water suppliers in the planning unit during the base year. Methods for measuring water supply yield shall be preapproved or specified by the cabinet. The cabinet may approve deviations from the requirements in this subsection, if the planning representative demonstrates significant fiscal or other constraints. If a measure of available water is not accessible to each water supplier on a monthly basis, the planning representative shall estimate the cost of attaining those measurements. Data collection constraints shall be described in Appendix FPD-A of the final plan document.

(b) The planning representative shall summarize the soils and geologic characteristics of the planning unit. The planning representative shall obtain one (1) or more maps showing general characteristics of soils in the planning unit. These shall be included, as attachments if necessary, in section X of the plan formulation document.

(c) The planning representative shall calculate the amount of available water at the site of any water supplier intake on a stream. To determine water availability under normal conditions, the planning representative shall apply water withdrawal permitting program criteria to calculated average flow during the month of lowest flow and the seven (7) day, ten (10) year low flow. To simulate drought conditions, the planning representative shall calculate the seven (7) day, twenty (20) year low flow during the month of lowest flow. Data from the U.S. Geological Survey shall be used to make flow calculations unless the planning representative shows the cabinet that other data will provide more accurate information. If the watershed of the intake site extends beyond contiguous counties, the planning representative shall delineate an area as a recommended area appropriate for watershed protection.

(d) The planning representative shall calculate the available amount of water at the site of any water supplier intake in a water supply reservoir during normal and drought conditions. The planning representative shall also calculate streamflow into each water supply reservoir that stores runoff from a contributing watershed that drains more than thirty (30) square miles. Streamflow calculations shall be made as described in paragraph (c) of this subsection. If the watershed of the intake site extends beyond contiguous counties, the planning representative shall delineate an area as a recommended area appropriate for watershed protection.

(e) The planning representative shall calculate safe yield, specific capacity, zone of contribution and zone of influence for each water supplier well. The planning representative shall delineate an area as a recommended area appropriate for wellhead protection.

(f) The planning representative shall calculate available amount of water at the site of any water supplier intake at or below a spring. Flow calculations shall be made as described in paragraph (c) of this subsection. The planning representative shall delineate a recharge protection area that includes the recharge area of the spring.

(g) Documentation of source assessment. The

planning representative shall prepare a water supplier source map of each county in the planning unit. The source map shall show contributing watersheds and known recharge areas for each water supplier's source of water, such as known zone of influence for a well and recharge area for a spring. The water supplier source map shall also show recommended protection areas. Section VII of the plan formulation document shall show all calculations made pursuant to this subsection. Section VI of the final plan document shall include a chart showing the available yield of streams, reservoirs, springs, and water wells used by water suppliers. If the planning representative identifies constraints on water use related to quality or quantity, these shall be discussed in section VI of the final plan document.

(7) Water use forecast and assessment of treatment and total distribution capacity. Water supply demands shall be forecast for dates five (5), ten (10), fifteen (15) and twenty (20) years after the base year. The planning representative may develop as many as three (3) water use forecasts, each one related to variations in usage rates created by regulatory and nonregulatory measures to reduce the amount of water created by specific water uses. If a comprehensive water supply study has been completed by the U.S. Army Corps of Engineers within five (5) years of the base year for any area of the planning unit, the planning representative shall use the information developed in those studies, with corrections if data vary significantly from the latest U.S. census. Information developed in other water supply studies that have been completed within five (5) years of the base year may also be used, with corrections based on the latest U.S. census data, with the approval of the cabinet.

(a) Water suppliers.

1. Demand for water from water suppliers shall be forecast using computerized software that enable water use projections that are disaggregated according to type of usage, including type of residential unit. Planning representatives may use IWR-MAIN Water Use Forecasting System computer software produced by the U.S. Army Corps of Engineers Institute for Water Resources or similar software. Section VI of the plan formulation document shall include a listing of assumptions, data sources, and extrapolations used in forecasting water demand.

2. The planning representative shall identify and contact any single user that purchases twenty (20) percent or more of the water produced by any water supplier and review all available plans such users have that would affect future water use. These users, their plans and the impact of these plans on forecasted water use shall be summarized in section V of the final plan document.

(b) The planning representative shall forecast average daily water use for each type of water use described in subsection (5) of this section. Diagrams showing disaggregated, forecasted use of water shall be placed in section V of the final plan document.

(c) Assessment of treatment and total distribution capacity. Information related to assessment of treatment and total distribution capacity shall be placed in section V of the final plan document.

1. The planning representative shall determine existing treatment and total distribution

capacity of the water supplier. The planning representative shall create one (1) or more graphs comparing treatment and total distribution capacity, any planned expansion of treatment or total distribution capacity, and forecasted water use.

2. The planning representative shall determine if vertical elevation of an intake or capacity of a pump limits access to available water and describe access limitations.

3. For water suppliers whose water losses are greater than fifteen (15) percent, the planning representative shall estimate the cost of finding and repairing leaks. If water use is not metered, the planning representative shall estimate the cost of meter installation.

4. The planning representative shall prepare a service area map of each county in the planning unit showing the existing jurisdictional and service area boundaries of water suppliers and distributors.

5. The planning representative shall create a service area expansion map for each county in the planning unit showing existing expansion plans of water suppliers and distributors, including the proposed access sites of new sources of water. The service area expansion map shall be accompanied by an explanation that identifies projected dates of the expansions.

(8) Supply adequacy assessment. In order to determine water supply adequacy, the planning representative shall compare water source availability and water demands for the base year and forecasted demand for dates five (5), ten (10), fifteen (15), and twenty (20) years afterward, for each water supplier or source. By applying adequacy standards described in this subsection to each five (5) year increment, the planning representative shall identify the apparent date at which the current supply will no longer be adequate. Criteria described in this subsection shall be adjusted if a water supplier withdraws water from more than one (1) source of water. The cabinet may approve equivalent adequacy standards if the planning representative demonstrates the necessity to do so. Calculations for determining supply adequacy and a description of supply adequacy shall be documented in section VIII of the plan formulation document and summarized in section VII of the final plan document. If the existing source of supply is not adequate to meet forecasted needs for twenty (20) years after the base year, the planning representative shall inventory the water resources of the planning unit according to subsection (10) of this section. If the existing source of supply is adequate to meet forecasted needs for twenty (20) years from the base year, the planning representative shall evaluate and describe the security of access to supply for that period and in section IX of the final plan document. Whether existing supply is adequate for twenty (20) years from the base year or not, the planning representative shall identify potential sources of water to use in case of contamination or similar emergency as described in subsection (13)(b) of this section.

(a) A stream shall be considered an inadequate source of water supply if the seven (7) day, ten (10) year low flow equals zero or if average rate of water use is more than eighty-five (85) percent of the available water under normal conditions.

(b) A water supply reservoir that stores

runoff from a contributing watershed area of ten (10) square miles or less shall be considered an inadequate source of supply if the available volume at normal pool provides less than 200 days of supply at the average rate of water use.

(c) A water supply reservoir that stores runoff from a contributing watershed that drains between ten (10) and thirty (30) square miles shall be considered inadequate if the available volume at normal pool provides less than 100 days of supply at the average rate of water use.

(d) The following chart shall be used to determine the adequacy of a water supply reservoir that stores runoff from a contributing watershed that drains more than thirty (30) square miles.

Days ²	Percent of Water Used ¹		
	0 - 70	71 - 85	86 - 100
<45	inadequate	inadequate	inadequate
45 - 60		inadequate	inadequate
61 - 100			inadequate

¹"Percent of water used" means average rate of water use divided by the amount of available water in the inflowing stream under normal conditions, times 100.

²"Days" means days of supply at the average rate of water use, stored in the water supply reservoir.

(e) A water supply well or well field shall be considered inadequate if the average rate of water use requires water withdrawal at a rate greater than the safe yield of the aquifer.

(f) A water supply spring shall be considered inadequate if the average rate of water use is more than eighty-five (85) percent of the available water under normal conditions.

(g) In addition to the minimum standards in this subsection, the assessment of supply adequacy shall consider the following:

1. Instream uses such as recreation and maintenance of both game and nongame aquatic life;

2. Water conservation and demand management practices for resolving any adequacy deficits;

3. The quantity impacts of significant water withdrawals in the watershed or recharge area of the water supplier source;

4. The downstream or down-gradient impacts of water supplier withdrawals on other users; and

5. Competing uses of the surface waters or aquifers from which each water supplier's water is being taken.

(9) Supply protection. The planning representative shall identify and evaluate the risk of water supply degradation, contamination, or depletion resulting from activities in the watershed or recharge area in the planning unit. The risk of water supply degradation, contamination, or depletion shall be documented in section IX of the plan formulation document and summarized in section VIII of the final plan document.

(a) The planning representative shall identify any potential source of contamination within the watershed of a surface water supplier source or within the recharge area of a water supplier spring, or the wellhead protection area of a water supplier well or well field. The planning representative shall develop a tabular display of the degree of hazard posed by potential contaminants of a water supplier source. The planning representative shall create a map of

potential sources of contamination. The map and the tabular display shall be placed in section VIII of the final plan document. Sources of potential contamination shall include, at a minimum:

1. Areas possessing known or potential sources of nonpoint source pollution;

2. Discharges permitted or tank batteries registered under 401 KAR 5:050 through 401 KAR 5:090 [080, the Kentucky Pollutant Discharge Elimination System];

3. Landfills, hazardous waste sites, and large, unpermitted or abandoned garbage dumps;

4. Active or inactive underground storage tank facilities that are registered with the Division of Waste Management;

5. Wells used for underground injection;

6. Facilities that store, utilize, or produce hazardous materials; and

7. Lagoon or surface impoundments or stock piles used to store or produce materials which could potentially contaminate water.

(b) The planning representative shall relate soils and geologic characteristics of the planning unit to the risks of water supply contamination, degradation, or depletion in section VIII of the final plan document.

(c) The planning representative shall describe local, existing regulatory and nonregulatory measures that protect the quality and quantity of the water supplier's sources in the planning unit in section VIII of the final plan document. Copies of local, existing regulatory measures shall be included in section IX of the plan formulation document.

(d) The planning representative shall formulate recommendations for local regulatory and nonregulatory measures to protect the quality and quantity of the water supplier's sources through watershed, recharge area, or wellhead protection programs. Local regulations and recommendations shall be described in section VIII of the final plan document.

(10) Water resources inventory. If the existing source of supply is not adequate to meet forecasted needs for twenty (20) years after the base year, the planning representative shall inventory the water resources of the planning unit. If inadequate, existing sources affect less than forty (40) percent of the counties in the planning unit, the cabinet may require an inventory or specific counties only.

(a) The planning representative shall prepare one (1) or more water resources maps of each county in the planning unit. Water resources maps shall be placed in section IX of the final plan document. Maps produced by federal or state agencies may be substituted for one (1) or more features and appended to section IX of the final plan document. Water resources maps shall show the following features:

1. The location of federally authorized or other significant rain and streamflow gauges;

2. Wetlands delineated by the U.S. Fish and Wildlife Service, under the National Wetlands Inventory program, and hydric soils delineated by the U.S. Soil Conservation Service;

3. Outstanding resource waters and coldwater aquatic habitat, as designated under 401 KAR 5:026 through 401 KAR 5:031, Kentucky water quality standards;

4. Generalized land use;

5. Active and abandoned mine works in which water is stored or from which water is discharged, if map information is available;

6. Geologic conditions, such as karst areas, that may cause unique water quantity or quality problems, if this information is available;

7. Areas of cultural and/or archeological significance that may affect water resources of the planning unit;

8. Aquifers and groundwater recharge and discharge areas, if maps are available; and

9. Significant water-oriented recreational resources.

(b) The following information, if available, shall be compiled in paragraph or chart form, and placed in section X of the plan formulation document:

1. Historical streamflow data;

2. Average monthly precipitation from historical data;

3. State and federal requirements and policies affecting water availability;

4. Construction data, usage data and average monthly static water levels, where readily available, of wells used at average rates of more than 10,000 gallons per day;

5. Generalized quality of water;

6. Description of groundwater aquifers, including confining layers, flow characteristics, and predicted maximum yield; and

7. Ownership of dams or water body access rights to any reservoirs or impoundments.

(c) The planning representative shall acquire current U.S. Geological Survey topographic maps of the planning unit, scale 1:24,000, and append these to section IX of the final plan document.

(d) The planning representative shall assemble or identify all readily available printed information related to water resources in the planning unit and describe this information in section X of the plan formulation document.

(e) The planning representative shall place a summary of the available information that relates to the quality of water in the county in section IX of the final plan document.

(11) Water supply alternatives. If the existing sources of supply are not adequate to meet forecasted needs for twenty (20) years after the base year, the planning representative shall evaluate water supply alternatives related to each water supplier that does not have adequate supply. These evaluations shall be fully documented in section XI of the plan formulation document, summarized in section X of the final plan document, and presented to the planning council. Maps shall be used if their existence will clarify alternatives.

(a) The planning representative shall examine each alternative that could potentially provide adequate water for normal supply provisions. The planning representative shall clarify these alternatives for the planning council and the public, shall fully explain each alternative in the plan formulation document, and shall summarize each alternative in the final plan document. The planning representative shall clarify why other alternatives were deemed inadequate. Documentation and presentations to the planning council and the public shall clarify at least the factors listed below:

1. The degree to which the alternative contributes to the planning objectives;

2. Use of conservation and demand options, including legal, motivational, and technological water use efficiency measures;

3. The level of supply dependability;

4. Consistency with existing plans;

5. Environmental impacts;
6. The feasibility of providing adequate pumpage and pressure to supply water from the alternative sources;
7. Costs associated with developing the alternative source;
8. Social, political, and economic impacts;
9. Potential sources of contamination of new sources of water;
10. Variations of water quality treatment capabilities or techniques required due to the characteristics of new sources of water;
11. The impacts and potential for conflicts with water uses that are not dependent on water suppliers, including private drinking water wells;
12. Supply protection; and
13. Changes in wastewater treatment and disposal systems required as a result of water supplier system expansion.

(b) If regionalization is considered a feasible alternative, the planning representative shall identify and evaluate the factors related to supply dependability, contamination and other risks, a recommended management structure for the regional unit, and economic cost to individuals, water suppliers, and governments.

(c) If interconnection between existing water suppliers is a specified alternative, the plan shall provide reasonable assurance that the resulting demand for water is included in any water use forecast performed in conjunction with water supply planning for the proposed interconnected water supply system.

(d) If capital improvement projects are proposed to implement the plan, the projects shall be described in the plan, including: design components; storage capacity; location alternatives; proposed construction schedule; expected federal, state and local costs; types of financing; and sources of local financing (subcounty, countywide, or multicounty).

(e) If any portion of any county in a planning unit is located within the watershed of the Kentucky River, the planning representative shall identify regulations promulgated by the Kentucky River Authority and portions of the Kentucky River Authority's water resource plan that are relevant to the planning unit.

(12) Primary alternatives. If any existing source of supply is not adequate to meet forecasted needs for twenty (20) years after the base year, the planning representative shall further evaluate one (1) or more specific alternative [shall be further evaluated] if the planning grant or other funds allow. Section XI of the final plan document shall include a detailed description of the selected alternative. A map shall be created if it will clarify the primary alternative or alternatives.

(13) Emergency plans. The planning representative shall prepare water shortage response and supply contamination plans, which [created pursuant to this subsection] shall be documented in section XIII of the plan formulation document and summarized in section XII of the final plan document.

(a) Water shortage response plans. If the water supply availability inventory indicates that water availability for any supplier will be less than adequate during drought conditions, the planning representative shall outline contingency plans for managing water demands and

accessing alternate sources of water.

1. Water shortage response plans shall be based on the water shortage response plan available from the cabinet, and shall include: identification of various levels of response; triggers that shall initiate these responses; actions and responses applicable to local government and the public for each response level; and penalties as necessary to ensure that the required actions are implemented.

2. Water shortage response plans shall describe the methods to be used by any affected water supplier to notify the public of the emergency and to provide the public with the information needed to understand the seriousness of the situation and to know what shall be done to properly respond to the situation.

3. Water shortage response plans shall identify sources of water for use during water supply emergencies and shall describe plans for receiving prior approvals, achieving access to the water, and adequately treating and distributing the water.

4. Water shortage response plans shall include a description of provisions made for activities to be performed by the Department for Military Affairs or the cabinet, if the emergency plan calls for any actions on the part of either agency. The discussion of such provisions shall include the types of activities to be performed by the Department of Military Affairs or the cabinet, at what level of water shortage these actions are to take place, approximately what it will cost the local community to reimburse the Department of Military Affairs' or the cabinet's expense, and documentation of agreement and approval from the appropriate agency.

5. Water shortage response plans shall describe any legal arrangements that are recommended or would be required to implement or enforce the emergency plans, including at least Public Service Commission approval when applicable.

6. Water shortage response plans shall identify who within the local government shall enforce the emergency provisions in the plan. The plan shall demonstrate that the local government has the authority to enforce these provisions.

(b) Supply contamination response plans. The planning representative shall develop contingency plans to be implemented if a water supply is contaminated or is threatened by contamination.

1. Supply contamination response plans shall describe methods of notifying state and federal agencies of the emergency.

2. Supply contamination response plans shall describe methods to be used by any affected water supplier to notify the public of the emergency and to provide the public with the information needed to understand the seriousness of the situation and to know what shall be done to properly respond to the situation.

3. Supply contamination response plans shall recommend sources of water for use during both short-term and long-term emergencies due to supply contamination and describe plans for receiving prior approvals, achieving access to the water, and adequately treating and distributing the water. Alternate sources of water for short-term use shall not be required to meet the adequacy standards described in subsection (8) of this section.

4. The planning representative shall assess

water supplier distribution system capability to cope with contamination.

5. For water supply wells, the planning representative shall evaluate the effectiveness of existing monitoring wells.

(14) Implementation plan. The planning representative shall determine the steps necessary to implement the water supply plan and describe these in section XIII of the final plan document.

(a) Plans for implementation shall include methods for updating and amending the plan document and addressing current or future potential conflicts.

(b) Implementation plans shall contain a timetable for initiation and completion of tasks and shall identify parties responsible for completing tasks.

(c) The planning representative shall create a chart showing the anticipated costs of implementation and describe proposed methods of financing, including reasonable estimates of the interest rates on loans and the per capita cost to water users.

(d) The planning representative shall recommend procedures to coordinate actions of local government, and other agencies that impact development decisions within the planning unit, with the water supply plan.

(e) The implementation plan shall describe existing authority to implement the plan and identify any legal changes or agreements that are necessary to implement the plan. If the planning council makes any written agreement towards the implementation of the plan or a portion of the plan, section XIII of the final plan document shall describe the nature of the agreement, the parties involved, and when the implementation will happen. Copies of any written agreement or resolution, including agreements to expand treatment facilities or use new water sources, shall be included in section XIV of the plan formulation document.

Section 7. Grant Provisions and Plan Approval. Water supply planning grants provided by the cabinet shall be used only to create water supply plans, and shall not be used for implementing water supply plans or to construct water supply facilities or distribution systems. Planning grants may be provided separately or jointly for phase one and phase two planning activities.

(1) Funding application.

(a) A county or planning representative may apply for a planning grant by submitting a form entitled "Water Supply Planning Financial Assistance Application," dated March, 1991 and hereby incorporated by reference. Copies of this form may be reviewed or obtained from cabinet offices at 18 Reilly Road, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m. from Monday through Friday, except holidays.

(b) The application period for requesting a planning grant for state fiscal year 1991 and 1992 funds shall be from the effective date of this regulation until ninety (90) days thereafter. The application deadline for subsequent state fiscal years shall be May 1.

(c) The cabinet shall review the application and may require the workplan to be revised if the cost of the water supply plan is unreasonable.

(2) Funding priorities. Water supply planning grants from available funds shall be distributed

annually, as available. Unfunded applications from one (1) fiscal year may be carried over to the next fiscal year in their priority order. The cabinet shall prioritize grant applications according to water supply needs and budget constraints, within the following categories of priority:

(a) First priority shall be given to grant applicants from either counties within which lie one (1) or more [a] water suppliers that have [serves thirty-five (35) percent of the county population and has] demonstrated drought vulnerability or significant conflicts related to shared sources of water supply or source degradation and which serve thirty-five (35) percent of the county population, or counties in which thirty-five (35) percent of the county population is solely dependent on groundwater and are not located adjacent to a stream with average flow of at least 15,000 cubic feet per second or an impoundment of at least 300,000 acre-feet. The cabinet may provide from eighty (80) to 100 percent of planning costs for these counties [planning units] if they are within multicounty units, and eighty (80) to eighty-five (85) percent if they are single-county units.

(b) Second priority shall be given for phase one planning activities only, and shall be given to grant applicants from multicounty planning units that include a water supplier with demonstrated drought vulnerability or significant conflicts related to water supply planning. The cabinet may provide these grant applicants eighty (80) to 100 percent of phase one planning costs.

(c) Third priority shall be given for phase one planning activities only, and shall be given to grant applications from counties [within multicounty planning units] without demonstrated drought vulnerability or water supply conflicts. The cabinet may provide from [these grant applicants] eighty (80) to 100 percent of planning costs for counties from multicounty planning units and eighty (80) to eighty-five (85) percent if they are single county units.

[(d) Fourth priority shall be given for phase one planning activities only, and shall be given to grant applicants from single-county planning units without demonstrated drought vulnerability or water supply conflicts. The cabinet may provide these grant applicants eighty (80) percent of planning costs.]

(d) Fourth [(e) Fifth] priority shall be given to grant applicants from [multicounty] planning units without demonstrated drought vulnerability or water supply conflicts. The cabinet may provide from [these grant applicants] eighty (80) to 100 percent of planning costs for these counties if they are from multicounty planning units, and eighty (80) to eighty-five (85) percent if they are single-county planning units.

[(f) Sixth priority shall be given to grant applicants from single-county planning units without demonstrated drought vulnerability or water supply conflicts. The cabinet may provide these grant applicants eighty (80) percent of planning costs.]

(3) Local funding contributions.

(a) In-kind services. Local planning fund contributions may include up to fifty (50) percent of costs incurred during planning activities. Written records of these services

shall be submitted to the cabinet for approval before matching funds will be released and documented in Appendix PFD-A of the plan formulation document.

1. Activities that shall not be considered as in-kind services include those associated with advertising for, selecting, or administering contractual agreements and those associated with expenses incurred prior to notification to the cabinet.

2. Records shall be maintained to document expenditures of any in-kind services where cost-share financial assistance has been requested for plan development. These records shall be included in Appendix PFD-A of the plan formulation document and available for review when any financial assistance request is made for a partial reimbursement prior to final plan approval.

(b) Expenses incurred prior to grant approval. The cabinet may approve planning expenditures that have been incurred after notification to the cabinet of the intent to develop a water supply plan and prior to grant approval. If approved, these expenses shall be reimbursed at a rate of forty-five (45) percent. No more than seventy (70) percent of total reimbursed expenses shall have been performed prior to grant approval.

(4) Plan approval. The planning council shall submit one (1) copy of the plan formulation document and three (3) copies of the final plan document to the cabinet.

(a) No plan shall be approved by the cabinet unless it meets all the provisions of this regulation and is consistent with state laws and regulations.

(b) The cabinet shall examine the plan for consistency with other water supply plans that have been approved by the cabinet pursuant to this regulation. The cabinet shall notify planning councils of inconsistencies between water supply plans. If any portion of any county in a planning unit is located within the watershed of the Kentucky River, the cabinet shall examine the plan for consistency with regulations promulgated by the Kentucky River Authority and with the Kentucky River Authority's water resource plan and notify the planning council and the Kentucky River Authority of inconsistencies.

(c) The cabinet shall notify the planning council within ninety (90) days if any portion of the plan document is not consistent with statutes or regulations and shall identify any portion of the plan document requiring revision. The planning council shall subsequently submit a revision within 120 days after receiving notice of disapproval. The cabinet may extend the time period allowed to revise a plan document if a planning council submits written justification to postpone the deadline.

(d) Payments. No payments shall be made to a grant recipient for work that does not conform to the approved plan. As part of the grant contractual agreement, the cabinet may specify a schedule for payment based on submittal and approval of work elements. No more than eighty (80) percent of any total grant allotment shall be paid until grant conditions have been met and work completed under the planning grant has been approved by the cabinet.

CARL H. BRADLEY, Secretary
FRANK DICKERSON, Commissioner

APPROVED BY AGENCY: May 7, 1991
FILED WITH LRC: May 7, 1991 at noon

TRANSPORTATION CABINET
(Amended After Hearing)

600 KAR 2:010. Toll assessment on turnpikes.

RELATES TO: KRS 175.450, 175.470, 175.520
STATUTORY AUTHORITY: KRS 174.080, 175.470, 175.520

NECESSITY AND FUNCTION: KRS 175.450 authorizes the Turnpike Authority to fix, revise, charge, and collect tolls for transit over each turnpike project except to the extent that this authority is surrendered to the Department of Highways pursuant to a lease. This authority has been surrendered to the Department of Highways. This administrative regulation has been promulgated to establish the tolls to be collected at each toll collection station for each vehicle classification.

Section 1. The toll schedules set forth in TC34-12, "Transportation Cabinet, Division of Toll Facilities, Toll Schedule" revised October, 1989 [February, 1991] [March, 1987] and the Vehicle Classification Chart, Form TC34-15, revised February, 1985 are hereby adopted and incorporated by reference as a part of this administrative regulation. All vehicle[s] operators except those exempted by 600 KAR 2:020 shall [must] pay the toll shown on the toll schedule for each vehicle classification.

Section 2. The forms incorporated in Section 1 of this regulation may be obtained from the Transportation Cabinet, Division of Toll Facilities, 9th Floor State Office Building, Frankfort, Kentucky 40622 by writing, telephoning or appearing in person. The telephone number is (502)564-4628. The regular office hours of the Division of Toll Facilities are 8 a.m. to 4:30 p.m. eastern time. Monday through Friday on those days worked by Kentucky state government.

MILO D. BRYANT, Secretary
APPROVED BY AGENCY: April 29, 1991
FILED WITH LRC: May 3, 1991 at 2 p.m.

TRANSPORTATION CABINET
Department of Highways
Division of Planning
(Amended After Hearing)

603 KAR 5:250. Selection of National Truck Network highways.

RELATES TO: KRS 189.221, 189.222, 23 CFR Part 658
STATUTORY AUTHORITY: KRS 189.222, 23 CFR Part 658

NECESSITY AND FUNCTION: KRS 189.222 authorizes the Secretary of Transportation to establish reasonable size limits for motor vehicles using the State Primary Road System. 23 CFR Part 658 requires the states to establish access review procedures certified by the Federal Highway Administration (FHWA) for purposes of allowing the operation of specified vehicles beyond the original limits of the National Truck Network as

authorized by the Surface Transportation Appropriations Act of 1982. This administrative regulation is promulgated in order to provide for the access review procedures to be administered by the Department of Highways.

Section 1. Definitions.. (1) "STAA vehicle" shall mean a vehicle which exceeds the dimension limits set forth in 603 KAR 5:070, Section 1, but which does not exceed the dimensions prescribed by 603 KAR 5:070, Section 2(2).

(2) "National Truck Network (NTN)" shall mean the system of highway routes in Kentucky described in 603 KAR 5:070, Section 3, and Appendix A to 23 CFR Part 658.

(3) "Reasonable access" shall mean the right for an STAA vehicle to access a terminal or service facility under the provisions of 23 CFR Part 658.19.

(4) "Service facility" shall mean any commercial facility that provides repair, fuel, food, or rest to an STAA vehicle or its operator.

(5) "Terminal" shall mean any location where freight either originates, terminates, or is handled in the transportation process, or where commercial motor carriers maintain operating facilities.

Section 2. 23 CFR Part 658. Selection of the National Truck Network highways and access to terminals and services by STAA vehicles shall be governed by 23 CFR Part 658.

Section 3. Right of Access Without Review. Access to terminal and service facilities shall be allowed for STAA vehicles up to five (5) driving miles from the National Truck Network on state-maintained routes and up to one (1) mile on any nonstate-maintained route except where STAA vehicles are prohibited from using a route following the provisions set forth in Section 4 of this regulation.

Section 4. Use of Route Prohibited. Any route within the one (1) mile or five (5) mile automatic access allowance set forth in Section 2 of this regulation that has significant, clearly-evident safety problems may by Transportation Cabinet official order or local ordinance which has been reviewed and approved by the Transportation Cabinet be closed to use by STAA vehicles provided there is compliance with the following:

(1) If the prohibition of use is on a state-maintained route, an official order for that purpose shall be issued by the Transportation Secretary with the approval of the State Highway Engineer.

(2) If the prohibition is the result of action by a local jurisdiction, that jurisdiction shall provide the State Highway Engineer with copies of the appropriate ordinance for review by the Department of Highways in order to ensure consistency of the local ordinance with 23 CFR Part 658. The Transportation Cabinet shall either approve, disapprove or offer changes to the local ordinance within thirty (30) days of receipt of the ordinance. If the Transportation Cabinet fails to act within the thirty (30) days, the local ordinance shall become effective on the 31st day.

(3) Any route normally falling within the five (5) mile or one (1) mile automatic access which is prohibited for use by STAA vehicles under the provisions of this section shall be identified

by the placement of a traffic sign by either the Department of Highways or the local government unit having jurisdiction over the route.

(4) Any route normally falling within the five (5) mile or one (1) mile automatic access which is prohibited for use by STAA vehicles under the provisions of this section shall be identified in 603 KAR 5:070.

Section 5. Request for Access Review. Any owner or operator of an STAA vehicle who cannot reach a terminal facility through the access provisions of Section 3 of this regulation and the highway segments set forth in 603 KAR 5:070 may request review of a specific route by the following procedures:

(1) The applicant shall file a written request addressed to the Division of Planning, 419 Ann Street, Frankfort, Kentucky 40622, in an envelope plainly marked "STAA Route Review";

(2) The applicant shall mark on a state highway map the routes the applicant travels within Kentucky. The applicant shall also provide a written description of these routes;

(3) The applicant shall mark on the same map used in subsection (2) of this section the proposed route to be reviewed and mark the terminal facility proposed to be used by STAA vehicles. The applicant shall also provide a written description of the route desired to be traveled in Kentucky and furnish any other appropriate proof of need to use the route;

(4) The applicant shall describe the STAA motor vehicle proposed to be operated by the applicant over the route, including kingpin distance of trailers as measured to the center of the rear axle and the amount of rear overhang as measured from the center of the rear axle to the rear of the trailer. These dimensions shall not exceed a forty-one (41) foot kingpin distance nor a rear overhang of five (5) feet; and

(5) The applicant shall agree to supply a tractor-semitrailer vehicle combination in which the semitrailer is fifty-three (53) feet long and 102 inches wide and the tractor is a standard model rather than a short, snub-nosed model [STAA vehicle] and driver for use in demonstrating vehicle performances on the route requested to be reviewed within thirty (30) days [if needed by the Transportation Cabinet].

Section 6. Access Review Procedure. After receipt of a "Request for Access Review" which meets the requirements of Section 5 of this regulation, the Transportation Cabinet shall have ninety (90) days in which to inspect the route, make a recommendation as to whether the route should be approved as an access route, obtain the approval of the State Highway Engineer, and obtain the secretary's approval of an official order designating the route as part of the NTN system, if so warranted. Otherwise, it shall notify the applicant that the request has been refused. In making its findings, the Transportation Cabinet shall consider all of the factors set forth in Section 7 of this regulation. Failure to meet any one (1) of the application requirements set forth in Section 5 of this regulation [or the tests set forth in Sections 7 and 8 of this regulation] shall be grounds for denial of a request for access review. Failure by the Transportation Cabinet to either approve or reject the request within the

ninety (90) day period shall constitute automatic approval of this request.

Section 7. Provision for Over-the-road or Template Tests. A test drive of the route shall be accomplished except where as-built planimetric plan drawings are available at a sufficient scale for use of template measures. In these cases the template measures may be substituted for an STAA vehicle test drive over the route. Where no suitable as-built plans exist, the applicant-furnished STAA dimension test vehicle shall be driven over the route and the vehicle's performance recorded so as to provide a permanent record demonstrating the adequacy or inadequacy of its performance. The test drive shall be performed at or near the highway segment speed limit in order to approximate actual conditions.

Section 8. [7.] Engineering and Safety Criteria. Any route requested [All requests] for access review in which the test drive or template measures required by Section 7 of this regulation found the route to be inadequate shall be subjected to an engineering and safety analysis. After a route inadequacy is shown by the test imposed under Section 7 of this regulation any one (1) of the following design deficiencies shall disqualify a route from further consideration for inclusion in the National Truck Network:

(1) A two (2) lane, two (2) directional route which has a lane width of less than ten (10) feet [or less];

[(2) A route which has a gross weight limit of less than 80,000 pounds;]

(2) [(3)] A route which has a structure on which the bridge weight allowance[, as determined by the bridge weight formula set forth in 603 KAR 5:066, Section 3(3),] is less than 80,000 pounds for use by a tractor semitrailer combination with five (5) or more axles or is less than 73,500 pounds for use by a straight truck with four (4) or more axles;

(3) [(4)] A route which has an underpass that has a vertical clearance of less than thirteen (13) feet six (6) inches;

(4) [(5)] A route which has a bridge structure with a width, measured curb to curb, of less than twenty-two (22) feet [or less];

(5) [(6)] A route greater than one (1) mile in length where the sight passing distance over fifty (50) percent of any segment of the route is restricted to lengths less than 1,500 feet;

(6) [(7)] A route where a combination of two (2) or more of the following conditions on any segment of the route is of a magnitude to constitute a clearly-evident safety hazard;

(a) There exists high degrees of horizontal or vertical curvature;

(b) The roadway shoulders are less than four (4) feet in width; or

(c) There is a narrow bridge on the road segment;

(7) [(8)] A route on which the turning radii of urban intersections are insufficient, as measured by template or on-site observation, to permit safe turning maneuvers by an STAA vehicle or a route on which the operation of an STAA vehicle constitute a safety hazard to other vehicle operators or public or private property by reason of vehicle off-tracking or opposing

lane encroachment; or

(8) [(9)] A route on which the incidence of traffic accidents is of a magnitude to indicate that any portion of the route is unsafe[, particularly] for use by STAA vehicles.

[Section 8. Provision for Over-the road or Template Tests. If a route is not rejected for inclusion in the National Truck Network due to design deficiencies, a test drive of the route may be required. Where as-built planimetric plan drawings are available at a sufficient scale for use of template measures, the template measures may be substituted for an STAA vehicle test drive over the route. Where no suitable as-built plans exist, the applicant-furnished STAA dimension test vehicle shall be driven over the route and the vehicle's performance recorded so as to provide a permanent record demonstrating the adequacy or inadequacy of its performance. The result of the test drive shall be considered in the engineering and safety analysis of the route by the Transportation Cabinet.]

O. GILBERT NEWMAN, State Highway Engineer

MILO D. BRYANT, Secretary

APPROVED BY AGENCY: May 1, 1991

FILED WITH LRC: May 3, 1991 at 2 p.m.

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

905 KAR 5:060. Compensation for guardianship program services.

RELATES TO: KRS 210.290, 386.180, 387.760(2)

STATUTORY AUTHORITY: KRS 194.050, 210.290, 386.180

NECESSITY AND FUNCTION: Pursuant to KRS 210.290 and 387.760(2) the Cabinet for Human Resources is [shall be] entitled to receive reasonable compensation for services rendered and for reasonable and necessary expenses incurred in the exercise of its assigned guardianship or conservatorship duties and powers. This regulation sets forth the policies which shall be employed by the Cabinet for Human Resources when charging for services administered by the guardianship program.

Section 1. Definitions. "Cash resources" means accumulated funds in the guardianship account in excess of the cost of living which includes charges for care, maintenance, and personal needs.

Section 2. [1.] Compensation. (1) The Cabinet for Human Resources shall collect compensation for services rendered by the guardianship program, pursuant to KRS 210.290(5) and 386.180.

(2) For those wards whose income and resources are limited to the extent that they are eligible for benefits under the Medical Assistance Program, the annual compensation charged shall not exceed:

(a) \$120 for those wards whose cash resources are between \$1,000 and the maximum level to remain eligible for benefits under the medical assistance program [or more].

(b) Sixty (60) dollars for those wards whose cash resources are between \$500 and \$999 [less

than \$1,000].

(c) For those wards whose case resources are less than \$500, no compensation shall be charged.

(3) Notwithstanding a provision of this regulation, the Cabinet for Human Resources may waive its charge for compensation for a ward or the ward or the ward's representative may request a waiver of the charge for compensation for the ward if it can be shown that the charge [if the charge] would deprive the ward of the necessities of life including, but not limited to, necessary food, clothing, shelter, or

medical care.

(4) If a dispute over the waiver of charges for compensation cannot be resolved between the Cabinet for Human Resources and the ward, the matter may, by request of either party be referred to the district court having appropriate venue for resolution.

LARRY MICHALCZYK, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 29, 1991

FILED WITH LRC: May 2, 1991 at 3 p.m.

PROPOSED AMENDMENTS RECEIVED BY NOON, MAY 15, 1991

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
(Proposed Amendment)

11 KAR 4:040. Educational institution participation requirements.

RELATES TO: KRS 164.740, 164.748(6), (13)

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority ("authority") administers programs of student financial assistance. The authority is empowered by KRS 164.748(6) and (13) to enter contracts with eligible educational institutions to provide for the administration of student financial assistance programs, and approve, disapprove, limit, suspend, or terminate the participation of such institutions. This regulation sets forth the conditions under which the authority will execute a contract with an educational institution for participation in any or all of the authority's programs. The amendment specifies documentation and standards that are a precondition to execution of an administrative agreement.

Section 1. Definitions. (1) The definition of "authority" is governed by KRS 164.740. Action by the authority shall refer to action on behalf of the authority by the executive director or his designee, appointed pursuant to KRS 164.746(6).

(2) The definition of "business school" is governed by KRS 164.740.

(3) The definition of "college" is governed by KRS 164.740.

(4) The definition of "federal act" is governed by KRS 164.740.

(5) "Fiscal year default rate" means, for any fiscal year in which thirty (30) or more current and former students at the institution enter repayment on GSL or SLS program loans received for attendance at the institution, the percentage, determined by the secretary, of those current and former students who enter repayment on GSL or SLS program loans received for attendance at that institution in that fiscal year who default before the end of the following fiscal year. For any fiscal year in which less than thirty (30) of the institution's current and former students enter repayment, the term "fiscal year default rate" means the average, determined by the secretary, of the rate calculated under the preceding sentence for the three (3) most recent fiscal years. In the case of a student who has attended and borrowed at more than one (1) school, the student (and his or her subsequent repayment or default) is attributed to each school for attendance at which the student received a loan that entered repayment in the fiscal year. A loan on which a payment is made by the school, its owner, agent, contractor, employee, or any other affiliated entity or individual, in order to avoid default by the borrower is considered as in default for purposes of this definition.

(6) "Fiscal year" means the period from and including October 1 of the calendar year through and including September 30 of the following calendar year.

(7) "GSL or SLS program loans" means loans reinsured by the secretary pursuant to sections

428 or 428A of the federal act (20 USC §1078 or 1078-1).

(8) The definition of "insured student loan" is governed by KRS 164.740.

(9) The definition of "school of nursing" is governed by KRS 164.740.

(10) The definition of "secretary" is governed by KRS 164.740.

(11) The definition of "vocational school" is governed by KRS 164.740.

Section 2. [1.] General Rule. The authority shall [will] execute an administrative agreement with any educational institution which meets the eligibility criteria established by KRS 164.740 et seq., KRS 164.780 et seq., and (as applicable to a particular authority program) the federal act [Higher Education Act of 1965 (20 United States Code 1070 et seq.), as amended], and which is approved for participation by the authority and (as applicable) the [United States] secretary [of Education ("Secretary")]. The authority shall [will] approve for participation in any authority program an educational institution which:

(1) Demonstrates to the satisfaction of the authority, in accordance with standards set forth in Section 5 of this regulation [34 Code of Federal Regulations part 668], financial responsibility and administrative capability to administer authority programs of student financial assistance;

(2) Is not presently suspended or terminated from participation in student financial assistance programs by either the authority, and organization authorized to insure loans under the federal act, or the secretary;

(3) Holds all licenses, in full force and effect, necessary to transact business in the Commonwealth of Kentucky;

(4) Meets the criteria set forth in Sections 4 through 13 [3, 4, 5 and/or 6] of this regulation, as applicable to the particular authority program(s) in which the educational institution seeks participation; and

(5) Has been in continuous operation for at least two (2) years, unless otherwise required by the federal act.

Section 3. [2.] Maintenance of Participation. An administrative agreement executed pursuant to Section 1 of this regulation shall remain in force, in accordance with its terms, for so long as the educational institution conforms to the criteria set forth in Section 2 [1] of this regulation, except [provided] that the agreement may, at the discretion of the authority, remain in force for one or more programs, as circumstances warrant, notwithstanding Section 2 [1](2) of this regulation. The authority may periodically reevaluate the financial and administrative capability of an institution and compliance with the criteria established in this regulation. A reevaluation may also be initiated at any time based upon a change of ownership or control of the institution, the establishment or acquisition of a new campus or branch of the institution, a substantial increase in student financial assistance volume or no insured student loan volume for a period of twelve (12) months (if the institution participates in that program), a pattern of complaints from students,

parents of students or others who have a business or educational relationship with the institution, persistent student financial aid processing errors, or a fiscal year default rate sufficiently high to invoke additional requirements under applicable federal regulations.

Section 4. Documentation of Federal Eligibility, Financial Responsibility, and Administrative Capability. (1) The institution shall demonstrate to the authority that it is approved by the secretary to participate, and and holds all necessary licenses to offer academic programs by submitting to the authority a true and complete copy of the most recent:

(a) Federal application for institutional eligibility, eligibility letter, and program participation agreement executed by the secretary;

(b) Letter of accreditation from each organization accrediting the institution and its programs and copies of any letters denying, limiting, or suspending accreditation of the institution; and

(c) License from each governmental organization responsible for licensing the institution or its programs.

(2) The institution shall provide evidence of its financial responsibility by submitting to the authority:

(a) A copy of audited financial statements (including any audit of student financial assistance programs), prepared by a certified public accountant in accordance with generally accepted accounting standards, for the preceding two (2) years;

(b) Information indicating the type of organizational ownership and the names of all current owners and corporate officers; and

(c) A list of the three (3) student loan lenders and guarantors providing the highest dollar volume of student loans to the institution's students during the preceding twenty-four (24) months.

(3) The institution shall provide evidence of its capability to administer the student financial assistance programs and provide the services publicized to students by submitting to the authority:

(a) A current copy of the consumer information made available to students and prospective students, including the institution's catalog, enrollment contract, brochures and printed advertisements; and (unless contained in the foregoing materials) a current description of the financial assistance programs available, cost of attendance, programs of study, facilities, the experience of the instructional and administrative staff, and average starting salaries of graduates;

(b) A current statement of the institution's policies on recruitment and admission, attendance, refund and repayment of student financial assistance, and the ability to benefit and satisfactory academic progress standards;

(c) Information for the preceding five (5) years on total annual enrollment, withdrawal rates, graduation rates, license exam pass rates, placement rates, fiscal year default rates, accreditation and student financial assistance program review reports, and any sanctions imposed on the institution by the secretary or a student loan guarantee agency;

(d) All materials currently used or proposed

to be used in student financial assistance counseling involving entrance and exit interviews, student loan debt management, student financial assistance authorizations and disbursement forms, and standardized student budgets;

(e) A current analysis of student loan default and student withdrawal rates, and a current student loan default management plan, if the secretary requires those materials to be prepared by the institution.

(4) The authority may disapprove, limit, suspend, or terminate the participation of an institution upon failure to submit the required documentation within forty-five (45) days following request by the authority.

(5) The authority may waive the documentation requirements in this section if the institution's fiscal year default rate is twenty (20) percent or less.

Section 5. Standards of Financial Responsibility and Administrative Capability. The authority may conduct an on-site review of the institution to determine compliance with the following standards prior to execution of an administrative agreement. An eligible institution demonstrates that it is financially responsible and administratively capable if it:

(1) Provides the services described in its official publications and statements.

(2) Provides the administrative resources necessary to comply with the requirements of this regulation.

(3) Meets all of its financial obligations, including, but not limited to:

(a) Refunds of institutional charges; and

(b) Repayments to the authority for liabilities and debts incurred in programs administered by the authority.

(4) Has not:

(a) Had operating losses during its two (2) most recent fiscal years; or

(b) Had, for its most recent fiscal year, a deficit net worth, in which its liabilities exceed its assets; or

(c) Under a fund accounting system, sustained material deficits over at least its two (2) most recent fiscal years in its unrestricted operating funds.

(5) Has a ratio of current assets to current liabilities of at least 1:1 under an accrual basis of accounting at the end of its most recent fiscal year.

(6) Designates an individual competent and responsible for administering all of the student financial assistance programs in which it participates and coordinating the authority's programs with the institution's other programs of student financial assistance, and communicates to that individual all information received by any institutional office that affects a student's eligibility for student financial assistance.

(7) Uses an adequate number of persons competent to administer the student financial assistance programs in which it participates, taking into account the number of students aided, the number and types of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.

(8)(a) Administers authority programs with checks and balances in its system of internal

controls; and

(b) Divides the functions of authorizing payments and disbursing funds so that no office has responsibility for both functions with respect to any particular student aided under the programs.

(9) Establishes, publishes, and applies reasonable standards for measuring whether a student is maintaining satisfactory academic progress in a program of study, which standards shall:

(a) Conform with the standards of satisfactory progress of the nationally recognized accrediting agency that accredits the institution, if the institution is accredited by such an agency, and if the agency has those standards;

(b) Be, for a student enrolled in an eligible program who is to receive assistance under an authority program, the same as or stricter than the institution's standards for a student enrolled in the same academic program who is not receiving assistance under an authority program;

(c) Include grades, work projects completed, or comparable factors that are measurable against a norm;

(d) Include a maximum time frame determined by the institution in which the student must complete his or her educational objective (degree, diploma or certificate), based on the student's enrollment status and increments no longer than one (1) academic year;

(e) Include a schedule established by the institution, designating the minimum percentage or amount of work that a student must successfully complete at the end of each increment in order to complete the educational objective, degree, or certificate within the maximum time frame;

(f) Include a determination at the end of each increment by the institution whether the student has successfully completed the appropriate percentage or amount of work according to the established schedule;

(g) Be consistently applied to all students within categories of students (i.e., full-time, part-time undergraduate, etc.) and programs established by the institution;

(h) Specifically define the effect of course incompletes, withdrawals, repetitions, and noncredit remedial courses upon satisfactory academic progress and student charges;

(i) Specify the procedures under which a student may appeal a determination that the student is not making satisfactory progress, and the procedures for reinstatement of satisfactory academic standing and eligibility for student financial assistance.

(10) Develop and apply an adequate system to identify and resolve discrepancies in the information it receives from different sources with respect to a student's application for student financial assistance, and refers to United States Department of Education's Office of Inspector General or other appropriate law enforcement agencies any information indicating that an applicant or employee or agents of the institution may have engaged in fraud or other criminal misconduct.

(11) Provide adequate counseling to student financial assistance applicants regarding the source and amount of each type of aid offered, the method by which awards are determined and disbursed, the rights and responsibilities of the student, and the policies of the institution

affecting the student's receipt of financial assistance.

(12)(a) Has a fiscal year default rate for its most recent fiscal year, on loans insured under Title IV of the federal act that is less than twenty (20) percent, and less than thirty-three (33) percent of the regular students enrolled on the first day of classes of an academic year (for an institution that has a common academic year for the majority of its students) or of any eight month period (for an institution without a common academic year) withdraw from enrollment at that institution during that academic year or eight (8) month period; or

(b) Submits to the authority in writing and diligently applies a plan, based on a comprehensive analysis of the causes of the defaults and withdrawals, designed to control and reduce the default and withdrawal rates.

Section 6. Insured [3. Guaranteed] Student Loan [and PLUS] Program Participation. In order to participate in the authority's insured student loan [GSLP or PLUS] program[s], the educational institution shall [must]:

(1) Qualify as [Be] a "public or private, nonprofit institution of higher education" or a "vocational school" pursuant to [as defined in] the federal act [Higher Education Act of 1965, as amended];

(2) Be certified by the secretary to participate and have in force, if required by the secretary, a participation agreement with the secretary; and

(3) Execute an administrative agreement with the authority, provided that the authority may permit an educational institution, otherwise approved, to participate without an agreement if the institution's fiscal year default rate is twenty (20) percent or less [until the annual, original principal amount of loans insured by the authority for students to attend the institution is \$50,000].

Section 7. [4.] State Student Incentive Grant Program Participation. In order to participate in the authority's SSIG program, an educational institution shall [must]:

(1) Qualify as [Be] a "public or private, nonprofit institution of higher education," a "proprietary institution of higher education," or a "postsecondary vocational institution" pursuant to the federal act [defined in the Higher Education Act of 1965, as amended];

(2) Qualify as [Be] a "business school," "college," "school of nursing," or "vocational school" [as defined in KRS 164.740];

(3) Be located within the Commonwealth of Kentucky;

(4) Offer an "eligible course of study," as defined in 11 KAR 5:020, which is not comprised solely of sectarian instruction; and

(5) Execute an administrative agreement with the authority.

Section 8. [5.] Kentucky Tuition Grant Program Participation. In order to participate in the authority's KTG program, an educational institution shall [must]:

(1) Qualify as [Be] a private, nonprofit "college" [as defined in KRS 164.740];

(2) Be located within the Commonwealth of Kentucky;

(3) Offer an "eligible course of study," as defined in 11 KAR 5:020, which is not comprised

solely of sectarian instruction; and

(4) Execute an administrative agreement with the authority.

Section 9. KHEAA [6. Commonwealth] Work Study Program Participation. In order to participate in the authority's KHEAA work study [CWS] program, an educational institution shall [must]:

(1) Qualify as [Be] a "business school," "college," "school of nursing," or "vocational school" [as defined in KRS 164.740];

(2) Be located within the Commonwealth of Kentucky;

(3) Offer a program of study not comprised solely of sectarian instruction; and

(4) Execute an administrative agreement with the authority.

Section 10. Teacher Scholarship Participation. In order to participate in the authority's teacher scholarship program, an educational institution shall:

(1) Qualify as a "business school," "college," "school of nursing," or "vocational school";

(2) Be located within the Commonwealth of Kentucky; and

(3) Offer an "eligible program" of study.

Section 11. College Access Program Participation. In order to participate in the authority's college access program, an educational institution shall:

(1) Qualify as a public or private, nonprofit college; and

(2) Be located within the Commonwealth of Kentucky.

Section 12. [7.] The authority will execute an administrative agreement with an educational institution which may include nonmain campuses of the institution that are not separately incorporated.

Section 13. Notwithstanding any other section of this regulation, the authority shall not execute an administrative agreement with an eligible institution, except as provided in subsection (4) of this section, if:

(1) The institution, its owner, or its chief executive officer has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of student financial assistance funds, or has been judicially determined to have committed fraud involving student financial assistance funds;

(2) The institution employs an individual in a capacity that involves the administration of programs, or the receipt of authority program funds who has been convicted of, or has pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of student financial assistance funds, or who has been judicially determined to have committed fraud involving federal funds; or

(3) The institution uses any individual, agency, or organization that has been, or whose officers or employees have been:

(a) Convicted of, or pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of student financial assistance funds; or

(b) Judicially determined to have committed fraud involving student financial assistance funds.

(4) The authority may execute an administrative agreement if:

(a) The funds that were fraudulently obtained, or criminally acquired, used, or expended have been repaid and any related financial penalty has been paid;

(b) The individuals who were convicted of, or pled nolo contendere or guilty to, a crime involving the acquisition, use, or expenditure of the funds are no longer incarcerated for that crime; and

(c) At least five (5) years have elapsed from the date of the conviction, nolo contendere plea, guilty pleas, or judicial determination.

Section 14. [8.] The authority may, as a precondition to maintenance of participation, require an educational institution to post a good and sufficient surety bond or other collateral in an amount necessary to ensure that the educational institution can meet its financial obligations to its students and[/or] to the authority. Said surety bond or other collateral shall be conditioned to provide indemnification to the authority and[/or] to any grantee or payee of benefits under an Authority administered program, related to a student's enrollment or acceptance for enrollment at the educational institution, for loss or damage suffered by reason of the insolvency of the institution, cessation of operation of the institution, misappropriation of student financial assistance funds by the institution, fraud or misrepresentation by the institution in obtaining student financial assistance benefits for students, or failure by the institution to make timely and proper disposition of funds. The Authority may require such surety bond or other collateral when a reasonable probability exists that the conditions of indemnification may occur.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: There are approximately 129 Kentucky institutions participating in all of the

Kentucky Higher Education Assistance Authority student financial assistance programs. Additionally, over 8,000 institutions across the nation are potential participants in the Guaranteed Student Loan Program.

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

1. First year: The regulation defines the requirements prerequisite to participating in financial assistance programs. The costs imposed on those institutions that choose to participate are costs associated with compiling the required documentation and obtaining an independent certified audit. Such documentation is initially prepared for participation in the federal student aid programs, and may be waived if the institution's default rate is lower than 20%.

2. Continuing costs or savings: See 1 above. The costs may be incurred again, following initial approval, upon a reevaluation based upon a significant change in circumstances (i.e., increase in student aid volume, change of ownership, etc.)

3. Additional factors increasing or decreasing costs (note any effects upon competition): The standards imposed and the documentation required are the same as standards prescribed by the federal government and other states. However, the enforcement of those standards may vary widely among the states and federal government.

(b) Reporting and paperwork requirements: In order to participate, an institution must execute an administrative agreement and may, on occasion, be required to revise such agreement. The institution may be required to submit extensive information about its financial and administrative operations, but this is typically copies of documents already prepared for other purposes (i.e., accreditation, state licensure, and federal student aid program participation.)

(2) Effects on the promulgating administrative body: The promulgating body will devise, print, and distribute the administrative agreement to participating schools and those other schools seeking participation eligibility.

(a) Direct and indirect costs or savings: The only cost would be that associated with the receipt evaluation, storage and maintenance of documents.

1. First year: Nothing other than described in (a) above.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The promulgating agency is required to process and maintain appropriate records. This will involve thorough evaluation and storage of documentation received from the institutions.

(3) Assessment of anticipated effect on state and local revenues: The implementation of this regulation will have no effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative to independently evaluating the financial and administrative responsibility of institutions that seek participation would be to rely entirely upon an indication of approval by the federal government. However, the U.S. Department of Education has been criticized by the Government Accounting Office and the office of Inspector General for lax oversight and enforcement. The federal approval process has not proven to be an effective safeguard for the

states or for students against school closures and improper administration of the student aid programs.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no overlapping, conflict, or duplication of any statute, administrative regulation, or government policy.

(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. Those institutions whose student loan default rate is lower than 20% may have documentation requirements waived.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR Section 668.13, 14, 15:

2. State compliance standards. Schools, to be eligible to participate in Kentucky Higher Education Assistance Authority programs, must demonstrate financial responsibility and administrative capability to assure that they can continue operation, meet their financial obligations (including refunds), and provide the services described in their official publications. Schools must be properly accredited, licensed, and, where required, federally approved.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations require institutions to meet eligibility requirements with respect to eligibility, accreditation and approval as well as to demonstrate financial responsibility and administrative capability to administer the programs in which they participate.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The regulation will impose stricter documentation requirements than does the federal mandate. Overall, the standards by which a school's administrative and financial performance are evaluated are identical to the federal standards. However, the regulation requires a greater degree of substantiation by documentation of data relevant to financial responsibility and administrative capability.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. It is imperative that the promulgating agency take steps to protect the interests of involved students and the Commonwealth. The United States Department of Education has been criticized by federal agencies for lax oversight and enforcement of program guidelines. The federal approval process has not been an effective safeguard for the state or for students against school closures and improper administration of the programs.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY
(Proposed Amendment)

11 KAR 5:030. Student eligibility requirements.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth eligibility requirements for KHEAA Grant programs. This amendment extends the maximum number of semesters of Kentucky tuition grant eligibility. [This amendment restricts, except for freshmen and sophomores ineligible for college access program grants solely because of their enrollment at an educational institution that is operated for profit, state student incentive grant eligibility to juniors and seniors to complement eligibility of freshmen and sophomores under the newly established college access program. This amendment also deletes a section pertaining to repayment of overawards which is redundant of a section contained in 11 KAR 5:170.]

Section 1. Definitions. The terms "authority", "business school", "college", "federal act", "grant", "school of nursing", and "vocational school" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, three (3) quarters, 900 clock hours, twenty-four (24) semester hours, or thirty-six (36) quarter hours of instruction.

(2) "Educational expenses" means tuition and fees, books and supplies, room and board or reasonable living expenses, reasonable miscellaneous personal expenses, and reasonable transportation costs for the academic period of the grant application.

(3) "Educational institution" means a participating institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the State Student Incentive Grant Program a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18), respectively and meets the requirements of the federal act; or

(e) For purposes of the Kentucky tuition grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose

institutional programs are not comprised solely of sectarian instruction.

(4) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

(5) "Full-time student" means a student who is carrying a full-time academic workload, other than by correspondence, measured in terms of:

(a) Course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems or which consists of a program requiring the minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems; and

(b) The tuition and fees customary for full-time study at that institution.

(6) "Pell grant" means an award under the Pell Grant Program operated by the United States Government under the provision of 20 U.S.C. 1070a.

(7) "Resident of Kentucky or resident" means a person who is classified as an in-state student in accordance with criteria set forth in the "Residency Classification Policy" at 13 KAR 2:040, as adopted and from time to time amended by the Council on Higher Education.

Section 2. Eligibility of Students. In order to qualify for disbursement of a KHEAA grant, a student shall:

(1) Be a resident of the Commonwealth of Kentucky;

(2) Be enrolled as a full-time student in an eligible course of study;

(3) Be enrolled in an undergraduate program at an educational institution and not have previously earned a first baccalaureate or professional degree;

(4) Be determined by the authority, in accordance with procedures delineated in 11 KAR 5:120 through 11 KAR 5:140, to have established financial need for the KHEAA grant program assistance;

(5) Have remaining eligibility.

(a) A student shall be limited to a maximum of two (2) semesters of state student incentive grant eligibility for each of his or her junior and senior years.

(b) For purposes of Kentucky tuition grant eligibility, a student enrolled in a two (2) year institution shall be limited to five (5) [four (4)] semesters of grant eligibility. A student enrolled in a four (4) year institution shall be limited to nine (9) [eight (8)] semesters of Kentucky tuition [KHEAA] grant program eligibility.

(c) An exception to the limits imposed in paragraphs (a) and (b) of this subsection may be granted by the executive director of the authority if the bachelor's program leads to a first degree and is designed to be completed in a ten (10) semester period, in which case the

eligibility may be extended for cause by the executive director for one (1) [two (2)] additional semester. A student enrolled in an eligible course of study of a duration not otherwise covered by this regulation shall have the same number of semesters of KHEAA grant program eligibility as are normally required for a full-time student to complete that eligible course of study;

(6) Not receive financial assistance to meet educational expenses in excess of need;

(7) Maintain satisfactory progress in an eligible course of study according to the published standards and practices of the educational institution at which the student is enrolled; and

(8) Satisfy all financial obligations to the authority and to any educational institution. Ineligibility under this subsection may be waived for cause by the executive director of the authority;

(9) Be a citizen of the United States or an eligible noncitizen. For purposes of this section, an eligible noncitizen shall mean an individual who is either:

(a) A U.S. national;

(b) A U.S. permanent resident with an Alien Registration Receipt Card (I-151 or I-551);

(c) A person with a Departure Record (I-94) from the U.S. Immigration and Naturalization Service showing any one of the following designations:

1. "Refugee;"

2. "Asylum granted;"

3. "Indefinite parole" and/or "humanitarian parole;"

4. "Cuban-Haitian entrant."

Students who are in the U.S. on an F1 or F2 student visa only or a J1 or J2 exchange visitor visa only or a G series visa only are not eligible for KHEAA grant assistance;

(10) Meet the federal selective service registration compliance requirement if receiving State Student Incentive Grant funds. Those receiving Kentucky tuition grant (KTG) funds only do not have to meet this requirement; and

(11) Be receiving full-time credit at an educational institution in an eligible course of study and paying full-time tuition and fees to that institution, if the student is studying abroad or off campus.

(12) For purposes of state student incentive grant eligibility only, be enrolled as a junior or a senior as determined by the educational institution.

Section 3. A KHEAA grant recipient, who, on the basis of information submitted on the KHEAA grant application, is potentially eligible for a Pell grant must apply for the Pell grant prior to disbursement of the spring semester portion of the KHEAA grant. Recipients subject to this regulation will be notified by the authority in advance of cancellation of the undisbursed portion of the KHEAA grant. If within a reasonable time following such notification the student fails to provide documentation of filing for a Pell grant, the undisbursed portion of the KHEAA grant shall be cancelled.

Section 4. Notwithstanding Section 2(5)(a) and (12) of this regulation, for academic year 1990-91 and 1991-92, students who are ineligible for college access program grants solely because of their enrollment at an educational

institution operated for profit, and who are otherwise determined eligible for state student incentive grants, shall be eligible to receive a maximum state student incentive grant of \$500 for each of their freshman and sophomore years at that educational institution. Students eligible for state student incentive grants pursuant to this section shall not be awarded state student incentive grant funds in excess of the aggregate amount awarded to similarly situated students in the 1989-90 academic year.

Section 5. This administrative regulation shall expire on adjournment of the next regular session of the General Assembly.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: Approximately 6,700 recipients of Kentucky tuition grants could conceivably be affected. Recipients attending two year schools will have five semesters of eligibility. Recipients attending four year school would have up to nine semesters, or equivalent, of eligibility.

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

1. First year: Any eligible student enrolled in a fifth semester at a two year school could receive up to \$600 in the form of a Kentucky tuition grant. An eligible student in a four year school could receive an additional one semester grant of up to \$600 for the ninth semester.

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

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

(b) Reporting and paperwork requirements: There are no additional reporting and paperwork requirements for the affected entities resulting from this amendment.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amended regulation increases by one semester the

length of time for which a student may receive benefits. Consequently, the cost to the agency would be up to \$600 for each KTG recipient that takes one additional semester to complete their program of study.

1. First year;
2. Continuing costs or savings;
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: This change of maximum period of eligibility effects no change in reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There is no effect on any state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The amended regulation helps provide for the financial needs of students who require more than the traditional two years or four years for the completion of their educational programs. The amendment synchronizes the duration of KTG eligibility with the duration of eligibility for college access program and state student incentive grants.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no overlapping, conflict, or duplication of any statute, administrative regulation, or government policy.

(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. Uniform eligibility criteria have been established to provide program benefits on an equal basis.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 5:130. Student application.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation prescribes the form to be used by students to apply for and establish financial need for KHEAA grant programs. This amendment is necessary to reflect the application form for state grants for use in 1991-92 and subsequent years, and to change the provisions for grant availability after a change of educational institutions. [This amendment is necessary to reflect the updated designation of an application form for state grants.]

Section 1. Definitions. The terms "authority", "business school", "college", "federal act", "grant", "school of nursing", and "vocational school" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

- (1) "Educational institution" means an

institution located in Kentucky which:

- (a) Offers an eligible course of study;
- (b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;
- (c) Has entered into an administrative agreement with the authority; and
- (d) For purposes of the state student incentive grant program, a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively and meets the requirements of the federal act; or
- (e) For purposes of the Kentucky tuition grant program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(2) "Eligible course of study" means a program offered by an educational institution which:

- (a) Is of at least two (2) academic years duration; and
- (b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

Section 2. In order to receive KHEAA grant program benefits [for the 1990-91 academic year], the [1990-91] Kentucky Financial Aid Form incorporated herein by reference, for the pertinent academic year, shall be completed and submitted in accordance with the instructions provided by the authority. The application and instructions are available from the authority at its office at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. An applicant shall indicate the choice of an educational institution on the application to be considered for the KHEAA grant. The educational institution listed first shall be used in the determination of a KHEAA grant program award.

Section 3. If the student provides written notification of change of first choice educational institution, on or before August 1 or December 1, prior to the commencement of the respective fall or spring semester for which a KHEAA grant is sought, grant program eligibility shall be redetermined and award determination shall be recomputed by the authority based upon the new choice of educational institution. If the student changes his or [/]her choice of educational institution after those dates [August 1], any KHEAA grant award for the succeeding [fall] academic term shall be revoked, and grant program eligibility shall be recomputed and depend upon the availability of funds. [for the spring academic term. If the student changes his/her choice of educational institution after December 1, any KHEAA grant award for the succeeding spring term shall be revoked.]

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S.

127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: This regulation affects approximately 72,700 who process the Kentucky Financial Aid Form in order to be considered for KHEAA grant programs.

(a) Direct and indirect costs or savings to those affected: Applicants for KHEAA grants are required to file the Kentucky Financial Aid Form each year. The minimum annual cost to an applicant is \$11.25 payable to the processing firm.

1. First year:

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): It is possible that in a future year, the cost could increase or decrease. While a free student aid application form is available for federal student aid programs, the Kentucky Financial Aid Form is the form of choice for Kentucky educational institutions in awarding nonfederal student aid. Since the form is in common use, there is no competitive advantage or disadvantage to its designation.

(b) Reporting and paperwork requirements: There are no additional paperwork requirements resulting from this amendment. This amendment merely updates the designation of the financial aid form required. Paperwork is reduced by use of the Kentucky Financial Aid Form which allows an applicant to also apply for a Guaranteed Student Loan and institutional student aid.

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: There are no costs or savings. A revised, up-to-date form is required.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The Kentucky Financial Aid Form may also be used by an applicant to indicate an interest in a guaranteed student loan, streamlining the process and reducing paperwork.

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

(4) Assessment of alternative methods; reasons

why alternatives were rejected: A federal form is available to students, but it is limited to use for federal student aid programs. The adopted form is universally accepted by the financial aid community in Kentucky.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: This amendment merely updates the financial analysis requirement to adopt the current version of the form.

TIERING: Was tiering applied? No. All applicants must demonstrate financial need based on specific information items required under federal law and regulation. Therefore, all applicants must complete the same form under an approved need analysis system.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 34 CFR 692.41 requires the use of an approved financial need analysis system.

2. State compliance standards. This regulation merely selects a financial need analysis system, as required by federal mandate. It is the same analysis system that has been utilized in the past.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate merely requires the utilization of an approved need analysis system.

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. Not applicable.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 5:140. Award determination procedure.

RELATES TO: KRS 164.740 to 164.764, 164.780, 164.785

STATUTORY AUTHORITY: KRS 13A.100, 164.748(4)

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation sets forth the award determination procedures for the KHEAA Grant programs. This amendment is necessary to change the maximum state grant award.

Section 1. Definitions. The terms "authority" and "grant" shall have the meanings defined in KRS 164.740. For purposes of this regulation, the terms listed below shall have the following meanings:

(1) "Academic year" means a period of time, usually eight (8) or nine (9) months, during which a full-time student would normally be expected to complete the equivalent of two (2) semesters, two (2) trimesters, three (3)

quarters, 900 clock hours, twenty-four (24) semester hours, or thirty-six (36) quarter hours of instruction.

(2) "Application date" means the date that the application is processed by the College Scholarship Service.

(3) "CAP grant" means an award by the authority under the college access program administered pursuant to 11 KAR 11:010, et seq.

(4) "Educational expenses" means tuition and fees, books and supplies, room and board or reasonable living expenses, reasonable miscellaneous personal expenses and reasonable transportation costs for the academic period of the grant application.

(5) "Educational institution" means a participating institution located in Kentucky which:

(a) Offers an eligible course of study;

(b) Enrolls as regular students only persons having either a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate, or persons who are beyond the age of compulsory school attendance in the Commonwealth of Kentucky and have the ability to benefit from the training offered by the institution;

(c) Has entered into an administrative agreement with the authority; and

(d) For purposes of the State Student Incentive Grant Program, a business school, college, school of nursing or vocational school, as defined in KRS 164.740(3), (4), (17), and (18) respectively and meets the requirements of the federal act; or

(e) For purposes of the Kentucky Tuition Grant Program, a private, nonprofit college accredited by the Southern Association of Colleges and Schools, Commission on Colleges, and whose institutional programs are not comprised solely of sectarian instruction.

(6) "Eligible course of study" means a program offered by an educational institution which:

(a) Is of at least two (2) academic years duration; and

(b) Leads to a degree in a field other than theology, divinity or religious education at the institution at which the student is enrolled.

(7) "Full-time student" means a student who is carrying a full-time academic workload, other than by correspondence, measured in terms of:

(a) Course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to the equivalent of a minimum of twelve (12) semester hours or twelve (12) quarter hours per academic term for institutions utilizing trimesters, semesters or quarter hour systems or which consists of a program requiring the minimum of twenty-five (25) clock hours per week for those institutions that do not utilize such systems; and

(b) The tuition and fees customary for full-time study at that institution.

(8) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the KHEAA grant programs.

(9) "Overaward" means provision through any and all sources of financial assistance to meet educational expenses in excess of a student's need.

(10) "Pell grant" means an award under the Pell Grant Program operated by the United States Government under the provision of 20 U.S.C. 1070a.

(11) "Total cost of education" or "TCE" for an academic year means an amount determined for each applicant by the following formula: normal tuition and fees for a full-time student at the institution chosen by the applicant plus maximum board contract amount plus minimum room contract amount.

Section 2. State Student Incentive Grant (SSIG) Program Awards. Each application shall be reviewed for determination that all eligibility requirements set forth in 11 KAR 5:030 for SSIG are met. To qualify for an SSIG award based on financial need, the applicant's family contribution using Congressional methodology, prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through §1087vv) shall be \$3,000 [2,000] or less. SSIG awards shall be offered, based on the application date, until funds are depleted.

Section 3. Kentucky Tuition Grant (KTG) Program Awards. Whether or not the applicant is eligible for an SSIG award, the application shall be reviewed for determination of eligibility for a KTG.

Section 4. KTG Need. For each KTG eligible applicant, the KTG need shall be computed according to the following formula: KTG need equals total cost of education minus the sum of:

(1) Expected Pell grant;

(2) Congressional methodology family contribution; and

(3) CAP grant or SSIG.

Section 5. KTG Award. (1) If an applicant does not qualify for a CAP grant or SSIG award, and the KTG need is an amount equal to or greater than \$200, the KTG shall be the lesser of the KTG need or the maximum grant authorized by KRS 164.785(3), except that KTG awards shall be offered only to the extent funds are available.

(2) If an applicant does not qualify for a CAP grant or SSIG award, and the KTG need is an amount less than \$200, no award shall be made.

(3) If an applicant has received a CAP or SSIG award and KTG need is an amount equal to or greater than fifty (50) dollars, the KTG award shall be the lesser of the KTG need or the maximum grant established by the authority pursuant to KRS 164.785(3), except that KTG awards shall be offered only to the extent that funds are available.

Section 6. Minimum KHEAA Grant. The minimum KHEAA grant awarded to any recipient for a given academic year shall be \$200.

Section 7. SSIG and KTG shall be awarded as a KHEAA grant.

Section 8. The combination of a CAP grant and a KHEAA grant shall not exceed the cost of tuition and fees charged to the student during the academic year of the award. A KHEAA grant awarded to an incarcerated individual shall be

considered an overaward to the extent that the KHEAA grant, in combination with financial assistance received from other sources, exceeds the student's actual cost for tuition, fees, and books. An SSIG for any semester shall not exceed the prevailing full-time student tuition charge at publicly supported community colleges at the time of the award [\$640 for an academic year and \$320 for a semester]. A KTG shall not exceed \$1,200 for an academic year. A semester award shall not exceed tuition and fee charges for that semester. No KHEAA grant award shall be made for a summer academic term.

Section 9. The authority shall reduce or revoke a KHEAA grant upon receipt of documentation that financial assistance from other sources in combination with the KHEAA grant exceeds the educational institution's determination of financial need for that student. The KHEAA grant program officer (KGPO) and the grant recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

Section 10. If the authority receives revised data that, upon recomputation, results in the student becoming ineligible for a KHEAA grant that has already been offered, but not disbursed, the grant shall be revoked. If the student is determined to be ineligible after the KHEAA grant has been disbursed, the student shall repay to the authority the entire amount of the KHEAA grant.

Section 11. If the authority receives revised data that, upon recomputation, necessitates reduction of the KHEAA grant and the grant has not yet been disbursed, the reduction shall be made to both the fall and spring disbursements, and the student shall be notified of the reduction. If the grant for the fall academic term has already been disbursed, then the reduction shall be made to the spring disbursement. If both the fall and spring disbursements have been made, the student shall be notified that he or she must repay the overaward to the authority.

Section 12. Students requested, by the institution, to provide verification of data for any financial assistance program shall provide the verification before receiving disbursement of a KHEAA grant. Any student who is awarded a KHEAA grant who fails to provide verification requested by the educational institution shall be deemed ineligible, and the grant shall be revoked.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: Approximately 6,500 recipients of state student incentive grants and approximately 6,700 recipients of Kentucky Tuition Grants.

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

1. First year: The maximum award for state student incentive grants is increased from \$640 to \$680 per year. The maximum award for Kentucky Tuition grant remains at \$1200.

2. Continuing costs or savings: The maximum awards will continue to be \$680 and \$1200 respectively.

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

(b) Reporting and paperwork requirements: There are no additional reporting and paperwork requirements associated with the adoption of this regulation.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There are no costs or savings.

1. First year: The maximum award for state student incentive grants is increased from \$640 to \$680 per year. The maximum award for Kentucky Tuition grant remains at \$1200.

2. Continuing costs or savings: The maximum awards will continue to be \$680 and \$1200 respectively.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: There are no additional reporting or paperwork requirements.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The maximum stipends were determined by considering the available funds and the anticipated number of applicants. The maximum state student incentive grant for juniors and seniors is identical to the maximum college access program grant, which is tied to the community college tuition rate.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulation, or government policies which conflict with, overlap or duplicate this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. The concept of tiering is not applicable to the

determination of financial aid awards based on financial need.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 20 USC subsection 1070c-2(b)(4), 34 CFR subsection 692.21(d) and 34 CFR 692.40(b). In order to be eligible for state student incentive grants, a student must have a substantial financial need as determined annually based on criteria established by the state and approved by the U.S. Secretary of Education.

2. State compliance standards. The Kentucky Higher Education Assistance Authority has adopted as the needs assessment vehicle the Congressional Methodology prescribed in Title IV, Part F of the federal act (20 USC subsection 1087kk through 1087vv).

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires demonstration of a substantial financial need for SSIG awards. (See #1 above.)

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The requirements are the same as those imposed by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The requirements are the same.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 8:030. Teacher scholarships.

RELATES TO: KRS 164.744(2), 164.753(3)

STATUTORY AUTHORITY: KRS 164.748(4), 164.753(3), HB 799 (1990 RS), Part I, F., 46., p. 52

NECESSITY AND FUNCTION: KRS 164.744(2) authorizes the authority to provide scholarships, and KRS 164.753(3) prescribes certain standards for scholarship programs. House Bill 799 appropriated funds for a new program of teacher scholarships. The General Assembly has expressed a desire, in a budget memorandum prepared under KRS 48.300(2) to accompany House Bill 799, that prior recipients of loans pursuant to KRS 156.611, 156.613, 164.768 and 164.770 should be eligible for benefits under this new program. This regulation delineates eligibility criteria and repayment obligations related to scholarships provided under the new program and establishes a capability for refinancing of prior loans. This amendment is necessary to clarify the continuation of accelerated cancellation for a teacher who begins teaching in a critical shortage area, even if the area subsequently ceases to constitute a shortage, to avoid penalizing individuals who continue to meet their commitment to teach in a particular field.

Section 1. Definitions. As used in this regulation, the terms listed below shall have the following meanings:

(1) "Critical shortage area" means an understaffing of teachers for particular subjects, grade levels, or geographic locations

as determined by the authority from any sources considered reliable, including, but not limited to, consultation with local and state school officials.

(2) "Eligible program of study" means an undergraduate or graduate program of study which is preparatory to initial teacher certification or recertification, and which does not lead to a certificate, diploma, or degree in theology, divinity, or religious education.

(3) "Qualified teaching service" means teaching the major portion of each school day for at least seventy (70) days each semester in a school, accredited by the Commonwealth, located in Kentucky.

(4) "Semester" means a period of about eighteen (18) weeks, which usually makes up one-half (1/2) of a school year or one-half (1/2) of a participating institution's academic year.

(5) "Participating institution" means an institution of higher education located in Kentucky, which offers an eligible program of study and has in force an agreement with the authority providing for administration of this program.

Section 2. Eligibility. (1) The authority may, to the extent of appropriations and other funds available to it for this purpose, award teacher scholarships to persons enrolled or accepted for enrollment at participating institutions, who declare an intention to enter the teaching profession in state accredited schools of the Commonwealth, and who are eligible under subsections (3) and (4) of this section.

(2) The authority shall, except for limitations imposed by subsection (5) of this section, cancel the repayment obligation of recipients of teacher scholarships who render qualified teaching service in accordance with Section 5 of this regulation.

(3) Kentucky residents who are enrolled or accepted for enrollment in an eligible program of study on a full-time basis at a participating institution and who agree to render qualified teaching service upon completion of the program of study shall be eligible, except for limitations imposed by subsection (5) of this section, to apply for teacher scholarships if they meet the following criteria:

(a) High school graduates with no college hours must rank academically in the top ten (10) percent of their high school graduating class or score at or above the 80th percentile on an instrument approved by the Council on Higher Education for admission to Kentucky's institutions of higher education.

(b) Certified teachers seeking recertification in order to teach in a critical shortage area must have a cumulative grade point average of at least the equivalent of 2.5 on a 4.0 scale on prior undergraduate studies or a 3.0 on a 4.0 scale on prior graduate studies. A certified teacher, who initially enrolls for recertification to teach in a designated critical shortage area, shall continue to benefit from that designation for so long as the teacher pursues that recertification, notwithstanding a change in the critical shortage area designation subsequent to the initial enrollment.

(c) Applicants with earned college hours must have attained at least the equivalent of a 2.5 grade point average on a 4.0 scale for all

undergraduate work and a 3.0 on a 4.0 scale for all graduate work and must be currently enrolled or accepted for enrollment in a postsecondary institution.

(4) Persons enrolled full time at a participating institution in an eligible program of study who have previously received a teacher loan or a mathematics and science incentive loan, pursuant to KRS 156.611, 156.613, 164.768 or 164.770, or a teacher scholarship pursuant to this section, not in excess of the aggregate limit prescribed by Section 3 of this regulation, shall be eligible, except for limitations imposed by subsection (5) of this section, to apply for additional teacher scholarships if they:

(a) Have maintained continuous full-time enrollment, exclusive of periods of approved deferment, in an eligible program of study;

(b) Have made satisfactory progress toward completion of the eligible program of study in accordance with standards prescribed by the participating institution; and

(c) Have attained a cumulative grade point average of at least the equivalent of 2.5 on a 4.0 scale on all prior undergraduate studies and at least 3.0 on a 4.0 scale on all prior graduate studies.

(5) No teacher scholarship shall be awarded nor promissory note cancellation granted to any person who is in default on any obligation to the authority under any program administered by the authority pursuant to KRS 164.740 to 164.785 until such financial obligations to the authority are satisfied, except that ineligibility for this reason may be waived by the executive director of the authority at the recommendation of a designated staff review committee, for cause.

(6) Selection process. Applicants shall be considered and teacher scholarships shall be awarded in the following descending order until funds are depleted:

(a) Qualified renewal applicants pursuant to subsection (4) of this section;

(b) Certified teachers seeking recertification in a critical shortage area;

(c) Currently enrolled postsecondary students who have been admitted to a teacher education program;

(d) Currently enrolled postsecondary students who have not yet been admitted to a teacher education program; and

(e) High school seniors ranked by weighted selection scores that include rank in high school class (thirty (30) percent), high school grade point average (forty (40) percent), and American College Test (ACT) Composite Standard Score (thirty (30) percent).

Section 3. Award Maximums. The maximum teacher scholarship award shall be \$1,250 for a summer session, \$2,500 for a semester, and \$5,000 for an academic year (exclusive of a summer session). Awards shall not exceed the student's total cost of attendance less other aid received as determined by the participating institution. The aggregate maximum of teacher scholarship awards shall not exceed \$20,000 per individual.

Section 4. Disbursements. Disbursement of teacher scholarships shall be made at the beginning of each semester or summer session and each disbursement shall be evidenced by a promissory note, prescribed by the authority, in

which the scholarship recipient shall agree to repay the scholarship funds or render qualified teaching service in lieu thereof.

Section 5. Cancellation. (1) Recipients shall render one (1) semester of qualified teaching service as repayment for each semester or summer term of scholarship received, except that recipients who teach in a critical shortage area shall render one (1) semester of qualified teaching service as repayment for two (2) semesters or summer terms of scholarships received. Once an area is designated as a critical shortage area, a recipient who renders uninterrupted qualified teaching service in that designated area shall continue to benefit from the designation, notwithstanding a change in the critical shortage area designation.

(2) Recipients who have outstanding mathematics and science incentive loans or teacher loans pursuant to KRS 156.611, 156.613, 164.768 or 164.770 may execute a new promissory note under the terms of this program in full satisfaction of the outstanding balance of prior promissory notes. The new promissory notes shall be cancelled in accordance with subsection (1) of this section.

(3) In the event that a recipient has received loans or scholarships from more than one (1) program administered by the authority, which require a period of qualified teaching service for repayment or cancellation, such teaching requirements shall not be fulfilled concurrently. Unless the authority determines otherwise for cause, loans or scholarships from more than one (1) program shall be repaid or cancelled by qualified teaching service in the same order in which they were received.

(4) Verification of qualified teaching service shall be submitted to the authority in writing, signed by the local school district superintendent or building principal.

Section 6. Repayment. (1) If a recipient ceases to be enrolled on a full-time basis in an eligible program of study at a participating institution prior to completion of the program of study or otherwise fails to attain certification after completion of the eligible program of study, he shall immediately become liable to the authority to pay the sum of all teacher scholarships received and accrued interest thereon, unless the authority, in its sole discretion, grants a deferment for cause.

(2) Recipients failing to render qualified teaching service within the six (6) month period following completion of the eligible program of study shall immediately become liable to the authority to pay the sum of all outstanding teacher scholarships and accrued interest thereon, unless the authority, in its sole discretion, grants a deferment for cause.

(3) Persons liable for repayment of teacher scholarships under this section shall be liable for interest accruing on each promissory note from the respective dates on which the teacher scholarships were disbursed.

(4) The interest rate applicable to repayment of a teacher scholarship under this section shall be twelve (12) percent per annum, except that promissory notes shall provide that if a judgment is rendered to recover payment, the judgment shall bear interest at a rate five (5) percent greater than the rate actually charged on the promissory note.

Section 7. Notifications. Recipients shall notify the authority within thirty (30) days of:

- (1) Change in enrollment status;
- (2) Cessation of full-time enrollment in an eligible program of study;
- (3) Employment in a qualified teaching service position; or
- (4) Change of name or address.

Section 8. Repayment Schedule. Written notification of demand for repayment shall be sent by the authority to the scholarship recipient's last known address and shall be effective upon mailing. The authority may agree, in its sole discretion, to accept repayment in installments in accordance with a schedule established by the authority. Payments shall first be applied to interest and then to principal on the earliest unpaid promissory note.

Section 9. Records. A participating institution shall maintain complete and accurate records pertaining to the eligibility, enrollment and progress of students receiving aid under this program and the disbursement of funds and institutional charges as may be necessary to audit the disposition of funds hereunder. Such records shall be maintained for at least five (5) years after the student ceases to be enrolled at the institution.

Section 10. Refunds. A participating institution shall refund to the authority, within forty (40) days of a recipient's last date of attendance, any amount attributable to this program which is determined to be due under the institution's refund policy.

Section 11. Information Dissemination and Recruitment. The authority shall disseminate information through high school principals, counselors, and school superintendents about this program to potential recipients. Participating institutions shall provide assurances that program information will be disseminated to students enrolled at their institutions. Participating institutions shall actively recruit students from minority population groups for participation in this program.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P.

Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: Approximately 600 individuals are receiving stipends to enter or continue enrollment in teach training programs in Kentucky degree-granting institutions. Additionally, recipients of the former math/science scholarships and teacher scholarships will be offered cancellation provisions available to recipients of the new scholarships which are substantially broader than were such provisions under the former scholarship programs.

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

1. First year: Recipients of the scholarships will receive stipends of up to \$5000 per year which amount would reduce the financial outlay to the student or family of an equivalent amount, provided these students met the cancellation provisions.

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): Recipients who enter the teaching field in Kentucky can have cancelled their entire obligation, up to the maximum of \$20,000, at the rate of one year of teaching for one year of borrowing. Additionally, teachers who serve in designated critical fields with respect to grade level, subject taught, and geographical location can have their obligations cancelled at double the regular rate.

(b) Reporting and paperwork requirements: Recipients are required to inform the authority of changes in their eligibility and enrollment status. After recipients enter the teaching field, they will notify the authority of satisfaction of cancellation requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The promulgating body has appropriated from its loan reserve funds \$1,292,700 for each year of the biennium.

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

3. Additional factors increasing or decreasing costs: There will be no appreciable increase or decrease in other costs.

(b) Reporting and paperwork requirements: The promulgating body will receive, process, and evaluate all application documentation, determine and notify recipients, and disburse award to the students.

(3) Assessment of anticipated effect on state and local revenues: Implementation of the amendment will have no effect on local and state revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment provides continuing accelerated benefits for those entering teaching in designated critical fields even if the field should, at some future time, lose its critical designation. There is no equitable alternative to this provision.

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

no overlapping, conflict, or duplication of any statute, administrative regulation, or government policy.

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

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

(6) Any additional information or comments: The provision for double cancellation is offered to those in fields which lose their critical designation after the commencement of teaching service.

TIERING: Was tiering applied? Yes. Tiering was applied in that those indebted teachers who serve in designated critical areas are eligible to have their indebtedness cancelled at double the normal rate of cancellation.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 11:020. Student application.

RELATES TO: KRS 164.744(2), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation prescribes the forms to be used by students to apply for and establish financial need for CAP grant program. This amendment is necessary to update the application for the next academic year and to change the provisions for grant availability after a change of educational institution.

Section 1. Definitions. (1) "Expected family contribution" shall mean the amount which a student and his/her family are expected to contribute toward the cost of the student's education determined in accordance with congressional methodology, prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through §1087vv).

(2) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the CAP grant program.

(3) "Pell grant" means an award under the Pell Grant Program operated by the United States Government under the provision of 20 U.S.C. 1070a.

Section 2. In order to receive CAP grant program benefits [for the 1990-91 academic year], the [1990-91] Kentucky Financial Aid Form for the pertinent academic year, incorporated herein by reference, shall be completed and submitted, in accordance with the instructions provided by the authority, by students accepted for enrollment on at least a half-time basis, as determined by the participating institution. The application and instructions are available from the authority at its office at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. An applicant shall indicate the choice of an educational institution on the application to be considered for the CAP grant. The participating

institution listed first shall be used in the determination of a CAP grant program award. If the student provides written notification of change of first choice educational institution, on or before August 1 or December 1, prior to the commencement of the respective fall or spring semester for which a CAP grant is sought, grant program eligibility shall be redetermined and award determination shall be recomputed by the authority based upon the new choice of educational institution. If the student changes his or [her] choice of educational institution after those dates [August 1], any CAP grant award for the succeeding [fall] academic term shall be revoked, and grant program eligibility shall be recomputed and depend upon the availability of funds. [for the spring academic term. If the student changes his/her choice of educational institution after December 1, any CAP grant award for the succeeding spring term shall be revoked.]

Section 3. (1) Students accepted for enrollment on less than a half-time basis, as determined by the participating institution, may apply for a CAP grant by completing and submitting to the KGPO at the participating institution a "College Access Program (CAP) Grant Application For Less Than Half-time Students." This form is available from the KGPO at each participating institution or from KHEAA. Except for applicants described in subsection (2) of this section the applicant shall also provide to the KGPO information sufficient to allow the KGPO to determine the expected family contribution.

(2) A student who receives benefits on his or her behalf under the Aid to Families with Dependent Children (AFDC), Medicaid, or Food Stamp program or income based participation in the Job Training Partnership Act Program administered by the Kentucky Cabinet for Human Resources, Bureau for Social Insurance, or the Social Security Insurance (SSI) Program administered by the federal government shall provide, with the application form, a document received from the provider of benefits, bearing the student's name and Social Security Number, sufficient to indicate receipt of the specified public assistance benefits. If the applicant is not named on the documentation of public assistance benefits, the applicant shall also provide a copy of a federal income tax return for the preceding tax year recognizing the applicant as a dependent of the person named on the public assistance documentation.

Section 4. To properly complete the CAP grant application procedure, each applicant described in Section 2 of this regulation who receives payments for himself/herself or whose parent receives payments on behalf of the applicant under the program known as "Aid to Families with Dependent Children (AFDC)" administered by the Kentucky Cabinet for Human Resources, Bureau for Social Insurance, (CHR, BSI), shall indicate in the designated place on the application that these benefits are received. The authority shall request data from the CHR, BSI to verify that the family is a current, bona fide recipient of payments under the AFDC program.

Section 5. A CAP grant recipient, who, on the basis of information submitted on the Kentucky Financial Aid Form, is potentially eligible for

a Pell grant must apply for the Pell grant prior to disbursement of the spring semester portion of the CAP grant. Recipients subject to this regulation will be notified by the authority in advance of cancellation of the undisbursed portion of the CAP grant. If, within a reasonable time period following such notification, the student fails to provide documentation of filing for a Pell grant, the undisbursed portion of the CAP grant shall be cancelled.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: All freshmen and sophomores applying for college access program grants (approximately 15,000) must submit a financial need analysis form.

(a) Direct and indirect costs or savings to those affected: Applicants enrolled for six credit hours or more must process the Kentucky Financial Aid form. Those enrolled for three to five hours will process a simplified analysis form.

1. First year: The Kentucky Financial Aid form costs \$11.25 per person to process. The simplified form will not have a charge.

2. Continuing costs or savings: The cost for processing the Kentucky Financial Aid form is expected to remain constant for some period of time.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional costs are anticipated.

(b) Reporting and paperwork requirements: Applicants are required to submit only one form as an application. Public assistance recipients are required to submit supporting documentation verifying receipt of benefits.

(2) Effects on the promulgating administrative body: Adoption of an application form creates no effect on the promulgating administrative body.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing

costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative financial aid application forms were not considered because the Kentucky Financial Aid form is required for virtually all need-based student financial assistance programs in Kentucky.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This regulation does not conflict with, overlap, or duplicate any statute, administrative regulation, or government policy.

(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 Kentucky Financial Aid form is almost universally required or approved by the financial aid community in Kentucky.

TIERING: Was tiering applied? Yes. Students enrolled for 3-5 hours may establish eligibility by producing documentation that they are receiving various forms of public assistance or that they have an expected family contribution of not greater than \$3,000.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 11:030. Award determination procedure.

RELATES TO: KRS 164.744(2), 164.753(4)

STATUTORY AUTHORITY: KRS 164.748(4), HB 799 (1990 RS), Part I, F., 46., p. 51 and 52

NECESSITY AND FUNCTION: The Kentucky Higher Education Assistance Authority administers grant programs to provide financial assistance to students to attend Kentucky educational institutions. This regulation prescribes the award determination procedures for the CAP grant program. This amendment is necessary to update the maximum grant award.

Section 1. Definitions. (1) "Expected family contributions" shall mean the amount which a student and his/her family may be expected to contribute toward the cost of the student's education determined, except as provided in Section 3 of this regulation, in accordance with congressional methodology, prescribed in Title IV, Part F of the federal act (20 U.S.C. §1087kk through §1087vv).

(2) "KHEAA grant program officer" or "KGPO" means the official designated on the administrative agreement, pursuant to KRS 164.748(5), to serve as the authority's on-campus agent to certify all institutional transactions and activities with respect to the CAP grant program.

(3) "Overaward" means provision through any and all sources of financial assistance to meet educational expenses in excess of a student's need.

Section 2. Each application shall be reviewed for determination that all eligibility

requirements set forth in 11 KAR 11:010 are met. To qualify for a CAP award the applicant's expected family contribution shall be \$3,000 [2,000] or less.

Section 3. Each verified applicant receiving public assistance benefits specified in 11 KAR 11:020, Sections 3 or 4, shall be presumed to have an expected family contribution of zero.

Section 4. Maximum Award. (1) Except as provided in subsection (3) of this section, the maximum CAP grant in any semester for an applicant accepted for enrollment on a full-time basis as determined by the participating institution shall be the prevailing full-time student tuition charge at publicly supported community colleges in Kentucky at that time. [\$320 per semester for an applicant accepted for enrollment on a full-time basis as determined by the participating institution.]

(2) Except as provided in subsection (3) of this section, the maximum CAP grant shall be the prevailing tuition charge [\$27] per semester credit hour at publicly supported community colleges in Kentucky (not in excess of the maximum specified in subsection (1) of this section) for an applicant accepted for enrollment on less than a full-time basis as determined by the participating institution.

(3) In no event shall the CAP grant award exceed the applicant's cost of education less expected family contribution and other anticipated student financial assistance.

(4) The maximum awards specified in subsections (1) and (2) of this section shall be adjusted by the authority as necessary to conform those maximums to the tuition rate generally charged for attendance at the Commonwealth's publicly supported community colleges, as determined by the Council on Higher Education.

(5) The maximum cumulative CAP grant at any time shall be the maximum specified in subsection (1) of this section at that time, multiplied by five (5).

Section 5. The authority shall reduce or revoke a CAP grant upon receipt of documentation that financial assistance from other sources in combination with the CAP grant exceeds the determination of financial need for that student. [The KHEAA grant program officer (KGPO) shall reduce a CAP grant by the corresponding amount of any waiver of tuition or financial assistance exclusively designated for tuition.] The KHEAA grant program officer (KGPO) and the grant recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

Section 6. If the authority receives revised data that, upon recomputation, results in the student becoming ineligible for a CAP grant that has already been offered, but not disbursed, the grant shall be revoked. If the student is determined to be ineligible after the CAP grant has been disbursed, the student shall repay to the authority the entire amount of the CAP grant.

Section 7. If the authority receives revised data that, upon recomputation, necessitates reduction of the CAP grant and the grant has not yet been disbursed, the reduction shall be made to both the fall and spring disbursements, and

the student shall be notified of the reduction. If the grant for the fall academic term has already been disbursed, then the reduction shall be made to the spring disbursement. If both the fall and spring disbursements have been made, the student shall repay the overaward to the authority.

Section 8. Students requested by the institution to provide verification of data for any financial assistance program shall provide the verification before receiving disbursement of a CAP grant. Any student who is awarded a CAP grant who fails to provide verification requested by the participating institution shall be deemed ineligible, and the grant shall be revoked.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: An estimated 15,000 Kentucky freshman and sophomore students enrolled at Kentucky colleges and universities who will be eligible for college access program grants.

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

1. First year: The ostensible savings for each recipient is the equivalent of the cost of tuition at Kentucky's community colleges (except Lexington), a maximum amount of \$680 for the year.

2. Continuing costs or savings: Absent an increase in community college tuition charges, the annual savings, per recipient, would remain unchanged.

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

(b) Reporting and paperwork requirements: The implementation of maximum grant awards does not create any reporting or paperwork requirements for the affected entities.

(2) Effects on the promulgating administrative body: This regulation merely sets the maximum limits on grant awards. Any administrative responsibilities would be addressed by separate

regulations with respect to application and disbursement.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no alternatives to consider. The maximums were mandated by the General Assembly.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no overlapping, conflict, or duplication of any statute, administrative regulation, or government policy.

(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 concept of tiering is not applicable to this regulation. The difference in maximum awards is based on academic credit hour load.

FINANCE AND ADMINISTRATION CABINET
State Investment Commission
(Proposed Amendment)

200 KAR 14:010. General rules.

RELATES TO: KRS Chapter 42

STATUTORY AUTHORITY: KRS 42.525

NECESSITY AND FUNCTION: KRS 42.525 provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the general rules which apply to the investment of state funds.

Section 1. Definitions. For purposes of this regulation:

(1) "Commission" means the State Investment Commission; and

(2) "Office" means the Office of Financial Management and Economic Analysis [for Investment and Debt Management].

Section 2. General. The purpose of this regulation is to provide standard rules that will govern the Commonwealth's investment and cash management programs.

Section 3. Goals of Investments. [(1)] The [primary] goals of all investments of the Commonwealth are to: [is to maximize the yield received.]

[(2)(a)] The limiting factors to the primary goal of maximizing yield are liquidity and security.]

(1) Insure safety of principal. The commission shall not allow the investment of state funds in any institution or instrument which it deems unsafe and a threat to the security of those funds.

(2) Maintain adequate liquidity to meet the cash needs of the Commonwealth. [(b)] The office

is charged with the duty of determining the Commonwealth's liquidity needs pursuant to KRS 42.410. In light of this responsibility, the office shall not execute nor allow the execution of any investment that will negatively impact the short or long-term cash needs of the Commonwealth.

(3) Maximize yield. The office shall invest in securities which maximize yield or return to the Commonwealth within the safety and liquidity constraints set out by the commission.

[(c)] The commission shall not allow the investment of state funds in any institution or instrument which it deems unsafe and a threat to the security of those funds.]

Section 4. Monies to be Invested. The commission shall invest all state funds as defined in KRS 446.010(31) which are excess, surplus, or otherwise available for investment for periods of time for one (1) day or more.

Section 5. Minimum Interest Rates. (1) The amount of funds per investment instrument will be determined periodically by the commission at its regular public meetings. Criteria to determine such amounts are:

(a) Liquidity needs of the various state agencies for which funds are budgeted; and

(b) Rates available per instrument, and safety of principal and interest.

(2) Investment instruments will be qualified as available for use by being:

(a) Specified as such in statute; and

(b) Further qualified by the commission guidelines, hereby incorporated by reference (available from the Office of Financial Management and Economic Analysis [for Investment and Debt Management], Room 318 [201], Capitol Annex, Frankfort, Kentucky).

(3) The commission shall not allow the investment of state funds in any institution or instrument for a term of one (1) year or less at a yield less than the yield available on Treasury Bills of similar maturity. For funds to be invested for more than one (1) year, the commission shall not allow investment in any institution or instrument at a yield less than the yield available on Treasury Notes of similar maturity.

Section 6. Acceptable Maturity of Investments. The [limits on the] maturity of investments made by the commission shall be subject to [first be KRS Chapter 42.500 which is no greater than five (5) years for U. S. government or government agency obligations. Certificates of deposit will be limited to a one (1) year maturity maximum and secondly,] the liquidity needs of the Commonwealth [state] as determined by the office.

Section 7. In-state and Out-of-state Deposits. All funds eligible for investment in certificates of deposit as determined by the commission shall first be offered to financial institutions chartered in Kentucky or by the United States that have their main office located in Kentucky. The rate at which these funds will be offered shall be set by the commission as set out in KRS Chapter 42. Should Kentucky financial institutions eligible for these funds refuse any part of the funds offered, the commission may offer the funds to any commercial bank chartered in the United States, approved by the [State Investment]

commission. Any out-of-state investments shall be subject to the same collateralization requirements as in-state investments.

Section 8. Distribution of Funds Among Types of Institutions. Distribution of funds among types of institutions will be determined from time to time by the commission at its regular public meetings. The criteria for that distribution will be:

- (1) The institution is permitted by statute to qualify as a depository;
- (2) Rates available;
- (3) Sufficiency of collateral; and
- (4) Determination as to whether institutions are meeting the economic development needs of the community.

WALLACE G. WILKINSON, Chairman

APPROVED BY AGENCY: May 15, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 at 9 a.m. in Room 285, Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1991, 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: James R. Ramsey, Secretary, State Investment Commission, Room 318, Capitol Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary E. Lassiter

(1) Type and number of entities affected: The only entities directly affected by this regulation are the State Investment Commission and its staff, the Office of Financial Management and Economic Analysis. Indirectly, all agencies of state government are affected as funds invested by the commission belong to every agency of state government.

(a) Direct and indirect costs or savings to those affected: The only potential fiscal impact the amendments to this regulation would have would be increased investment income due to the lengthening of maturity of investments made by the commission. This amount cannot be estimated as it is not certain that maturities will be lengthened. The regulation is being amended to conform to the statutory change which eliminated the 5 year maturity restriction. As a practical matter, few investments will be made with maturities over 5 years. Most funds invested by the commission are operating funds of state agencies which are generally not available for investment for periods over 2 years.

1. First year: Little or no impact expected.
2. Continuing costs or savings: Little impact expected.
3. Additional factors increasing or decreasing

costs (note any effects upon competition): The amendments to this regulation should not affect competition in any way. The only other additional factor which could increase the fiscal impact of the amendment would be if interest rates in the 5 to 10 year maturity range increased disproportionately to movements of rates in the 0-3 year maturity range. Should this occur, given the liquidity constraints of the funds of state agencies, the commission may purchase securities with maturities longer than 5 years, resulting in increased investment income to the state agencies.

(b) Reporting and paperwork requirements: The amendments to this regulation would not result in a change to the amount of reporting and paperwork required of the affected entities.

(2) Effects on the promulgating administrative body: The only potential impact to the administrative body the amendments to this regulation would have would be increased investment income due to the lengthening of maturity of investments made by the commission. This amount cannot be estimated as it is not certain that maturities will be lengthened. The regulation is being amended to conform to the statutory change which eliminated the 5 year maturity restriction. As a practical matter, few investments will be made with maturities over 5 years. Most funds invested by the commission are operating funds of state agencies which are generally not available for investment for periods over 2 years.

(a) Direct and indirect costs or savings: There will be no direct or indirect costs to the administrative agency due to the amendment of this regulation. Review of investment opportunities in the 5 year and beyond maturity range will be accomplished with current resources.

1. First year: Little or no impact expected.

2. Continuing costs or savings: Little impact expected.

3. Additional factors increasing or decreasing costs: The only other additional factor which could increase the fiscal impact of the amendment would be if interest rates in the 5 to 10 year maturity range increased disproportionately to movements of rates in the 0-3 year maturity range. Should this occur, given the liquidity constraints of the funds of state agencies, the commission may purchase securities with maturities longer than 5 years, resulting in increased investment income to the state agencies.

(b) Reporting and paperwork requirements: The amendments to this regulation would not result in a change to the amount of reporting and paperwork required of the administrative body.

(3) Assessment of anticipated effect on state and local revenues: The only potential fiscal impact the amendments to this regulation would have would be increased investment income due to the lengthening of maturity of investments made by the commission. This amount cannot be estimated as it is not certain that maturities will be lengthened. The regulation is being amended to conform to the statutory change which eliminated the 5 year maturity restriction. As a practical matter, few investments will be made with maturities over 5 years. Most funds invested by the commission are operating funds of state agencies which are generally not available for investment for periods over 2 years. There will be no effect on local

governments.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered. Changes made are to conform to statute.

(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, overlap or duplicate this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering was not utilized because the investment of public funds requires that all institutions meet the same eligibility requirements to ensure the safe investment of public funds.

STATE INVESTMENT COMMISSION (Proposed Amendment)

200 KAR 14:080. Repurchase agreement.

RELATES TO: KRS Chapters 41, 42

STATUTORY AUTHORITY: KRS 42.525

NECESSITY AND FUNCTION: KRS 42.525 provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the general rules which shall apply to the employment of repurchase agreements as investment vehicles with commercial banks or savings and loan associations chartered by the Commonwealth of Kentucky or by an agency of the United States Government to do business in Kentucky, providing the main office is in Kentucky; or investment banking firms approved by the State Investment Commission at its open regular meetings.

Section 1. Definitions. For purposes of this regulation:

(1) "Commission" means the State Investment Commission;

(2) "Office" means the Office of Financial Management and Economic Analysis [for Investment and Debt Management];

(3) "Repurchase agreement" means an actual, conditional purchase of securities of the United States Treasury, any agency, instrumentality or corporation of the United States, or any other security authorized for investment pursuant to KRS 42.500(6), [receiving a full-faith and credit guarantee of the government of the United States,] with an agreement to resell the securities to their original owner on a specific date in the future [(at least seven (7) days into the future)].

Section 2. General. The use of repurchase agreements as a vehicle by which to channel state investable funds into commercial banks and savings and loan associations provides distinct advantages to both parties. The banks and savings and loan associations do not have to post reserves against these funds in that they are not defined as deposits by their regulatory agencies. Secondly, they do not have to bear

increased premiums for deposit insurance. The result is that the state may receive a higher yield for its investment. Further, repurchase agreements, in general, provide the maximum available yield to the state's portfolio of the alternatives statutorily available to the commission in managing short-term funds.

Section 3. Monies to be Invested. The commission shall invest all public funds as defined by KRS 446.010(31). The office shall execute all investments on behalf of the commission.

Section 4. Minimum Interest Rates. The commission shall not allow public funds to be invested in any repurchase agreement with a yield less than could be received on any directly purchased United States Treasury security of a comparable maturity.

[Section 5. Acceptable Maturity of Investments. Repurchase agreements controlled by the regulation shall have a maturity of no less than seven (7) calendar days, nor more than 180 days, without the authorization of the commission.]

Section 5. Eligible Investment Institutions. [6. Designation of Depositories.] Any commercial bank or savings and loan association chartered by the Commonwealth of Kentucky or by the U.S. government with its main office located in Kentucky shall be considered eligible to enter into repurchase agreements [business] (as defined in this regulation) with the state, [provided the State Treasurer and the Secretary of the Finance and Administration Cabinet have jointly designated each individual institution as a depository.] Any investment banking firm approved by the commission at an open meeting shall be considered eligible.

Section 6. Reporting Requirements for Eligible Investment Institutions. The commission shall advise all eligible investment institutions of the following reporting requirements which are prerequisites for the investment of state funds in such institutions:

(1) For commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with main offices located in Kentucky:

(a) The institution must submit a copy of its quarterly financial reports as furnished to regulatory bodies, including all accompanying schedules, to the commission;

(b) The institution must complete and sign a repurchase agreement contract with the Commonwealth.

(2) For investment banking firms:

(a) The institution must submit a copy of its annual audited financial statements and copies of quarterly financial statements, as published, to the commission;

(b) The institution shall complete and sign a repurchase agreement contract with the Commonwealth.

Section 7. Kentucky Banks and Savings and Loan Associations. Priority for Placement of Repurchase Agreements. Pursuant to KRS 42.520, the commission shall assign public funds to public depositories by priority based on evidence that the public depository serves the

convenience and economic development needs of the communities in which they are chartered to do business. Repurchase agreements with commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with main offices located in Kentucky shall be placed pursuant to the following guidelines. As loan demand is a measure of economic activity in a community and as investments shorter than one (1) year are unlikely to provide loanable capital to financial institutions, the prioritization factors for placement of repurchase agreements with maturities longer than one (1) year shall be as follows:

(1) For repurchase agreements with maturities equal to or greater than 365 days, the following financial criteria must be met or exceeded:

(a) A loan to deposit ratio of equal to or greater than seventy (70) percent;

(b) A nonperforming loan to capital ratio of equal to or less than twenty-five (25) percent;

(c) A capital to assets ratio of equal to or greater than seven (7) percent; and

(d) A return on assets ratio greater than zero.

(2) Repurchase agreements with maturities equal to or greater than 365 days with commercial banks and savings and loan associations chartered by the Commonwealth of Kentucky or by the U.S. government with main offices located in Kentucky shall be limited to \$5,000,000 per institution.

(3) The office shall review the financial ratios listed semiannually to determine eligibility of institutions. Existing repurchase agreements with maturities equal to or greater than one (1) year with institutions which fail to meet the minimum criteria for two (2) consecutive reporting periods are subject to call at par value by the commission. Repurchase agreements shall be placed according to:

(a) Availability of funds;

(b) Demand for funds by the institutions; and

(c) Highest loan to deposit ratio of eligible institutions.

Section 8. [7.] Maximum Size of Repurchase Agreement per Institution. The office shall not enter into any repurchase agreement with a commercial bank or savings and loan association of more than \$25,000,000, provided, however, that no such agreement shall be an amount in excess of its capital structure or ten (10) percent of the institution's deposits [or its capital structure], whichever is less.

Section 9. [8.] Payment for and Safekeeping Purchases. All transactions will be conducted on a payment-versus-delivery basis. In no event will any party allow state funds to be released until delivery of adequate, negotiable collateral has been verified. Securities purchased from commercial banks, savings and loan associations, or investment banks in a repurchase agreement shall be received, verified, and safekept by the state's general depository bank or its agent (subject to the approval of the commission).

Section 10. [9.] Eligible Securities. Any investment security issued or guaranteed by the United States Treasury; or any agency, corporation or instrumentality of the government of the United States or any other security authorized for investment pursuant to KRS

42.500(6), will be considered eligible for repurchase agreements.

Section 11. [10.] Sufficiency of Securities Purchased. The securities purchased shall have a market value (including accrued interest) of not less than 102 [100] percent of the face value of the repurchase agreement. The commission shall cause to have entered in the state's general depository banking contract, language requiring the general depository to review the sufficiency of collateral on all repurchase agreements, at least every seven (7) calendar days. Further, the commission shall demand additional securities be delivered immediately should market conditions cause the value of the securities purchased to drop below 102 [100] percent of the face value of the repurchase agreement.

Section 12. [11.] Status of Parties. Both the commission and the commercial bank, savings and loan association, or investment bank shall be considered principals in all repurchase agreements and never be considered to be acting as agents for third parties. All contractual obligations shall apply to and be binding on the commission and the specific financial institution with which the repurchase agreement is initially negotiated and settled.

Section 13. [12.] Default. The commission shall, in the case of default, or the suspicion of default, on the part of any institution with which it has entered into a repurchase agreement, immediately liquidate all securities delivered to it in the repurchase agreement. From the proceeds, the commission shall pay itself the full principal and accrued interest due as of the date of liquidation. Any remaining cash balances will be forwarded to the financial institution with which the repurchase agreement was originally executed.

Section 14. [13.] Contract. Formal agreement shall be signed by commercial banks, savings and loan associations, and investment banks desiring to enter into repurchase agreements with the state. Each commercial bank and savings and loan association and investment bank must agree to and sign the state's repurchase agreement contract prior to executing a repurchase agreement with the state.

WALLACE G. WILKINSON, Chairman

APPROVED BY AGENCY: May 15, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 at 9 a.m. in Room 285, Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1991, 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: James R. Ramsey, Secretary, State Investment Commission, Room 318, Capitol Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary E. Lassiter

(1) Type and number of entities affected: The entities directly affected by this regulation are the State Investment Commission, the Office of Financial Management and Economic Analysis, Kentucky banks (335) and savings and loan institutions (60), and investment banking firms with which the State Investment Commission deals (30). Indirectly, all agencies of state government are affected as funds invested by the commission belong to every agency of state government.

(a) Direct and indirect costs or savings to those affected: The potential fiscal impact the amendments to this regulation would have would be increased investment income due to the potential lengthening of maturity and increased flexibility of investments made by the commission. This amount cannot be estimated as it is not certain that maturities will be lengthened or flexibility will be utilized. Savings to banks and savings and loan institutions cannot be estimated as the differential between the rate at which the funds are invested with the bank or savings and loan institution and the rate at which those funds are lent to its customers is unknown. Investment banking firms which sell repurchase agreements to the commission will incur additional costs of posting 102% market value of collateral on repurchase agreements vs. 100%. This amount will vary depending upon banking costs which are paid by the investment banking firms. It is expected that the additional cost to the investment banking firm is reflected in the interest rate offered by the firm to the Commonwealth for investment. Amendments to the regulation will not result in decreased investment income as the commission has required the posting of 102% market value on collateral for some time.

1. First year: Little or no impact expected.

2. Continuing costs or savings: Little impact expected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No other factors are expected which would increase or decrease costs.

(b) Reporting and paperwork requirements: The amendments to this regulation would not result in a change to the amount of reporting and paperwork required of the affected entities. All reporting and paperwork referenced in the regulation are currently required by 200 KAR 14:060 which is being repealed by 200 KAR 14:061.

(2) Effects on the promulgating administrative body: The potential fiscal impact the amendments to this regulation would be increased investment income due to the potential lengthening of maturity and increased flexibility of investments made by the commission. This amount cannot be estimated as it is not certain that maturities will be lengthened or flexibility will be utilized.

(a) Direct and indirect costs or savings: There will be no direct or indirect costs to the administrative agency due to the amendment of this regulation. Review of investment

opportunities in the lengthened maturity range will be accomplished with current resources.

1. First year: Little or no impact expected.

2. Continuing costs or savings: Little impact expected.

3. Additional factors increasing or decreasing costs: The commission currently has repurchase agreements with approximately 45 banks and one savings and loan institution. It is anticipated that with the adoption of this regulation, more institutions will be applying for repurchase agreements with the commission. The increase in the number of institutions with which repurchase agreements will be placed will not affect the amount of investment income earned by the commission. It will increase staff time spent on this program relative to other investment programs, but will not require additional human resources.

(b) Reporting and paperwork requirements: The amendments to this regulation would not result in a change to the amount of reporting required of the administrative body. An increase in the number of institutions with which repurchase agreements will be placed will result in additional paperwork for the Office for Financial Management and Economic Analysis, OFMEA.

(3) Assessment of anticipated effect on state and local revenues: The potential fiscal impact the amendments to this regulation would be increased investment income due to the potential lengthening of maturity and increased flexibility of investments made by the commission. This amount cannot be estimated as it is not certain that maturities will be lengthened or flexibility will be utilized. There will be no effect on local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: A. Alternatives considered for allowable collateral on repurchase agreements: Collateral held by the commission for a repurchase agreement should be highly rated, liquid and marketable. U.S. government and government agency securities are the highest rated, most liquid and most easily marketable securities. Opportunities do arise, however, in which investment yield can be enhanced if the allowable collateral is more flexible. Amount and quality constraints are established for direct purchases of investment securities pursuant to KRS 42.500(6). The same constraints apply to these instruments should they be sold to the commission with an agreement to repurchase. It was considered to allow only government and agency securities as well as money market instruments as eligible collateral. However, investment opportunities and instruments often arise and are developed in short periods of time which may not provide the commission with adequate time to capitalize on such without the additional flexibility proposed.

B. Alternatives considered for maximum maturity of repurchase agreements: Industry standard maximum maturity of repurchase agreements, historically, has been one year. This standard has changed over the last two years. Most repurchase agreements are 18 months or less in duration. However, there are instances in which repurchase agreements are entered for 3 or more years. The security of the investment is the value of the collateral which is marked to market, or valued to the market price, daily. It was considered to amend the maximum maturity to 1 year or 2 years, yet a

maximum constrains the commission from taking advantage of investment opportunities as longer term repurchase agreements become available and often attractive on a regular basis. In general, most funds would not be invested for longer than 3 years. However, in some instances, an example would be a debt service reserve fund on a bond issue, long-term investment agreements are desired and attractive.

C. No alternatives were considered for the financial criteria for determination of eligibility of banks and savings and loan institutions for the placement of repurchase agreements. The commission approved the criteria at an open meeting. The criteria have been reviewed by the executive directors of the Kentucky Bankers Association and the Community Bankers Association of Kentucky and no objections were made.

(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, overlap or duplicate this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering was not utilized because the investment of public funds requires that all institutions meet the same eligibility requirements to ensure the safe investment of public funds.

FINANCE AND ADMINISTRATION CABINET
Board of Veterinary Examiners
(Proposed Amendment)

201 KAR 16:010. Code of conduct.

RELATES TO: KRS 321.350(6), (7)

STATUTORY AUTHORITY: KRS 321.240

NECESSITY AND FUNCTION: KRS 321.350(6) provides that the board may suspend or revoke a certificate of license for any gross negligence, incompetence or misconduct in the practice of veterinary medicine in this Commonwealth. KRS 321.350(7) provides for the suspension or revocation of a certificate of license for any violation of the code of conduct promulgated by the board. This regulation sets forth certain acts or inaction which shall constitute gross negligence or misconduct in the practice of veterinary medicine and likewise sets forth a code of conduct for each licensed practitioner.

Section 1. The failure on the part of any veterinarian to take the time necessary to attempt to diagnose the condition of the animal which he is attempting to treat shall constitute gross negligence, incompetence and misconduct.

Section 2. The continued failure of a veterinarian to treat the animal which he has undertaken to treat in a manner that a qualified veterinarian would use under the same or similar circumstance shall constitute gross negligence, incompetence and misconduct.

Section 3. The failure of a veterinarian to maintain adequate equipment to treat animals that he is called upon to treat in the practice of veterinary medicine shall constitute gross negligence, incompetence and misconduct in the practice of veterinary medicine.

Section 4. All veterinary offices and clinics, including instruments and equipment contained therein, shall at all times be kept clean and free from any condition or surroundings that will make or tend to make said instruments and equipment unsanitary or unhygienic.

Section 5. Any veterinarian who misrepresents or misstates information on a health certificate or any other document relating to the sale, movement or transportation of animals, or who presigns health certificates or other related documents in order that they may be used by some other person or persons, is guilty of misconduct in the practice of veterinary medicine.

Section 6. No veterinarian shall permit, encourage or aid any person or corporation to engage in the unauthorized and illegal practice of veterinary medicine.

Section 7. A veterinarian shall be guilty of misconduct if he sells or offers for sale prescription medicine and prescription drugs at any place other than his office, clinic or hospital or at the place where he is treating animals and the prescription drugs and prescription medicines will be used in the treatment of said animal.

Section 8. A veterinarian may advertise by any medium.

(1) Advertisements shall not be false, misleading or fraudulent.

(2) Any representation that the veterinarian is a board certified specialist in any speciality of veterinary medicine unless that veterinarian has been certified by a certifying board approved by the Kentucky Board of Veterinary Examiners and has furnished proof of such certification to the board, is prohibited.

Section 9. It shall be improper for veterinarians to write testimonials as to the virtue of drugs, medicines, remedies or foods except to report the results of properly controlled experiments or clinical studies to interested veterinary organizations and associations.

Section 10. Every veterinarian engaging in the practice of veterinary medicine, veterinary surgery, and veterinary dentistry in this state shall keep adequate and sufficient records of the examination and treatment of all animals examined and treated so as to afford information relative to these matters to those persons entitled to see such information.

CHARLES L. HAMILTON, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 2, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, June 25, 1991, at 2 p.m. at the Berry Hill Annex, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by

June 20, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: V. Lynne Schroering, Legal Counsel for the Kentucky Board of Veterinary Examiners, Office of the Attorney General, Capitol Building, Frankfort, Kentucky 40601-3494.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: V. Lynne Schroering

(1) Type and number of entities affected: Not applicable.

(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: Not applicable.

(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: Not applicable.

(4) Assessment of alternative methods; reasons why alternatives were rejected: NA

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Not applicable.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: The Board of Veterinary Examiners is only making a minor change and adding the word "prescription" before the terms medicine and drug. There will not be a fiscal impact with this change.

TIERING: Was tiering applied? Not applicable. This regulation will impact all veterinarians licensed under the Act.

TOURISM CABINET

Department of Fish & Wildlife Resources
(Proposed Amendment)

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

RELATES TO: KRS 150.010, 150.025, 150.092, 150.170, 150.175, 150.305, 150.330, 150.340, 150.360, 150.370, 150.390, 150.395, 150.990

STATUTORY AUTHORITY: KRS 13A.350, 150.025

NECESSITY AND FUNCTION: This regulation pertains to the deer gun and archery season and the turkey season on special [deer] areas. This regulation is necessary for the continued protection of the species listed herein, and to insure a permanent and continued supply of the wildlife resource for present and future residents of the state. The function of this regulation is to provide for the prudent taking of deer and turkey within reasonable limits based upon an adequate supply. This amendment is necessary to establish current season dates and hunting rules.

Section 1. Deer and turkey Season on Special [Deer] Areas. Unless otherwise stated, the provisions of 301 KAR 2:170 and 301 KAR 2:140 apply. These areas are open only on the dates specified below for deer or turkey hunting [hunters]. [Except on the Westvaco hunting area,] Hunters on these areas shall produce the signature portion of a valid deer permit, [and shall be issued] A special purpose tag to place on the deer shall be issued except on the Westvaco area.

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

(a) Deer archery hunts: Any [deer:] white-tailed [or fallow] deer. The last Saturday in September through October 24 [25], October 29 [30] through November 7 [8] and December 14 [15] through December 31.

(b) Quota deer hunts.

1. Quota gun hunts: white-tailed or fallow deer and sex of deer as specified on permit. November 16-17, 19-20, and 23-24 [17-18, 20-21, and 24-25].

2. Quota archery hunts: any white-tailed [or fallow] deer in that portion of the Environmental Education Area designated as hunt area 17. October 26-27 [27-28], November 16-17 [17-18] and 23-24 [24-25].

(c) Turkey archery hunts: one (1) turkey of either sex during the deer archery hunts as specified in subsection (1)(a) of this section. Each hunter shall have a valid wild turkey permit in possession, and when a turkey is taken, it shall be tagged with the fall [yellow] portion of the state permit.

(d) Quota deer gun hunt for youths only: one (1) white-tailed deer or fallow of either sex as specified on permit on October 26-27 [27-28]. Hunting is restricted to persons at least ten (10) years of age but who have not reached their 16th birthday. Each youth shall be accompanied by an adult and shall have a valid Kentucky hunting license and [, a] state deer permit, an LBL Youth Hunt Permit and a state approved Hunter Safety Certificate.

(e) Bag limits. The deer bag limit for the Kentucky portion of LBL is two (2) deer; except that no more than one (1) deer shall be taken during any quota gun or quota archery hunt [at LBL].

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

(g) Youth and quota hunt applications. Hunters shall be selected by a drawing. Application forms are available from, and shall be submitted to, Quota Deer Hunt, Land Between the Lakes, Golden Pond, Kentucky 42231. Completed applications shall be postmarked [received by

the wildlife staff at the Land Between the Lakes Administrative Office] no later than 3:30 p.m. on the last Wednesday in July. If unfilled quotas exist after the regular drawing, quotas shall be filled by issuing permits on a first-come, first-served basis at the Land Between the Lakes administrative office.

(h) Checking in and out.

1. Quota gun hunters. All hunters, including those camping in LBL, shall check in prior to hunting, but shall not be required to check out unless a deer is harvested. Hunters shall check in between 8 a.m. and 6 p.m. the day before the hunt, or after 4 a.m. on hunt days. Check stations will be open from 4 a.m. to 6:30 p.m. (CST) on hunt days.

2. Archery hunters. Archery hunters are not required to check in or out except on quota hunts. All deer and turkey harvested shall be checked out.

(i) Permits and tagging requirements.

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

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

(j) Prohibited weapons: crossbows [are prohibited].

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

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

(2) Fort Campbell Wildlife Management Area located in Christian and Trigg Counties. There will be no hunting on Tuesdays and Wednesdays except when Tuesday or Wednesday is a federal holiday or as follows: December 16-17, 23-24, 26, and 30-31, [18-19 and 26,] then hunting shall be permitted. There will be no hunting on December 25 and January 1.

(a) Deer archery and muzzle-loading rifle season. Any deer: September 28 [22] through October 11 [5].

(b) Youth deer shotgun season: September 28-29 and October 5-6 [22 through October 5] on selected areas. Any deer. For persons aged ten (10) through sixteen (16) who shall be accompanied by an adult. Each youth shall have a valid hunter safety certificate. Shotguns twenty (20) gauge or larger shall be used.

(c) Deer gun and archery season. Any deer: October 12 through 25 [6 through November 19] and December 14 [8] through December 31 on selected areas.

(d) Wild turkey archery season: Any turkey. Statewide season limits apply. September 28 [22] through October 11 [5]. Only those turkey hunters who possess valid unfilled deer and turkey hunting permits may hunt turkey at this time.

(e) Wild turkey shotgun only season: any turkey. October 26 [27] through November 4 [9].

(f) White turkey season: any white turkey. The

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

(g) Deer bag limits. The bag limit for Kentucky license holders hunting on Fort Campbell shall be two (2) [antlered or antlerless] deer taken by either gun or bow. Prior to November 15 [24], once a hunter has taken his first deer on Fort Campbell, he shall be ineligible for weekend drawings (i.e., he may only hunt on Mondays, Thursdays, or Fridays or on weekend standby) until the reopening of deer hunting on December 14 [8]. Then if he has not harvested his limit he shall be eligible for the weekend drawing until he has taken his limit.

(h) Permits and tagging requirements.

1. Deer hunters shall purchase a fifteen (15) dollar post hunting and fishing permit which includes a Fort Campbell deer tag, at building #6645. All Fort Campbell deer hunters shall also have the signature portion of a valid Kentucky deer permit in their possession. Persons sixty-five (65) years of age or older are not required to purchase a post hunting and fishing permit.

2. All deer taken on post by Kentucky hunters shall have a valid special purpose Kentucky deer tag attached to the carcass. All successful hunters shall fill out an official game check card to be kept in possession until the deer is processed.

(i) Prohibited and permitted weapons. Handguns and crossbows are prohibited. Rifles shall be permitted only in areas west of Palmyra Road. All rifles shall be equipped with telescopic sights. Hunting arrows shall not be [not] less than twenty-four (24) inches in length, equipped with broadhead barbed blades not less than seven-eighths (7/8) inch nor more than two (2) inches wide for single two (2) edged blades, or not more than three (3) or more blades. The minimum weight for all broadheads is 100 grains.

(j) Hunter safety certificate. All deer hunters between the ages of ten (10) and eighteen (18) shall possess a valid hunter safety certificate.

(3) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties.

(a) Deer archery hunt [(any deer)]: any deer. First Saturday in October through November 17 [18].

(b) Deer gun hunt [(any deer)]: any deer. November 23-24, November 30-December 1, December 7-13. [24-25, December 1-2, December 8-9 and December 15-16.]

(c) Bag limits. The [post] bag limit is two (2) deer [of either sex], only one (1) deer shall be taken by gun and one (1) [taken] by bow.

(d) Applications. Separate applications are required for archery and gun hunts.

1. Archery hunts. Civilians not working on post may [shall] apply for weekend archery hunts by mail. No more than five (5) hunters shall apply on any one (1) application. Applications shall not be postmarked earlier than the second

[third] Saturday in August or later than August 31 to be considered for the drawing for weekend archery hunts. Applicants drawn shall be assigned one (1) weekend of archery hunting. Weekday archery hunting shall be on a first-come, first-served basis. Sign-up for weekday hunts shall be made at least forty-eight (48) hours in advance at Hunt Control Headquarters Building 1060.

2. Gun hunts. Civilians not working on post may [shall] apply by mail for a two (2) day gun hunt. No more than five (5) hunters shall apply on any one (1) application. Applications shall not be postmarked earlier than the second [third] Saturday in August or later than August 31 to be considered for a random drawing. Hunters shall be assigned one (1), two (2) day hunting period. Any hunter desiring to hunt December 7 through December 13 shall be accepted on a first-come first-served basis.

3. Application procedure. All applications shall contain the type of hunt (gun or bow), names and addresses of each hunter, a self-addressed stamped envelope and a fifteen (15) [twenty-two (22)] dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to Directorate of Engineering and Housing [Community Recreation Division], Hunt Control Office, Attn: ATZK-EHE, Fort Knox, Kentucky 40121-5000.

(e) Check station. All deer taken during the archery season shall be checked in at Building 112 [1060]. Deer taken during the gun hunts shall be checked in at Building 7331 on 9th Avenue. Successful hunters shall have the completed hunter portion of their game check card in their possession.

(f) Hunting hours: one-half (1/2) hour before sunrise until 5 p.m. local prevailing time. Hunters shall clear hunt control by 7 p.m.

(g) Weapons. Only breech-loading and muzzle-loading shotguns of twelve (12) gauge maximum and twenty (20) gauge minimum firing a single projectile, and muzzle-loading rifles of .38 caliber to .58 caliber firing a single projectile shall be permitted. Magazined shotguns shall be plugged to a three-shot capacity. Hunters shall have no more than ten (10) rounds of ammunition in possession for any one (1) hunting day. [Crossbows are prohibited.]

(h) Hunter safety certificates. All deer hunters under the age of forty (40) [thirty-seven (37)] shall possess a valid hunter safety certificate.

(i) Special clothing requirements. Gun hunters shall wear a solid hunter orange vest, jacket or coveralls and a hunter orange hat.

(j) Special equipment. All hunters shall possess a Fort Knox special hunting and fishing map and a flashlight.

(k) Intoxicants. Intoxicants are prohibited in vehicles and hunting areas.

(l) Licenses, deer tags, and post permits. All persons deer hunting on the Fort Knox Military Reservation shall possess a valid Kentucky Hunting License, deer permit and a Fort Knox Deer Permit.

(4) Bluegrass Ordnance Depot Activity located in Madison County.

(a) Deer archery hunts: during the month of October and November.

(b) Deer gun hunts: during the month of November and December.

(c) Bag limits. The post bag limit is one (1)

deer of the sex announced on the day of the hunt.

(d) Applications. Hunters may submit applications for archery or gun hunts[, but not for both]. Applications for the drawings shall be made on a three (3) inch by five (5) inch card [postcard] with only one (1) applicant [hunter] allowed per card. More than one (1) [post]card per individual shall disqualify the applicant. When a maximum of two (2) people desire to hunt together, the required information shall be written on individual three (3) inch by five (5) inch cards, stapled together, and mailed in an an [one (1)] envelope. The upper right corner of each card shall state the name of the person the applicant desires to hunt with. Each applicant shall furnish name and address (including zip code), [social security number,] date of birth, telephone number and specify first and second choice for [whether] gun and [or] archery hunting [is desired]. Hunters, their hunting dates and areas shall be selected by a drawing. All [cards or] envelopes shall be postmarked no earlier than September 1 [July 1] or later than September 30 [August 1] to be eligible for the drawing. Improper applications shall be discarded. A fifteen (15) dollars per person fee shall be charged for hunting payable on the assigned hunting date. Mail all applications to: Lexington-Bluegrass Depot, Attention: Land Manager, Lexington, Kentucky 40511-5010.

(e) Age limit. No one under the age of twelve (12) [fourteen (14)] shall [be allowed to] hunt.

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

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

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

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

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

(b) Drawing. Only those persons selected by a drawing may participate in the quota hunts. If unfilled quotas exist after the regular drawings, quotas shall be filled by issuing permits on a first-come, first-served basis. Hunters shall hunt for a maximum of one (1) day only.

(c) [Deer] Archery hunt: any deer October 11-20 [16-26].

(d) Bag limits. The refuge bag limit is two (2) deer [of either sex]. Only one (1) deer shall be taken by gun.

(e) Check stations. All gun deer hunters shall check in and out at designated refuge check stations.

(f) All deer hunters must have purchased a ten (10) dollar refuge hunting permit.

(6) Westvaco public hunting areas. All persons hunting shall possess a valid Westvaco hunting permit.

(a) Persons shall not operate vehicles off designated roads.

(b) No person shall hunt from or build a tree stand on Westvaco property that is within fifty

(50) yards of a property line.

(c) No person shall build an open fire on the area.

DON R. McCORMICK, Commissioner

DAVID H. GODBY, Chairman

RONALD E. GENTRY, Secretary

APPROVED BY AGENCY: March 4, 1991

FILED WITH LRC: May 15, 1991 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 27, 1991 at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Game Farm Road, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 22, 1991, 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: An estimated 211,000 persons will participate in white-tailed deer hunting, and an estimated 6,000 persons will participate in wild turkey hunting in 1991. An unknown portion of these will avail themselves of the hunting opportunities offered on the federal installations spoken to in this regulation.

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

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

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): An additional hunting fee is charged by Fort Knox, Bluegrass Ordnance Depot Activity, LBL, Reelfoot Refuge, Westvaco, and Fort Campbell.

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

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

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

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

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

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: Deer and turkey hunters may be expected to expend money for equipment, transportation, food and lodging. The annual expenditure for these items averages \$32 per day of hunting according to the 1990 National Hunting and Fishing Survey. State and local revenues can be expected to be positively affected due to the necessary expenditures for the required licenses and taxes levied upon items purchased by hunters.

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

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes

FISCAL NOTE ON LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes X No (If yes, complete questions 2-4)

2. State what unit, part or division of local government this administrative regulation will affect. Only parts of local government will be affected.

3. State the aspect or service of local government to which this administrative regulation relates. The County Clerk's office serves as a distribution system for the hunting licenses required by this regulation. The County Circuit Courts are where violators of these regulations are prosecuted.

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 County Clerk's office personnel are involved in the sale of hunting

licenses and deer tags. This office receives a \$.75 fee for selling licenses and deer tags. The County Circuit Courts are utilized for prosecution of cases made against violators of these regulations and recover their costs as the court cost portion of any levied fines.

**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 of 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 May 15, 1991 [December 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 [(Amended 12/14/90)]
KSR 01-00-10 Entry Authorization for All Cameras and Tape Recorders Brought into the Institution [(Amended 12/14/90)]
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 (Amended 05/15/91)
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 [(Amended 12/14/90)]
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 (Amended 05/15/91)
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 [(Amended 12/14/90)]
KSR 09-00-30 Parole Board (Amended 05/15/91)
KSR 09-00-31 Forced Cell Move in Medium or Maximum Area
KSR 10-01-01 Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records (Amended 05/15/91)
KSR 10-01-02 Unit D - General Operational Procedures (Amended 05/15/91)
KSR 10-01-03 Unit D - Inmate Tracking System and Records System (Amended 05/15/91)
KSR 10-01-04 Unit D - Administrative Segregation (Amended 05/15/91)
KSR 10-01-05 Unit D - Disciplinary Segregation (Amended 05/15/91)
KSR 10-01-06 Unit D - Protective Custody (Amended 05/15/91)
KSR 10-01-07 Unit D - Geriatrics (Amended 05/15/91)
KSR 10-01-08 Unit D - Safekeepers (Amended 05/15/91)
KSR 10-01-09 Unit D - Hold Ticket Residents (Amended 05/15/91)
KSR 10-00-10 Unit D - Inmate Legal Access
KSR 10-01-11 Unit D - Behavior Problem Control (Amended 05/15/91)
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
KSR 10-02-02 Unit E Designated Staff Visits
KSR 10-02-03 Unit E-1 Convalescent Care (Added 05/15/91)
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 Rules and Dress Code for Inmates (Amended 05/15/91)

ADMINISTRATIVE REGISTER - 3500

KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 17-00-03	Notifying Inmates' Families of Admission and Procedures for Mail and Visiting
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates	KSR 17-00-05	Dormitory 10 Operations
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 17-00-06	Identification Department
KSR 12-00-02	Sanitation and General Living Conditions	KSR 17-00-07	Admission and Discharge Procedures
KSR 12-00-03	State Items Issued to Inmates	KSR 17-00-08	Inmate Personal Property [(Amended 12/14/90)]
KSR 12-00-07	Regulations for Inmate Barbershop	KSR 17-00-08	Repair of Inmate Owned Appliances by Outside Dealers
KSR 12-00-09	<u>Treatment of Inmates with Body Lice (Added 05/15/91)</u>	KSR 18-00-04	Returns from Other Institutions
KSR 13-00-02	Hospital Operations, Rules and Regulations [(Amended 05/15/91)]	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 18-00-06	Classification and Special Notice Form
KSR 13-00-04	Medical and Dental Care	KSR 18-00-07	Kentucky State Reformatory Placement Committee [(Added 12/14/90)]
KSR 13-00-05	Medical Records	KSR 19-00-01	Inmate Work Incentives (Amended 05/15/91)
KSR 13-00-08	Institutional Laboratory Procedures [(Amended 12/14/90)]	KSR 19-00-02	On-the-job Training Program (Amended 05/15/91)
KSR 13-00-09	Institutional Pharmacy Procedures [(Amended 12/14/90)]	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 13-00-10	Requirements for Medical Personnel	KSR 19-00-05	<u>Food Service On-The-Job Training and Workers Rules (Added 05/15/91)</u>
KSR 13-00-11	Health Evaluation	KSR 20-00-01	Vocational School Referral and Release Process
KSR 13-00-12	Vision Care/Optomety Services	KSR 20-00-03	Academic School Program (Amended 05/15/91)
KSR 13-00-14	Periodic Health Examinations for Inmates	KSR 20-00-04	Criteria for Participation in Jefferson Community College Program
KSR 13-00-15	Medical Alert System	KSR 20-00-08	Integration of Vocational and Academic Education Programs (Amended 05/15/91)
KSR 13-00-16	Suicide Prevention and Intervention Program	KSR 21-00-01	Legal Aide Office and Inmate Law Library Services and Supervision (Amended 05/15/91)
KSR 13-00-17	Special Care	KSR 21-00-02	Inmate Library Services
KSR 13-02-01	Mental Health Services	KSR 21-00-03	Library Services for Unit D
KSR 13-02-02	Mentally Retarded Inmates	KSR 22-00-03	Inmate Organizations (Amended 05/15/91)
KSR 13-02-03	Suicide Prevention and Intervention Program	KSR 22-00-07	Inmate News Magazine
KSR 13-02-04	Division of Mental Health's Residential Services	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 14-00-01	Inmate Rights	KSR 23-00-03	Religious Programming
KSR 14-00-04	Inmate Grievance Procedure	KSR 25-00-01	Discharge of Residents to Hospital or Nursing Home
KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 15-00-04	Restoration of Forfeited Good Time	KSR 25-00-03	Preparole Progress Report
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 (Amended 05/15/91)		
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 [(Amended 12/14/90)]		
KSR 15-01-03	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Rules and Regulations [(Amended 12/14/90)]		
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 Honor Housing Criteria and Regulations [(Amended 12/14/90)]		
KSR 16-00-01	Visiting Regulations		
KSR 16-00-02	Inmate Correspondence and Mailroom Operations		
KSR 16-00-03	Inmate Access to Telephones [(Amended 12/14/90)]		

JOHN T. WIGGINTON, Secretary
 APPROVED BY AGENCY: May 15, 1991
 FILED WITH LRC: May 15, 1991 at 11 a.m.
 PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 24, 1991 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron and Tom Campbell, Corrections Cabinet, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara Jones
 (1) Type and number of entities affected: 576 employees of the Kentucky State Reformatory, 1391 inmates, and all visitors to state correctional institutions.

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

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs (note any effects upon competition): None

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

(a) Direct and indirect costs or savings:
1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.

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

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

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

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

**CORRECTIONS CABINET
(Proposed Amendment)**

501 KAR 6:040. Kentucky State Penitentiary.

RELATES TO: KRS Chapters 196, 197, 439

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

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the secretary to adopt, amend or rescind regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of 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 May 15, 1991 [September 14, 1990] and hereinafter should be referred to as Kentucky State Penitentiary Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

- KSP 000000-06 Administrative Regulations
- KSP 010000-04 Public Information and Media Communication
- KSP 020000-15 Legal Assistance
- KSP 030000-01 Inventory Records and Control

- KSP 030000-04 Requisition and Purchase of Supplies and Equipment
- KSP 030000-05 Inmate Personal Funds
- KSP 030000-06 Inmate Commissary Program
- KSP 040000-01 Management Information System
- KSP 040000-02 Inmate Records
- KSP 050000-14 Searches and Preservation of Evidence
- KSP 060000-01 Special Security Unit
- KSP 060000-02 Special Management Units: Assignment, Classification Review and Release
- KSP 060000-04 Protective Custody Unit
- KSP 070000-01 Hospital Services
- KSP 070000-02 Sick Call
- KSP 070000-03 Health Evaluations
- KSP 070000-04 Consultations
- KSP 070000-05 Emergency Medical Procedure
- KSP 070000-13 Pharmacy Procedures
- KSP 070000-14 Medical Records
- KSP 070000-16 Psychiatric and Psychological Services
- KSP 070000-17 Dental Services for Special Management Units
- KSP 070000-19 Optometric Services
- KSP 070000-20 Menu Preparation and Planning
- KSP 070000-24 Food Service, General Sanitation, Safety, and Protection Standards and Requirements
- KSP 070000-25 Food Service Inspections
- KSP 070000-30 Therapeutic Diets
- KSP 090000-01 Inmate Work Programs/Safety Inspections of Inmate Work Locations
- KSP 090000-03 Correctional Industries
- [KSP 100000-02 Visiting Program (Deleted 05/15/91)]
- KSP 100000-03 Disposition of Unauthorized Property
- KSP 100000-04 Inmate Grooming and Dress Code
- KSP 100000-05 Procedures for Providing Clothing, Linens and Other Personal Items
- KSP 100000-06 Inmate Mail and Packages
- KSP 100000-07 Inmate Telephone Access
- KSP 100000-08 Behavioral Counseling Record [(Amended 9/14/90)]
- KSP 100000-09 Due Process/Disciplinary Procedures
- KSP 100000-11 Authorized and Unauthorized Inmate Property
- KSP 100000-14 Property Room: Clothing Storage and Inventory
- KSP 100000-15 Uniform Cell Standards for Fire Safety, Sanitation and Security
- KSP 100000-18 Inmate Grievance Committee Hearings
- KSP 100000-20 Legal Services Program
- KSP 100000-21 Photocopies for Nonindigent Inmates with Special Court Deadlines
- KSP 110000-04 Parole Progress Report
- KSP 110000-06 General Guidelines of the Classification Committee
- KSP 110000-07 Statutory Good Time Restoration
- KSP 110000-08 Award of Meritorious Good Time
- KSP 110000-10 Special Needs Inmates
- KSP 110000-12 Unit Classification Committee - Inmate Work Assignments
- KSP 110000-13 Classification Document
- KSP 110000-14 Vocational School Placement
- KSP 110000-15 Transfers to Kentucky Correctional Psychiatric Center (KCPC)

KSP 110000-16 Consideration of Further Treatment Requirements for Inmates Prior to Release
 KSP 110000-18 Functions of the Classification Committee
 KSP 120000-04 Academic Education
 KSP 120000-07 Community Center Program
 KSP 120000-08 Inmate Furloughs
 KSP 120000-11 Religious Services - Staffing
 KSP 120000-18 Religious Services - Religious Programming
 KSP 120000-20 Marriage of Inmates
 KSP 120000-31 Extended Furloughs
 KSP 120000-32 Discharge of Inmates by Shock Probation
 KSP 130000-10 Execution Plan
 KSP 16-01-01 Visiting Program (Added 05/15/91)

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: May 15, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 24, 1991 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack T. Damron and Tom Campbell, Corrections Cabinet, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 352 employees of the Kentucky State Penitentiary, 636 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 6:060. Northpoint Training Center.

RELATES TO: KRS Chapters 196, 197, 439

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

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 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 of 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 May 15, 1991 [February 15, 1991] and hereinafter should be referred to as Northpoint Training Center Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

NTC 01-03-01 Organization and Assignment of Responsibilities

NTC 01-05-01 Extraordinary Occurrence Reports (Amended 05/15/91)

NTC 01-10-01 Legal Assistance for Staff (Amended 05/15/91)

NTC 01-11-01 Political Activities of Merit Employees (Amended 05/15/91)

NTC 01-15-01 Establishment of the Warden as Chief Executive Officer (Amended 05/15/91)

NTC 01-17-01 Relationships with Public, Media and Other Agencies (Amended 05/15/91)

NTC 02-02-02 Warden's Participation in the Agency Budgeting Process

NTC 02-03-01 Fiscal Management: Audits

NTC 02-04-01 Internal Control and Monitoring of Accounting Procedures

NTC 02-07-02 Chapel Fund

NTC 02-08-01 Inmate Canteen

NTC 02-10-01 Insurance Coverage

NTC 02-12-01 Inmate Personal Accounts

NTC 04-01-01 Training and Staff Development

NTC 04-04-01 Firearms and Chemical Agents Training

NTC 06-01-01 Offender Records

NTC 06-01-02 Records - Release of Information

NTC 06-01-03 Taking Offender Record Folders onto the Yard

NTC 08-05-01 The Fire and Safety Officer

NTC 08-05-02 Fire Procedures

NTC 08-05-03 Fire Prevention [(Amended 2/15/91)]

NTC 08-05-04 Storage of Flammables and Dangerous Chemicals and Their Use

NTC 08-07-01 Safety Standards

NTC 10-01-01 Special Management Inmates (SMU)

NTC 10-02-01 Security Guidelines for Special Management Inmates

NTC 10-03-01 Protective Custody

NTC 11-03-01 Food Services: General Guidelines

NTC 11-04-01 Food Service: Meals

NTC 11-04-02 Menu, Nutrition and Special Diets

ADMINISTRATIVE REGISTER - 3503

NTC 11-05-02 Health Standards/Regulations for Food Service Employees
 NTC 11-06-01 Inspections and Sanitation
 NTC 11-07-01 Purchasing, Storage and Farm Products
 NTC 12-01-01 Institutional Inspections
 NTC 12-02-01 Personal Hygiene for Inmates; Clothing and Linens
 NTC 12-02-02 Issuance of Personal Hygiene Products
 NTC 13-01-01 Emergency Medical Care Plan
 NTC 13-01-02 Emergency and Specialized Health Services
 NTC 13-02-01 Administration and Authority for Health Services
 NTC 13-03-01 Sick Call and Pill Call
 NTC 13-04-01 Utilization of Pharmaceutical Products
 NTC 13-05-01 Dental Services
 NTC 13-05-02 Health Maintenance Dental Services [(Added 2/15/91)]
 NTC 13-05-03 Dental Radiation Levels [(Added 2/15/91)]
 NTC 13-05-04 Attest Steam Incubator [(Added 2/15/91)]
 NTC 13-06-01 Licensure and Training Standards
 NTC 13-07-01 Provisions for Health Care Delivery
 NTC 13-08-01 Medical and Dental Records
 NTC 13-09-01 Special Diets
 NTC 13-11-01 Inmate Health Screening and Evaluation
 NTC 13-12-01 Special Health Care Programs
 NTC 13-17-01 Inmates Assigned to Health Services
 NTC 13-19-01 Mental Health Care Program
 NTC 13-19-03 Suicide Prevention and Intervention Program
 NTC 13-20-01 Infectious Disease
 NTC 13-20-02 Infection Control
 NTC 13-20-03 Disposal of Biohazard Waste [(Added 2/15/91)]
 NTC 13-21-01 Vision Care/Optomety Services
 NTC 13-22-01 Informed Consent
 NTC 13-23-01 Special Needs Inmates
 NTC 14-01-01 Legal Services Program
 NTC 14-01-02 Receiving and Viewing of Video Tapes
 NTC 14-02-01 Inmate Grievance Procedure
 NTC 14-03-01 Inmate Rights and Responsibilities
 NTC 14-03-02 Board of Claims
 NTC 14-04-01 Inmate Search Policy
 NTC 15-01-01 Restoration of Forfeited Good Time
 NTC 15-02-01 Due Process/Disciplinary Procedures
 NTC 15-02-02 Extra Duty Assignments
 NTC 15-02-03 Hearing Officer
 NTC 15-03-01 Rules for Inmates Assigned to Outside Detail
 NTC 15-03-02 Rules and Regulations for General Population Dormitories [(Amended 2/15/91)]
 NTC 15-03-03 Rules and Regulations for Protective Custody Dormitories [(Added 2/15/91)]
 NTC 15-04-01 Inmate Identification
 NTC 16-01-01 Mail Regulations (Amended 05/15/91)
 NTC 16-02-01 Visiting
 NTC 16-02-02 Extended and Special Visits
 NTC 16-02-03 Honor Dorm Visiting
 NTC 16-03-01 Inmate Furloughs
 NTC 16-05-01 Telephone Use and Control
 NTC 17-01-01 Personal Property Control
 NTC 17-01-02 Authorized Inmate Personal Property (Amended 05/15/91)
 NTC 17-01-03 Unauthorized Inmate Property (Amended 05/15/91)

NTC 17-01-04 Disposition of Unauthorized Property
 NTC 17-01-05 State Issue and Required Inmate Clothing [(Added 2/15/91)]
 NTC 17-03-01 Assessment/Orientation
 NTC 18-01-01 Parole Progress Report
 NTC 18-02-01 Classification
 NTC 18-02-02 Classification - 48 Hour Notification
 NTC 18-03-01 Special Notice Form
 NTC 18-05-01 Transfers of Inmates
 NTC 18-05-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center
 NTC 19-01-01 Inmate Work Program
 NTC 19-01-03 Temporary Leave from Job Assignment
 NTC 19-02-01 Correctional Industries
 NTC 19-02-02 Guidelines for Correctional Industries
 NTC 20-01-01 Academic School Program
 NTC 20-02-01 Vocational School
 NTC 20-02-02 Live Work Projects in Vocational School Classes
 NTC 21-01-01 Library Services
 NTC 22-03-01 Conducting Inmate Organizational Meetings and Programs
 NTC 23-01-01 Religious Services
 NTC 23-03-01 Marriage of Inmates [(Added 2/15/91)]
 NTC 24-04-01 Honor Status
 NTC 24-05-01 Unit Management
 NTC 25-01-01 Release Preparation Program
 NTC 25-01-02 Temporary Release/Community Center Release
 NTC 25-01-03 Graduated Release
 NTC 25-02-01 Funeral Trips and Bedside Visits
 NTC 25-03-01 Inmate Release Procedure
 NTC 26-01-01 Citizen Involvement and Volunteer Services Program

JOHN T. WIGGINTON, Secretary

APPROVED BY AGENCY: May 15, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 24, 1991 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack T. Damron and Tom Campbell, Corrections Cabinet, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 286 employees of the Northpoint Training Center, 908 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. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of 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 May 15 [March 15], 1991 and hereinafter shall 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 [(Amended 3/15/91)]
KCIW 02-03-01 Inventory Control of Nonexpendable Personal Property
KCIW 02-03-02 Inventory and Control of Stores (Added 05/15/91)
[KCIW 02-03-03 Criteria for Selection of Bidders and Vendors (Deleted 05/15/91)]
KCIW 02-04-01 Accounting Procedures (Amended 05/15/91)
KCIW 02-05-01 Inmate Canteen/Staff Canteen
[KCIW 02-07-01 Release of CETA Money Earned (Deleted 05/15/91)]
KCIW 06-01-01 Inmate Records (Amended 05/15/91)
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 [(Amended 3/15/91)]
KCIW 10-01-02 Special Management Unit Programs, Placement and Review
KCIW 10-01-04 Special Security
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 and [Facilities/] Clothing Issuance (Amended 05/15/91)
KCIW 12-02-03 Donated Items
KCIW 12-04-01 Sanitation and General Living Conditions
KCIW 12-04-02 Hair Care Services (Added 05/15/91)
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 (Amended 05/15/91)
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 Honor Program
KCIW 15-06-01 Restriction Guidelines
KCIW 16-01-01 Inmate Correspondence
KCIW 16-01-03 Staff Mail
KCIW 16-02-01 Inmate Access to Telephone
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 Inmate Packages
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
 KCIW 18-01-02 Institutional Housing Assignments
 KCIW 18-02-01 Classification Procedures
 KCIW 18-05-01 Special Needs Inmates [(Amended 3/15/91)]
 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 (Amended 05/15/91)
 KCIW 25-01-01 Parole 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: May 15, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 24, 1991 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron or Tom Campbell, Corrections Cabinet, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 122 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 Department of Vehicle Regulation Division of Motor Carriers Division of Motor Vehicle Enforcement (Proposed Amendment)

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

RELATES TO: KRS 174.400 through 174.435, 49 CFR
 STATUTORY AUTHORITY: KRS 174.410(2), 174.430(1), 49 CFR
 NECESSITY AND FUNCTION: KRS 174.410(2) provides that the Secretary of the Transportation Cabinet, in consultation with the Secretary of the Natural Resources and Environmental Protection Cabinet and the Secretary of the Cabinet for Human Resources, shall adopt by reference or in its entirety, the federal hazardous materials transportation regulation, 49 CFR (1978), as amended, to effectively carry out the intent of KRS 174.400 through 174.435. KRS 174.430(1) provides that the Secretary of the Transportation Cabinet is authorized to fix a reasonable fee, by regulation, to be paid by applicants for a general permit to transport radioactive materials through or within the Commonwealth or to transport other hazardous materials within the Commonwealth, and for the renewal of such permit. This regulation implements these statutory provisions.

Section 1. The hazardous materials transportation regulations adopted and issued by the United States Department of Transportation relating to the following subjects shall govern the transportation of hazardous materials within Kentucky:

(1) Title 49, Code of Federal Regulations, Part 171 effective February 28, 1991 [June 4, 1990]. Part 171 sets forth general information, regulations and definitions applicable to all hazardous materials transportation;

(2) Title 49, Code of Federal Regulations, Part 172 effective December 31, 1990 [June 4, 1990]. Part 172 lists and classifies those materials which the United States Department of Transportation has designated as hazardous materials for purposes of transportation and

prescribes the requirements for shipping papers, package marking, labeling and transport vehicle placarding applicable to the shipment and transportation of those hazardous materials;

(3) Title 49, Code of Federal Regulations, Part 175 effective December 31, 1990 [June 4, 1990]. Part 175 includes requirements in addition to those contained in Parts 171, 172, and 173 which are applicable to aircraft operators transporting hazardous materials aboard, attached to or suspended from civil aircraft;

(4) Title 49, Code of Federal Regulations, Part 177, effective December 31, 1990 [February 8, 1990]. Part 177 includes requirements in addition to those contained in Parts 171, 172, and 173 which are applicable to private contract or common motor carriers transporting hazardous materials on public highways; and

(5) Title 49, Code of Federal Regulations, Part 178 effective December 31, 1990 [December 12, 1989]. Part 178 prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials.

(6) Title 49, Code of Federal Regulations, Part 180, effective December 31, 1990 [February 12, 1990]. Part 180 prescribes requirements pertaining to the maintenance, reconditioning, repair, inspection and any other function having an effect on the continuing qualification and use of a packaging used to transport hazardous materials.

Section 2. (1) Title 49, Code of Federal Regulations, Part 173 effective February 28, 1991 [June 4, 1990] is incorporated by reference but only as it is applicable to the shipment of hazardous materials by air or highway. Part 173 sets forth the general requirements which shippers are required to meet for shipments and packaging.

(2) The material published in Volume 55, Number 246, pages 52401 through 52729 of the "Federal Register" dated December 21, 1990 is incorporated by reference. This material will amend 49 CFR Parts 171, 172, 173, 175, 177 and 178 effective October 1, 1991. However, since January 1, 1991 compliance with the changes has been authorized by U.S. Department of Transportation. Therefore, the Kentucky Transportation Cabinet authorizes compliance with this material.

(3) The material published in Volume 56, Number 2, pages 197 through 201 of the "Federal Register" dated January 3, 1991 is incorporated by reference. This material will amend 49 CFR Parts 172 and 173 effective September 30, 1991. However, since January 3, 1991 compliance with the changes has been authorized by U.S. Department of Transportation. Therefore, the Kentucky Transportation Cabinet authorizes compliance with this material.

(4) [(2)] This material incorporated by reference is available for public inspection and copying in the Transportation Cabinet, Office of General Counsel [the Secretary], 10th Floor, State Office Building, Frankfort, Kentucky 40622. Office hours are from 8 a.m. to 4:30 p.m., local prevailing time on Monday through Friday.

Section 3. (1) Applicants for an annual general permit to transport radioactive materials through or within the Commonwealth or

to transport other hazardous materials within the Commonwealth, and for the renewal of this permit, shall pay to the Transportation Cabinet a fee of twenty-five (25) dollars.

(2) The applicant for a general permit shall submit his application to the Department of Vehicle Regulation in the form prescribed in subsection (3) of this section by the department. The department shall make the forms available to any applicant.

(3) The front page of the form shall read as follows:

TC 95-1

Kentucky
Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers
P. O. Box 2007
Frankfort, Kentucky 40602

Application For Permit For The Transportation of Hazardous Materials And/Or Radioactive Materials (This application shall be accompanied by a \$25 filing fee)

CARRIER NAME:

STREET:

CITY:

STATE:

ZIP:

1. Type of Carrier: Private: For-Hire:

2. Classification of Hazardous or Radioactive Materials Transported:

INTERSTATE	INTRASTATE
Radioactive Material	Hazardous Material
Radioactive Waste	Hazardous Waste
	Radioactive Material
	Radioactive Waste

3. Individual associated with carrier who is designated to be contacted in event of emergency:

NAME:

PHONE NUMBERS:

During Business Hours ()

After Business Hours ()

TITLE:

ADDRESS (if different from above):

4. Description of emergency procedures which the carriers shall follow in the event of an emergency:

I, the undersigned official of the above company, state that the above information is true and correct.

NAME

OFFICIAL TITLE

(4) The back page of the form shall inform the applicant of the basic requirements for application for a permit and shall contain the following:

TC 95-1

GENERAL INFORMATION REGARDING KENTUCKY'S
HAZARDOUS/RADIOACTIVE MATERIAL
Transportation Permit

The following information generally outlines the regulations of the Division of Motor Carrier's hazardous radioactive materials transportation requirements. If you have specific questions, contact the Division of Motor Carriers at the address or the telephone number below.

A general permit may be issued to any carrier who transports radioactive materials, either interstate or intrastate, and any carrier who transports hazardous materials intrastate in Kentucky. Needed definition follow:

"CARRIER" means a person engaged in the commercial transportation of passenger or property by land as a common, contract or private carrier or civil aircraft; except for those transporting passengers or property by pipelines, railways, or waterways.

"HAZARDOUS MATERIAL" means a substance designed as hazardous by the *Federal Hazardous Materials Transportation Act (49 U.S.C. 1801, et seq.) or the federal regulations adopted pursuant thereto.

Exception: Hazardous material shall not include agricultural wastes, coal mining wastes, utility waste (fly ash, bottom ash, scrubber sludge) sludge from water treatment and sewage treatment facilities, cement kiln dust, gas and oil drilling muds, oil production brines or waste oil.

"RADIOACTIVE MATERIAL" means any material or combination of materials which spontaneously emit ionizing radiation.

The provisions of this permit do not apply to hazardous materials shipped by or for the U.S. government for military or national security purposes.

Vehicles used in the transportation of fuels to end users are also exempt from these requirements.

TO OBTAIN THIS PERMIT, THE FOLLOWING PROCEDURE SHALL BE FOLLOWED:

- (1) Complete and return the application (TC 95-1) to the Kentucky Transportation Cabinet, Division of Motor Carriers, with the required \$25 yearly fee. A COPY OF THIS APPLICATION IS ON THE REVERSE SIDE.
- (2) Applicant shall have on file with the Division an approved certificate of public liability and property damage insurance in the minimum amounts set forth in KRS 281.655.

These minimum limits are:

- (a) Petroleum or Petroleum Products Less than 10,000 lbs. - \$100,000/300,000/50,000
- (b) All other hazardous/radioactive material as defined in KRS 174.405 - \$100,000 SINGLE LIMIT COVERAGE

*The cabinet has adopted, by reference, the federal hazardous materials transportation regulations, 49 CFR (1978), as amended, in their entirety. Those parts pertaining to railways, pipeline and waterways are specifically excluded.

The cabinet may issue a permit based upon the information contained in the application. A COPY OF THIS PERMIT SHALL BE CARRIED IN THE TRANSPORTING VEHICLE WHILE IN THE COMMONWEALTH OF KENTUCKY. Each carrier shall be assigned only one permit, and you are given permission to photostat a copy for each vehicle operating under your authority and your permit. The general permit shall be renewed annually.

This permit does not preclude or encompass any other document required by Kentucky law. A carrier shall comply with all other applicable requirements for the transportation of hazardous materials within the Commonwealth.

PLEASE ADDRESS ALL MAIL TO:

KENTUCKY DEPARTMENT OF VEHICLE REGULATION
DIVISION OF MOTOR CARRIERS
QUALIFICATIONS/PERMITS BRANCH
POST OFFICE BOX 2007
FRANKFORT, KENTUCKY 40602
Phone: (502) 564-4540

JEROME L. LENTZ, Acting Commissioner
MILO D. BRYANT, Secretary

APPROVED BY AGENCY: April 25, 1991

FILED WITH LRC: May 3, 1991 at 2 p.m.

PUBLIC HEARING: A public comment hearing will be held on this administrative regulation on June 21, 1991 at 9 a.m., local prevailing time in the Tenth Floor Law Library of the State Office Building located at the corner of High and Clinton Streets, Frankfort, Kentucky. Any person who intends to attend this hearing must in writing by June 16, 1991 so notify this agency. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is cancelled, written comments will only be accepted until June 15, 1991. 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 hazardous materials in Kentucky.

(a) Direct and indirect costs or savings to those affected: (1)(a) This proposed amendment adopts changes to the 49 CFR Parts included in this administrative regulation. These changes were published in the "Federal Register" during the last year. The changes of significance are as follows: 1. Allowing a transporter of hazardous materials to comply with the recommendations of the "United Nations Recommendations on the Transport of Dangerous Goods" relating to hazardous communication, classification and packaging requirements. Their use will be mandatory October 1, 1991. In the interim the Kentucky Transportation Cabinet does not wish to penalize a transporter for following the guidelines approved by the federal government but not yet in effect.

2. Requires that motor carriers of highway route controlled quantity radioactive materials transport those materials directly from pickup points to preferred routes and directly from preferred routes to delivery points using a shortest distance criterion.

3. Changes to the federal regulation

pertaining to the manufacture, qualification, maintenance and use of cargo tank motor vehicles. The most significant of these would allow work experience as an alternative to education requirements for certain persons performing the functions of registered inspector or a design certifying engineer; would expand the types of hazardous material authorized for retention in external unprotected piping during transportation; would clarify the requirements of pressure relief systems and outlets on new and existing cargo tank motor vehicles; would clarify parameters used in structural integrity calculations for cargo tank motor vehicles; and would relax and clarify certain provisions relating to continuing qualification, inspection, and testing of cargo tank motor vehicles.

4. Revise the "List of Hazardous Substances and Reportable Quantities" to comply with an amendment to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

5. Increase the maximum civil penalties to be imposed by the U.S. Department of Transportation for violations of the Hazardous Materials Transportation Act as required by the Hazardous Materials Transportation Uniform Safety Act of 1990.

The remainder of the changes are technical or clarifying in nature.

All hazardous material transporters fall under the purview of the federal regulations. Therefore, the adoption of the changes to the federal regulations by the Kentucky Transportation Cabinet just allows enforcement of those federal regulations by the Motor Vehicle Enforcement officers. However, the federal regulations are out-dated particularly in the areas of classification and packaging. The overall impact on the transporters of hazardous materials should be positive. By loosening some requirements and updating others, the industry should be able to operate more safely while not increasing their operating costs.

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 as a result of the changes to this administrative regulation.

(2) Effects on the promulgating administrative body: Minimal. The Motor Vehicle Enforcement officers will have to be trained in the new requirements so that they can uniformly and safely enforce them.

(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: Two alternatives exist to the regulation amendment as proposed. The do-nothing alternative was rejected because of the requirement in KRS Chapter 174 that the federal regulations be adopted. Therefore, the new federal regulations are proposed to be adopted because all changes are currently allowed by U.S. DOT. We don't want a carrier to be cited for complying with the new federal

requirements.

(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. The adopted federal regulations are tiered based on the amount and type of hazardous material being transported.

WORKFORCE DEVELOPMENT CABINET

Department for Adult and Technical Education
(Proposed Amendment)

780 KAR 1:010. 1992-94 [1991-92] program plan.

RELATES TO: KRS 151B.025, 151B.100, 151B.150 [151B.140, 151B.145]

STATUTORY AUTHORITY: KRS 151B.025, 151B.100 [151B.140], 151B.145

NECESSITY AND FUNCTION: KRS 151B.025 designates the Department for Adult and Technical Education as the sole state agency for developing and approving state plans required by federal law as prerequisites to receiving federal funds for vocational education; 151B.100 [151B.145] authorizes the State Board for Adult and Technical Education to implement any act of Congress appropriating and apportioning funds to states and to provide for the proper disbursement of such funds; 151B.145 [151B.140] accepts and agrees to comply with federal vocational education acts; and KRS 151B.150 [151B.145] gives the State Board authority to comply with state and federal vocational education laws. The 1992-94 [1990-91] Kentucky Program Plan for Vocational Education is necessary in order to be eligible to receive federal funds under P.L. 101-392 [98-524], and this regulation formally adopts such plan developed and approved by the Department for Adult and Technical Education.

Section 1. The Kentucky State Board for Adult and Technical Education shall delegate to the Kentucky Department of Education effective July 1, 1990 responsibility for the following duties: coordinating, supervising, and monitoring local plans for secondary vocational education programs in local school districts; evaluating annually a minimum of twenty (20) percent of local school districts with vocational programs; providing statewide leadership in consumer and homemaking education; monitoring research, exemplary, sex equity and displaced homemaker projects awarded to the State Department of Education by the Department for Adult and Technical Education; managing and controlling reimbursement of vocational funds to local school districts; and collecting and reporting vocational data as required by state and federal requirements.

Section 2. Pursuant to the authority vested in the Kentucky State Board for Adult and Technical Education, the 1992-94 [1990-91] Kentucky Program Plan for Vocational Education is hereby prepared and approved by the State Board for Adult and Technical Education, in accordance

with the appropriate federal guidelines, and submitted to the U.S. Secretary of Education for approval. This document is incorporated by reference and hereinafter shall be referred to as the 1992-94 [1990-91] Kentucky Program Plan for Vocational Education, as amended for 1989-90. Copies of the document may be obtained from the Department for Adult and Technical Education.

C. RICHARD WARNER, Chairman

APPROVED BY AGENCY: April 18, 1991

FILED WITH LRC: May 14, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.m. (EDT) in Room 2010, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 20, 1991, five days prior to 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: Audrey T. Carr, Secretary, State Board for Adult and Technical Education, 2013 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Audrey Carr

(1) Type and number of entities affected: 7 state universities eligible for federal funds; 8 state correctional schools; 14 community colleges; 84 state operated vocational schools; 163 school districts, all eligible for these funds.

(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: This plan will enable Kentucky to receive \$17,201,186 federal funds under PL 101-392.

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. PL 101-392, Carl D. Perkins Vocational and Applied Technology Educational Act of 1990.

2. State compliance standards. KRS 151B.025, 151B.045 and 151B.050.

3. Minimum or uniform standards contained in the federal mandate. This plan is consistent with requirements in the public law.

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. N/A

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:309. Adoption of 29 CFR Part 1910.141-.149.

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 1910.141-.149 [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) 29 CFR 1910.141(c)(2)(i) shall read as follows: "Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(2) Amendment to 29 CFR 1910.145(f), "Accident Prevention Tags," as published in Federal Register, Volume 51, Number 182, September 19, 1986, is incorporated by reference.

(3) Revision to 29 CFR 1910.147, as published in the Federal Register, Volume 54, Number 169, September 1, 1989, is incorporated by reference with the following additions, exceptions, and deletions:

(a) 29 CFR 1910.147(c)(2)(ii) is amended to read: "If an energy isolating device is capable of being locked out, the employer's energy control program under paragraph (c)(1) of this section shall utilize lockout."

(b) 29 CFR 1910.147(c)(3) is amended to read: "Full employee protection. (i) When a tagout device is used on an energy isolating device which is incapable of being locked out, the tagout device shall be attached at the same location that the lockout device would have been attached, and the employer shall demonstrate

that the tagout program will provide a level of safety equivalent to that obtained by using a lockout program."

(c) "Where tagout devices are used with energy isolating devices designed with the incapability of being locked, the tag attachment will be fastened at the same point at which the lock would have been attached."

(d) Revision to 29 CFR 1910.147, as published in the Federal Register, Volume 55, Number 183, September 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: May 14, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.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 June 20, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at 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: Guy Schoofield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoofield

(1) Type and number of entities affected: Section 1(3)(d) amendment affects all employers in the Commonwealth with operations involving the servicing and maintenance of equipment (lockout/tagout of hazardous energy sources).

(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 or savings 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 employers.

(b) Reporting and paperwork requirements: The amendment will not entail any reporting or paperwork 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 as a result of 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 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 (1) 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)(d) amendment requires employers to adhere to regulations governing control of hazardous energy sources (lockout/tagout).

3. Minimum or uniform standards contained in the federal mandate. Section 1(3)(d) amendment relates to all standards contained in the Federal Register, "Control of Hazardous Energy Sources (Lockout/Tagout)", Volume 55, Number 183, September 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 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(3)(d) amendment affects all

divisions of local government that are subjected to control of hazardous energy when servicing or maintaining equipment.

3. State the aspect or service of local government to which this administrative regulation relates. Section 1(3)(d) amendment affects local government employees' exposure to control of hazardous energy sources when servicing or maintaining equipment.

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(3)(d) amendment is to adopt federal OSHA standards relating to "Control of Hazardous Energy (Lockout/Tagout)."

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & 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 29 CFR Part 1910 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, Anthophyllite, 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, Anthophyllite, 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.

(k) Amendments, revisions and additions to 29 CFR 1910.1001, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite," as published in the Federal Register, Volume 55, Number 237, December 10, 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

INDUSTRY ¹ ug/m ³	COMPLIANCE DATES		
	200 ug/m ³	100 ug/m ³	50
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: May 14, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.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 June 20, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: 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)(k) and 1(10) amendments affect all employers in the Commonwealth with operations in general industry involving "occupational exposure to asbestos, tremolite, anthophyllite and actinolite."

(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 have no effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: The amendment will not entail any reporting or paperwork 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 as a result of 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 (1) 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)(k) and (10) amendments require employers to adhere to regulations governing "occupational exposure to asbestos, tremolite, anthophyllite and actinolite" operations.

3. Minimum or uniform standards contained in the federal mandate. Section 1(2)(k) and (10) amendments relate to all standards contained in the Federal Register, "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite," Volume 55, Number 237, December 10, 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. 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)(k) and (10) amendments affect all divisions of local government that are engaged in "Occupational Exposure to Asbestos, Tremolite, Anthophyllite and Actinolite" operations.

3. State the aspect or service of local government to which this administrative regulation relates. The amendments in Section 1(2)(k) and (10) affect all local government with operations involving "occupational exposure to asbestos, tremolite, anthophyllite and actinolite."

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)(k) and (10) is to adopt federal OSHA standards relating to "occupational exposure to asbestos, tremolite, anthophyllite and actinolite."

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:408. Adoption of 29 CFR Part 1926.300-1926.305.

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 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 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 1926.300-1926.305 [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. Revisions to 29 CFR 1926.305, as published in the Federal Register, Volume 55, Number 202, October 18, 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: May 14, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.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 June 20, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to attend 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: 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 with lift slab concrete construction.

(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 employers because the existing standard is removed by this amendment. There will be no appreciable savings resulting by this amendment as the standard being removed is applied in less than 1% of concrete pouring operations.

2. Continuing costs or savings: The amendment identified in item (1) above will not result in continuing costs or savings to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The amendment will have no 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 governments.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment concerns no alternative methods being considered because the existing regulation is being removed.

(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 (1) 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 removes the existing standard on lift slab concrete operations.
3. Minimum or uniform standards contained in the federal mandate. Section 1(1) amendment relates to all standards contained in the Federal Register, "Tools - Hand and Power," Volume 55, Number 202, October 18, 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 removes the existing standard for lift slab concrete operations, therefore local government will no longer be affected.
3. State the aspect or service of local government to which this administrative regulation relates. The amendment in Section 1(1) removes all regulations affecting lift slab concrete operations exposures to local government employees.
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 this amendment is to adopt federal OSHA standards relating to hand and power tools used in lift slab concrete operations.

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:411. Adoption of 29 CFR Part 1926.450-1926.452.

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 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 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 1926.450-1926.452 [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) Revision to 29 CFR 1926.450, as published in the Federal Register, Volume 55, Number 220, November 14, 1990, is incorporated by reference.

(2) 29 CFR 1926.451(a)(4) shall read as follows: Guardrails and toeboards shall be installed on all open sides and ends of platforms more than ten (10) feet above the ground or floor, except needle beam scaffolds and floats (see paragraphs (p) and (w) of this section). Toeboards shall not be required on the loading side of platforms which are loaded by means of a high lift tractor or fork truck provided that employees are prohibited from entering the area beneath the scaffolding where they could be exposed to objects which might fall from the scaffolding. Scaffolds four (4) to ten (10) feet in height, having a minimum horizontal dimension in either direction of less than forty-five (45) inches, shall have standard guardrails installed on all open sides and ends of the platform.

(3) Revision to 29 CFR 1926.452, as published in the Federal Register, Volume 55, Number 220, November 14, 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: May 14, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.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 June 20, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to attend 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: Guy Schoofield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoofield

(1) Type and number of entities affected: Section 1(2) amendment affects all employers in the Commonwealth's construction industry with operations utilizing 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 employers because the existing standard is removed by this amendment. There will be no savings resulting by this amendment as the existing standard being removed will be covered under 803 KAR 2:423.

2. Continuing costs or savings: The amendment identified in item (1) above will not result in continuing costs or savings to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The amendment will have no effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: The amendment will not entail any reporting or paperwork 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 as a result of this amendment.

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

(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 (1) 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 removes the existing standard on ladder construction and usage.

3. Minimum or uniform standards contained in the federal mandate. Section 1(2) amendment relates to all standards contained in the Federal Register, "Scaffolding," Volume 55, Number 220, November 14, 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 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(2) amendment removes the existing standard for ladder construction and usage, therefore local government will no longer be affected by this regulation, but will be affected by 803 KAR 2:423.

3. State the aspect or service of local government to which this administrative regulation relates. The amendment in Section 1(2) removes all regulations for local government employees concerning ladder construction and usage, which will be governed by 803 KAR 2:423.

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 "Scaffolding."

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:412. Adoption of 29 CFR Part 1926.500-.502.

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 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 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 1926.500-.502 [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.

(1) Revision to 29 CFR 1926.500, as published in the Federal Register, Volume 55, Number 220, November 14, 1990, is incorporated by reference.

(2) Revision to 29 CFR 1926.501, as published in the Federal Register, Volume 55, Number 220, November 14, 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: May 14, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.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 June 20, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to attend 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: 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's construction industry with operations involving floor and wall openings.

(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 employers because the existing standard is removed by this amendment. There

will be no savings resulting by this amendment as the existing standard being removed will be covered under 803 KAR 2:423.

2. Continuing costs or savings: The amendment identified in item (1) above will not result in continuing costs or savings 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 reporting or paperwork 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 as a result of this amendment.

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

(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 (1) 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 removes the existing standard on construction industry floor and wall openings.

3. Minimum or uniform standards contained in the federal mandate. Section 1(1) amendment relates to all standards contained in the Federal Register, "Floor and Wall Openings", Volume 55, Number 220, November 14, 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(1) amendment removes the existing standard for floor and wall openings, therefore local government will no longer be affected by this regulation, but will be affected by 803 KAR 2:423.

3. State the aspect or service of local government to which this administrative regulation relates. The amendment in Section 1(1) removes all regulations for local government employees concerning floor and wall openings, which will be governed by 803 KAR 2:423.

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 "floor and wall openings".

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:416. Adoption of 29 CFR Part 1926.700-.702.

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 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 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 1926.700-.702 [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 April 13, 1990, with the following additions, exceptions, and deletions:

(1) Revisions to 29 CFR 1926, Subpart Q,

"Concrete, Concrete Forms and Shoring," (now "Concrete and Masonry Construction"), as published in Federal Register, Volume 53, Number 116, June 16, 1988, are incorporated by reference.

(2) Revisions to 29 CFR 1926.700, as published in the Federal Register, Volume 55, Number 202, October 18, 1990, are incorporated by reference.

(3) [(2)] Revisions to Subpart Q of 1926.704(b), "Concrete and Masonry Construction Safety Standards," as published in Federal Register, Volume 54, Number 192, October 5, 1989, are incorporated by reference.

(4) Revisions to 29 CFR 1926.705, as published in the Federal Register, Volume 55, Number 202, October 18, 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: May 14, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.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 June 20, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to attend 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: 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) amendment affects all employers in the Commonwealth with operations involving lift slab concrete operations in concrete operations.

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

1. First year: The amendment will result in a direct cost of \$6,135 per employer to come into full compliance.

2. Continuing costs or savings: The amendment will result in a direct cost of \$6,135 per employer on an annual basis.

3. Additional factors increasing or decreasing costs (note any effects upon competition): This amendment will not have effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: The amendment will not entail any reporting or

paperwork 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 as a result of 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 (1) 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) amendment requires employers to adhere to regulations regarding lift slab concrete operations when choosing this method.

3. Minimum or uniform standards contained in the federal mandate. Section 1(3) amendment relates to all standards contained in the Federal Register, "Concrete and Masonry Construction", Volume 55, Number 202, October 18, 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(3) amendment affects all divisions of local government that choose to use lift slab concrete methods.

3. State the aspect or service of local government to which this administrative regulation relates. The amendment in Section 1(3) affects local government employees' exposure to lift slab concrete 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 purpose of Section 1(3) is to adopt federal OSHA regulations relating to lift slab concrete operations.

LABOR CABINET

Department of Workplace Standards
Kentucky Occupational Safety & Health
(Proposed Amendment)

803 KAR 2:423. Adoption of 29 CFR Part 1926.1050-.1060 [1051].

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 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 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 1926.1050-.1060 [1051] 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.

(1) Revisions to 29 CFR 1926.1050-.1060, as published in the Federal Register, Volume 55, Number 220, November 14, 1990, are incorporated by reference.

(2) Revisions to 29 CFR 1926.1060, as published in the Federal Register, Volume 56, Number 15, January 23, 1991, 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: May 14, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.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 June 20, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to attend 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: Guy Schoofield, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Kembra Taylor, Guy Schoofield

(1) Type and number of entities affected: Section 1(1) adoption affects all employers in the Commonwealth with construction operations using stairways and ladders. Section 1(2) amendment makes minor corrections to Section 1(1) adoption.

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

1. First year: The adoption identified in item (1) above will result in a direct cost of \$530,000 to those employers affected.

2. Continuing costs or savings: The adoption identified in item (1) above will result in a continuing cost of \$530,000 annually to those employers affected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The adoption and amendment identified in item (1) above will have no effects on increasing or decreasing costs to competitors.

(b) Reporting and paperwork requirements: This adoption and amendment will not entail any reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: There will be no effects on the promulgating administrative body by this adoption and 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 adoption and 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 adoption and amendment 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 this adoption and 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 (1) 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) adoption requires employers in the construction industry to adhere to regulations governing "stairways and ladders" operations. Section 1(2) amendment makes minor corrections to Section 1(1) adoption.

3. Minimum or uniform standards contained in the federal mandate. Section 1(1) adoption relates to all standards contained in the Federal Register, "Stairways and Ladders", Volume 55, Number 220, November 14, 1990. Section 1(2) amendment makes minor corrections to Section 1(1) adoption which are contained in Federal Register, Volume 56, Number 15, January 23, 1991.

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 this adoption and amendment to the Federal Registers identified in item 3 above.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This adoption and 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) adoption and Section 1(2) amendment affect all divisions of local government that are engaged in "stairways and ladders" operations.

3. State the aspect or service of local government to which this administrative regulation relates. Section 1(1) adoption and Section 1(2) amendment affects local government employees' exposure to "stairways and 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 purposes of Section 1(1) adoption and Section 1(2) amendment are to adopt federal OSHA standards relating to "stairways and ladders."

PUBLIC PROTECTION & REGULATION CABINET
Department of Housing, Buildings & Construction
Division of Plumbing
(Proposed Amendment)

815 KAR 20:030. License application; qualifications for examination, examination requirements, expiration, renewal, revival or reinstatement of licenses.

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS 318.010, 318.020, 318.040, 318.050, 318.054

NECESSITY AND FUNCTION: KRS 318.040 requires the department to conduct examinations for master and journeyman plumber applicants. This regulation relates to those requirements and the fees required. It also relates to the time, place and methods of examinations. This amendment is necessary to assure the qualifications of licensed plumbers by requiring practical experience and to create more flexibility in the testing procedures to the administrative authority. This amendment was approved by the Plumbing Code Committee on April 24, 1991. [This amendment is necessary to bring the regulation into technical compliance with KRS Chapter 13A. No other substantive changes were made.]

Section 1. Applications for Examination for Master or Journeyman Plumber's Licenses. Applications for examination for master or journeyman plumber's licenses shall be submitted to the Department of Housing, Buildings and Construction on forms furnished by the department. Each application shall be properly notarized and accompanied by a fee of \$100 for a master plumber's license or twenty-five (25) dollars for a journeyman plumber's license. A signed photograph of the applicant not less than two (2) inches square nor larger than four (4) inches square taken within two (2) years shall accompany each application. Application fees shall be submitted at least two (2) weeks prior to the date of examination and remitted by post office or express money order, bank draft or certified check payable to the Kentucky State Treasurer.

Section 2. Examinations for Master or Journeyman Plumber's Licenses. (1) Examination of applicants. Regular examination of applicants for master or journeyman plumber's licenses shall be conducted during the months of February, May, August and November of each year. Special examinations may be conducted at other times as the Department of Housing, Buildings and Construction directs.

(2) Time and place of examination. Notice of the time and place of examination shall be given by United States mail at least one (1) week prior to the date of examination to all persons having applications on file.

(3) Materials required for journeyman plumbers' examinations. Applicants for journeyman plumber's licenses shall furnish the materials required for the practical examination.

(4) The testing requirements shall be designed by the State Plumbing Examining Committee and shall be more complex for the master's examination.

Section 3. Renewals of Master and Journeyman Plumber's Licenses. (1) Renewal fees. The annual license renewal fee shall be \$150 for master plumbers and thirty (30) dollars for journeyman plumbers.

(2) Remittance of renewal fees. Renewal fees shall be remitted by post office or express money order, bank draft, or certified check payable to the Kentucky State Treasurer.

Section 4. Expiration, Renewal or Reinstatement of License. All licenses issued under KRS 318.040 shall expire on June 30 as prescribed in KRS 318.054.

Section 5. [Examination] Requirements for Master Plumber Applicants. In addition to the citizenship and age limitations of KRS 318.040, each person shall meet the following requirements [Examination for applicants desiring] to become licensed as a master plumber [shall consist of]:

(1) The applicant possessed a valid journeyman plumber's license for a minimum of two (2) years within the past five (5) years immediately preceding application and has been actively employed in plumbing under the supervision of a licensed master plumber for a minimum of two (2) years; or [Answering ten (10) oral questions pertaining to basic principles of plumbing and the State Plumbing Law, Regulation and Code.]

(2) The applicant shall be a Kentucky registered engineer experienced in mechanical engineering. [Answering not more than fifty (50) written questions giving essay type answers as required pertaining to basic principles of plumbing and the State Plumbing Law, Regulation and Code.]

(3) All applicants shall successfully complete the examination developed and administered by the State Plumbing Examining Committee. The examination shall be designed to demonstrate that the applicant understands the Kentucky plumbing laws, is capable of the design of a plumbing system and understands the technical and practical installation techniques and principles for a safe and sanitary plumbing system. The examination shall include, but not be limited to, answering written questions pertaining to basic principles of plumbing and state plumbing laws, and preparing a drawing from a sheet of instruction that describes the number and type of fixtures on each floor. The applicant shall draw all stacks, wastes and vents and insert the proper pipe size required. Oversized piping shall be counted off the same as undersized.

(4) The passing grade for master plumbers shall be eighty (80) percent.

Section 6. [Examination] Requirements for Journeyman Plumber Applicants. In addition to the citizenship and age limitations of KRS 318.040, each person shall meet the following requirements [Examination for applicants desiring] to become licensed as a journeyman

plumber [shall consist of]:

(1) The applicant has completed two (2) consecutive years experience as an apprentice plumber. Proof of this requirement shall be satisfied by submission of a W-2 form, affidavit of a Kentucky licensed master plumber, or other proof of experience acceptable to the Department. [Answering ten (10) oral questions pertaining to basic principles of plumbing and the State Plumbing Law, Regulation and Code.]

(2) The applicant successfully completes the practical and written examination developed and administered by the State Plumbing Examining Committee. The examination shall be designed to demonstrate the practical and technical understanding of plumbing principles and the ability to apply those principles for a safe and sanitary plumbing system. The examination shall include, but not be limited to, answering written questions [Answering not more than fifty (50) written questions giving essay type answers as required] pertaining to basic principles of plumbing and [the] state plumbing laws, as well as [Regulation and Code.

(3) preparing a drawing from a sheet of instruction that describes the number and type of fixtures on each floor. The applicant shall draw all stacks, wastes and vents and insert the proper pipe size required. Oversized piping shall be counted off the same as undersized.

(3) The examination shall also include [(4)] completing a practical section in which the applicant shall properly caulk a cast iron soil pipe spigot into a cast iron hub and soldering [Soldering six (6) one-half (1/2) inch] copper solder connections [and either making a quarter segment of a shower pan, from a detailed drawing, to dimension, that shall fit into a template or wiping by hand a solder joint connecting three (3) inch lead to a brass caulking ferrule or a three (3) inch to two (2) inch lead wye branch].

(4) [(5)] The passing grade for journeyman plumbers shall be seventy-five (75) percent.

Section 7. All Master Plumbers and Journeyman Plumbers shall notify the department of the name of their business and its address, their employer and his address and any time a change of employment is made.

CHARLES A. COTTON, Commissioner

THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 13, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1991 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 21, 1991, (five days prior to the hearing) of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is received. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public

hearing or written comments on the proposed administrative regulation to: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: All persons seeking to be licensed to engage in the plumbing business and any licensed journeyman plumber who applies for master plumber license.

(a) Direct and indirect costs or savings to those affected: No direct costs or savings because the fee to be licensed is not being changed. The indirect cost potential is that a journeyman plumber must wait 2 years before he can be licensed as a master and a person must have at least 2 years apprenticeship before being licensed as a journeyman.

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: No direct cost or savings are involved but the department may receive an indirect benefit from number and length of inspections which may decrease with increased supervision and experience of persons doing plumbing.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternate method of no experience was rejected and experience component added because the capacity to pass an examination can be taught at vocational schools, etc., but the real ability to put the system together in accordance with code and to understand the principles of the design, etc. are best understood by on-the-job training.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The department is not aware of any laws or policy which conflicts, overlaps or duplicates.

(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 Plumbing Code Committee unanimously approved the promulgation of this regulation.

TIERING: Was tiering applied? Yes. Journeyman and master plumbers are different. Because a licensed master plumber requirements are higher criteria.

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

815 KAR 25:010. Mobile homes.

RELATES TO: KRS 227.550 through 227.660, 227.990

STATUTORY AUTHORITY: KRS 227.570, 227.590

NECESSITY AND FUNCTION: KRS 227.590 requires the Mobile Home Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, installation and alteration of mobile homes; and the office of the State Fire Marshal to license mobile home dealers pursuant to KRS 227.610 and to issue certificates of acceptability pursuant to KRS 227.580. These regulations are intended to assure safety for owners and occupiers of mobile homes. This amendment is necessary to upgrade the quality of inspections and otherwise provide efficient administration of the law. This amended regulation was approved by the Mobile Home Board on May 9, 1991.

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

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

(2) [(3)] "Agency, testing" means an independent [outside] organization which is:

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

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

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

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

(e) Approved by the board.

(3) [(2)] "Alteration or conversion" means the replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or smoke detectors or the functioning thereof of mobile homes subject to these regulations is an alteration or conversion unless excluded by these regulations. The above equipment shall [must] be installed in accordance with manufacturer's specifications.

(4) "ANSI" means the American National Standards Institute.

(5) [(4)] "Board" means the Mobile Home Certification and Licensure Board defined in KRS 227.550(1).

(6) [(5)] "Certificate of acceptability" means the certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import or sell mobile homes within the state to licensed Kentucky dealers.

(7) [(6)] "Certified Kentucky dealer" means a dealer who is approved by the State Fire Marshal to inspect used mobile homes which are brought into Kentucky, and repair them, if necessary, under NFPA 501(B) before placing a "B" seal upon them.

(8) [(7)] "Class "A" seal" as defined by KRS 227.550(2) is for application on new mobile

homes not covered by the HUD Act.

(9) [(8)] "Class "B" seal" as defined by KRS 227.550(3) is for application on used mobile homes.

(10) [(9)] "Dealer" as defined by KRS 227.550(4).

(11) [(10)] "Established place of business" as defined by KRS 227.550(5).

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

(13) [(12)] "HUD Act" means Title VI of the "Housing and Community Development Act of 1974 - National Mobile Home Construction and Safety Standards."

(14) [(13)] "Manufacturer" as defined by KRS 227.550(8).

(15) [(14)] "Manufactured housing" as defined by KRS 227.550(7).

(16) [(15)] "Mobile home or manufactured home" as defined by KRS 227.550(9). This definition does not include recreational vehicles known as "park trailers" which are regulated by 815 KAR 25:020.

(17) [(16)] "Municipality" for purposes of this regulation means county.

(18) [(17)] "NFPA" means National Fire Protection Association pamphlets published by and available from the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(19) "Offer for sale" means to display, exhibit or otherwise advertise a mobile home. It also means negotiating the purchase and sale or exchange of mobile homes for a fee, commission, compensation, or other valuable consideration.

(20) [(18)] "Person" means a person, partnership, corporation or other legal entity.

(21) [(19)] "Red tag" means a written notice which is applied to a mobile home by a representative of the State Fire Marshal's Office in accordance with Section 10 of this regulation signifying that the mobile home is not in compliance with applicable laws.

(22) [(20)] "Registration" means the transfer of title or any other official recording of change of ownership.

(23) [(21)] "Salvage unit" means any used mobile home which is identified by the State Fire Marshal and the dealer, or by title, to not be subject to "B" seal requirements because it is not to be sold or used for habitable purposes.

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

(25) [(23)] "Used mobile home" means any mobile home unit which is offered for sale after the original purchase. These units are not covered by the HUD Act.

Section 2. Authorization and Enforcement. (1) These rules are authorized by KRS 227.590 and established pursuant to the rule making procedures set forth in KRS Chapter 13A, in order to implement, interpret, and carry out the provisions of laws of 1974, as amended in 1976, KRS Chapter 227, relating to mobile homes. If [In the event that] these regulations conflict with the codes promulgated by the National Fire Protection Association NFPA 501(B) and Title VI of the Federal Housing and Community Development

Act of 1974 (Hud Act), the codes or the HUD Act subsequent to the effective enforcement date, shall govern in all cases.

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

Section 3. Scope and Purpose of the Act and Regulations. (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture, installation and sale of new and used mobile homes not covered by the HUD Act, which are manufactured, sold or leased for use within or outside of the Commonwealth by dealers and manufacturers. Any person, firm or corporation who sells or offers for sale in Kentucky three (3) or more mobile homes in any consecutive twelve (12) month period shall be considered a dealer subject to all requirements set forth in this regulation and KRS 227.550 to 227.660. These regulations apply to mobile homes manufactured in manufacturing facilities located within or outside the Commonwealth. Mobile homes brought into this state for exhibition use only, in accordance with Section 9(4) of this regulation, and which will not be sold in this state, shall be exempt from the requirements of this regulation if inspections reveal no condition hazardous to health or safety.

(2) The Act sets out the minimum standards for design, [and] manufacture and installation. Dealers are encouraged to maintain ethical business standards beyond nonfraudulent minimums.

Section 4. Standards for Manufactured Homes [Vehicles] in Manufacturers' or Dealers' Possession. (1) The office shall enforce [such] standards and requirements for the installation of plumbing, heating, [and] electrical systems and smoke detectors in mobile homes not covered by the HUD Act, as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) The office shall also enforce the [such] standards and requirements for the body and frame design, [and] construction and installation of mobile homes as are reasonably necessary in order to protect the health and safety of the occupants and the public.

(3) All new mobile homes not covered by the HUD Act, manufactured for sale within the Commonwealth of Kentucky, shall be constructed in accordance with NFPA 501(B), 1977 edition, hereby [herein] adopted by reference. Copies of this publication are available from the National

Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. This material is available for public inspection and copying, subject to copyright law, at the Department of Housing, Buildings and Construction, The 127 Building, 1047 U.S. 127 South, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m., Monday through Friday.

(4) NFPA 501(B), which is adopted by reference in subsection (3) of this section shall be the standard for all used mobile homes, unless otherwise provided in this regulation, and it shall be used by the dealer upon inspection in accordance with subsection (7) of this section to determine and certify:

(a) The safe and adequate working condition of the electric, heating, plumbing systems; and

(b) The door, window, and general structural integrity of the unit; and

(c) The sealing of all exterior holes to prevent the entrance of rodents, and repaired if necessary; and

(d) The existence of adequate and operable smoke detection equipment; and

(e) The existence of storm windows.

(5) All mobile homes taken in trade by the dealer shall be reinspected and certified that they are [it is] in compliance with requirements of subsection (4) of this section. The existing Class "A" or Class "B" seal shall [may] be removed and a new seal affixed to the unit or a new seal may be affixed [applied] over the existing seal or label. When a new mobile home purchased under the provision of the HUD Act is resold, it becomes a used mobile home and subject to the provisions of this section. "A" and "B" seals shall not be required if the dealer submits to the office an affidavit that the unit is a salvage unit. No salvage unit shall be sold until it has been authorized, in writing, by the office to be labeled "salvage only" and the label has been affixed to the unit [applied] by the dealer. Upon prior approval of the office, one (1) licensed dealer may sell units to another licensed dealer without applying seals.

(6) [All new mobile homes shall be installed per manufacturers instructions or NFPA 501 (A), 1977 edition when manufacturers defer to local jurisdiction.] All [used] mobile homes shall be installed in accordance with manufacturer's instructions or ANSI A225.1/NFPA 501A, Manufactured Home Installations, 1982 Edition, hereby adopted by reference. Copies of this publication are available from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. This material is available for public inspection and copying, subject to copyright law, at the Department of Housing, Buildings and Construction, The 127 Building, 1047 U.S. 127 South, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m., Monday through Friday [NFPA 501 (A), 1977 edition].

(7) All new mobile homes purchased outside the Commonwealth of Kentucky not bearing a Class "A" seal of approval or a HUD label and all used mobile homes purchased outside the Commonwealth of Kentucky, regardless of the type seal or label affixed, shall be inspected by a certified Kentucky dealer or the office and a Class "B" seal of approval affixed prior to registration of the home. This inspection shall consist of the following:

(a) Inspection of the plumbing and waste

systems, to determine operability and absence of leaks.

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

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

(d) Inspection for the existence of adequate and operable smoke detection equipment.

(e) Inspection for storm windows. EXCEPTION: This paragraph and paragraph (4)(e) of this subsection do not apply to mobile homes built prior to the HUD Act. [Compliance with the NFPA 501(B) Edition in effect at the time the mobile home was constructed shall be deemed to comply with this subsection.]

(8) Any licensed Kentucky mobile home dealer that maintains the capability to perform minor maintenance of plumbing, heating and electrical systems of mobile homes shall be permitted to inspect and certify those mobile homes purchased in another state for use within the Commonwealth of Kentucky. Any dealer desiring to perform this service, shall make application to the Office of the State Fire Marshal for appropriate certification as a certified Kentucky dealer. The office shall maintain a list of all certified mobile home dealers.

(9) Any unit found to be in noncompliance with the requirements of Section 4(5) or (7) of this regulation, shall be corrected prior to the dealer certifying the unit or offering the unit for sale unless the unit has been issued a salvage label in accordance with this regulation. All units requiring repairs or correction prior to unit certification, shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.

(10) The fee for the inspection of mobile homes shall be twenty (20) dollars per hour plus twenty-two (22) cents per mile [mileage as required] and a twenty-five (25) dollar seal fee when performed by a certified Kentucky dealer. Inspections performed by the office shall be thirty-five (35) dollars inspection fee and twenty-five (25) dollars seal fee.

Section 5. Applicability and Interpretation of Code and Regulation Provisions. Any questions regarding the applicability or interpretation of any provisions of the HUD Act, the code or regulation adopted shall be submitted to the office, in writing, by any interested person. It is the policy of the office that with respect to questions regarding NFPA 501(B), that the questions shall, whenever feasible, be submitted to the NFPA in accordance with the established procedures of the organization. The office shall answer these questions and make interpretations and the decision of the office shall be in writing.

Section 6. Certificate of Acceptability. (1) No manufacturer shall [may] manufacture, import, or sell any mobile home in this state unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Mobile homes not covered by the HUD Act, manufactured in this state and designed for delivery to and for sale in a state that has a

code that is inconsistent with NFPA 501(B) need not comply with this provision.

(2) Requirements for issuance.

(a) The manufacturer shall [must] submit and the office shall [must] approve in-plant quality control systems.

(b) A \$500 [400] fee shall [must] accompany the application. The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(c) The manufacturer shall [must] furnish and maintain with the office a certificate of insurance from a Kentucky authorized insurance company for [proof of] general liability insurance to include lot and completed operations insurance in the minimum amount of \$300,000 bodily injury or death for each person, \$400,000 bodily injury or death for each accident, and \$100,000 property damage.

(3) Quality control measures shall be provided for all mobile units not covered by the HUD Act. To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

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

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

1. Scope and purpose.
2. Receiving and inspection procedure for basic materials.
3. Material storage and stock rotation procedure.
4. Types and frequency of product inspection
5. Sample of inspection control form used.
6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.
7. Test equipment.
8. Control of drawings and material specifications.
9. Test procedures.

(4) A unit certification format certifying compliance with the Act and this regulation shall be submitted to the office no later than the end of the first week of each month for those units manufactured under the state code and not bearing a HUD label, i.e., mobile offices, add-a-rooms, duplex units, etc. The unit certification format shall contain the information in the format as outlined in Section 12 of this regulation [of Appendix A].

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

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

(7) If the applicant does not conform with

these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. If the applicant fails to submit a corrected application in accordance with the information supplied on the application correction notice, the application shall be deemed abandoned and twenty (20) percent of fees due shall be forfeited to the office. Any additional submission shall be processed as a new application.

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

- (a) The corporate name is changed;
- (b) The main address of the company is changed;
- (c) There is a change in twenty-five (25) percent or more of the ownership interest of the company within a twelve (12) month period;
- (d) The location of any manufacturing facility is changed;

(e) A new manufacturing facility is established; or

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

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

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

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

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

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

(2) Application shall [must] contain the following information:

- (a) Name and address of the chief managing officer;
- (b) Location of each and every established place of business;
- (c) Social security number and date of birth of chief managing officer;
- (d) Affidavit certifying compliance with the

Act and regulations;

(e) Names of offices, if dealership in corporate form;

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

(g) A copy of a valid Kentucky sales tax certificate;

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

(3) All licenses shall be granted or refused within thirty (30) days after application [therefor], and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee shall be \$200 [100]. The fee shall be paid by check or money order and shall be made payable to the Kentucky State Treasurer.

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

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

(7) Dealers shall maintain a record of all units sold, new and used, to include serial numbers, Kentucky seal numbers ("A" or "B"), date manufactured, make, and the name and address of the purchaser. This report shall be in the format depicted in Section 13 of this regulation [Appendix B]. The report shall be made available to the field inspector on a monthly basis.

(8) No dealer shall have the authority to make any alterations to any mobile home manufactured under the HUD Act or NFPA 501(B) without the express permission of the manufacturer; except that in the case of used mobile homes, permission may be obtained from the State Fire Marshal's Office in accordance with this regulation. Any dealer altering a mobile home, shall be guilty of a federal violation and shall be subject to the penalties provided in KRS 227.990. Alteration of a mobile home shall include but is not limited to: addition/deletion of windows, doors, or partitions; conversion of a heat producing appliance from one (1) fuel to another, i.e., electric to gas or gas to electric or oil; addition of an electrical circuit to accommodate a washer or dryer; addition of central air conditioning when the unit is not designed for that purpose; improper or improperly listed materials for the repair of a unit; installing an unlisted heat producing appliance, etc. The following does not constitute an alteration or conversion: replacement of equipment in kind, i.e., gas furnace with gas furnace; replacement or changing of furniture to accommodate the consumer and any other cosmetic repairs.

(9) Notification of a change in the application information shall [must] be made within thirty (30) days of any of the following

occurrences:

(a) Dealership name is changed;
 (b) Established place of business is changed (move to a different county requires a new license);

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

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

(10) Out-of-state dealers with valid Kentucky licenses. Exception: any applicant whose place of business is in another state and who possesses a valid dealers license in another state shall be licensed upon application and approval by the office in accordance with this regulation. These out-of-state dealers shall provide Kentucky seals for units actually sold for delivery into Kentucky.

Section 9. Temporary License. (1) Any dealer other than one duly licensed in Kentucky under Section 8 of this regulation, shall not [pursuant to KRS 227.620, wishing to] show or [and] offer mobile homes within the Commonwealth of Kentucky; except that, for the express purpose of retailing the units to the general public at a specified location, he shall [be required to] purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be \$100 for each authorized event. The applicant for the license shall notify the department at least thirty (30) days in advance of any event at which he plans to exhibit mobile homes for sale giving the name, location and time of the proposed event.

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

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

(b) Furnish [Certify] to the office a certificate of insurance to certify that the dealership has proper liability insurance in the minimum amount of \$200,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$100,000 property damage;

(c) Provide satisfactory assurance to the office by way of a physical inspection by an authorized representative of this office that each new unit not covered by the federal Act the dealer intends to display, show or offer for sale, bears a Kentucky Class "A" seal of approval. Used mobile homes are not permitted to be shown or offered for sale within the Commonwealth of Kentucky by nonresident dealers at any time;

(d) Possess a valid Kentucky Sales Tax Certificate;

(e) Provide all other information [as may be] required by the office; [and]

(f) The state in which the applicant is licensed shall have reciprocal provisions for temporary licensing of Kentucky dealers.

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

(4) Temporary licenses shall not be required for those dealers attending a mobile home show within the Commonwealth of Kentucky if [provided] they do not sell or offer for sale to the general public new or used mobile homes, and

if [further provided that] the dealer has notified the department, in writing, at least thirty (30) days in advance of any event at which he plans to exhibit mobile homes, giving the name, location and time of the proposed event.

Section 10. Seals. (1) No manufacturer who has received a certificate of acceptability from the office shall sell or offer for sale to Kentucky dealers in this state mobile homes not covered by the HUD Act, unless they bear a Class "A" seal of approval issued by and purchased from the office. This provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell or offer for sale a mobile home except as permitted between licensed dealers, pursuant to Section 4(5) of this regulation, unless it has either a HUD seal, an "A" seal, a "B" seal or a salvage label, except as otherwise provided in this regulation. Any dealer who has acquired a used mobile home without a seal, shall apply to the office for a Class "B" seal by submitting an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(a) Acquisition of seal.

1. Any manufacturer, except one altering a new mobile home not covered by the HUD Act bearing a seal, shall [may] qualify for acquisition of a Class "A" seal by obtaining a certificate of acceptability pursuant to KRS 227.580 and Section 6 of this regulation.

2. Any dealer, except one altering a mobile home bearing a seal, shall [may] qualify for acquisition of a Class "B" seal by giving an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, if necessary, repaired, and is now in safe working condition or that the unit meets the applicable code.

(b) Application for seals.

1. Any person who has met the applicable requirements of Section 6 or 8 of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty-five (25) [(20)] dollars for each Class "A" seal or twenty-five (25) [(20)] dollars for each Class "B" seal.

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

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

1. Any alteration of the construction, plumbing, heat-producing equipment, electrical equipment installations or fire safety in a mobile home not covered by the HUD Act, which bears a seal, shall void the [such] approval and the seal shall be returned to the office.

2. The following shall not constitute an alteration or conversion for those mobile homes not covered by the HUD Act:

a. Repairs with approved component parts.

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

c. Adjustment and maintenance of equipment.

d. Replacement of equipment in kind.
e. Any change that does not affect those areas covered by NFPA 501(B) or the HUD Act.

3. Any dealer proposing an alteration to a mobile home not covered by the HUD Act bearing a seal, shall make application to the office. The [Such] application shall include:

- a. Make and model of mobile home.
- b. Serial number.
- c. State seal number.
- d. A complete description of the work to be performed together with plans and specifications, when required.
- e. Location of the mobile home where work is to be performed.
- f. Name and address of the owner of the mobile home.

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

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

(d) Denial and repossession of seals. If inspection reveals that a manufacturer is constructing mobile homes not covered by the HUD Act (such as office units) according to NFPA 501(B); or, if inspection reveals that any dealer failed to repair a used mobile home under the standards and procedures set forth in this regulation and KRS 227.550 to 227.660 or failed to comply with any other provision for placement of seals and labels; and the dealer or manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture, sell or offer for sale mobile homes in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance, the manufacturer or dealer shall [may] resubmit an application for seal.

(e) Seal removal. In the event that any mobile home not covered by the HUD Act is found to be in violation of these rules, the office shall attach to the vehicle a notice of noncompliance or a "red tag" and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the noncompliance "red tag" until corrections have been made, and the owner or his agent has requested an inspection in writing to the office and given an affidavit certifying compliance. Removal of any "red tag" shall result in repossession of all seals held by the dealer or manufacturer until [such time as] the facility is once again in full compliance with the Act and this regulation.

(f) Placement of seals.

1. Each seal shall be assigned and affixed to a specific mobile home not covered by the HUD Act. Assigned seals are not transferable unless assigned between dealers and are void when not affixed as assigned, and all [such] seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.

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

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

(g) Lost or damaged seals.

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

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

3. A dealer shall not display, sell or offer for sale a mobile home not covered by the HUD Act unless an "A" or "B" seal or salvage label is affixed.

Section 11. Examination for Installation of Manufactured Homes. The office shall administer an examination designed to determine qualifications based on NFPA 501A and other applicable standards adopted by regulation by the board. Any dealer or other person who successfully completes the examination shall be deemed qualified to install manufactured homes. The dealer shall be responsible for the proper installation of the manufactured home as required by the standards adopted by the board. [Sections 1 through 10 of this regulation shall take effect thirty (30) days after adoption, pursuant to KRS Chapter 13A, and shall be applicable to the possession and sale of mobile homes after that date.]

Section 12. Mobile Home Unit Certification Format.

[APPENDIX A]
MOBILE HOME
UNIT CERTIFICATION FORMAT

Name of Manufacturer		
Mailing Address	County	
City	State	Zip Code

I hereby certify that the mobile homes as described hereon have been constructed in compliance with NFPA 501 B.

	KY	Date	Seal #	Mfg.	Model	Size	Dealer
No. 1							
2							
3							
4							
5							

This form shall [must] be used in reporting units to the Office of the State Fire Marshal. The form shall [should] be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the manufacturer. This form shall [should] be mailed to the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

Date	BY	Person Authorized to Certify These Units
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Section 13. Dealer Certification Format.

[APPENDIX B
STATE FIRE MARSHAL
MANUFACTURED HOUSING
U.S. 127 SOUTH
FRANKFORT, KENTUCKY 40601]

DEALER CERTIFICATION FORMAT

Name of Dealer					
Mailing Address				County	
City		State		Zip Code	
I hereby certify that the used units described hereon have been inspected and are in compliance with the standards as required by KRS 227.550 through KRS 227.660 and regulations thereto and that the new mobile homes described hereon have the appropriate HUD label.					
<div style="text-align: center;">HUD LABEL #/</div>					
No.	Serial #	KY Seal #	Date Mfg.	Make	Purchaser & Address

This form shall [must] be used in reporting units to the field inspector.

Date	Signature
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CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 13, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1991 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 21, 1991, (five days prior to the hearing) of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is received. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: All persons or companies in the mobile home business who seek licensing for that purpose and any person or company which sells or offers for sale 3 or more manufactured homes in 1 year in this state.

(a) Direct and indirect costs or savings to those affected: Increased license fee for dealers and manufacturers.

1. First year: 194 dealers x \$100 = \$19,400.
57 manufacturers x \$100 = 5,700.

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): Increased fee in B seals = \$15,500.

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: This amendment may increase revenue indirectly by the requirements that all sales involve a KY sales number.

(a) Direct and indirect costs or savings: There are no additional costs incurred by this amendment. The department will receive increased fees as stated above. The increase will take the program out of the red and allow sufficient personnel, etc. to be paid from agency fees.

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 state or local revenue created by this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Previous method of licensing only lots in Kentucky needed to be changed to provide better police protection and to be more fair to Kentucky dealers who do not want to inspect and certify homes purchased out of state. Also, the temporary license requirements were made more stringent because some out-of-state dealers were abusing the process and this was unfair to Kentucky dealers.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is a statute which authorizes licensing of out-of-state dealers on a temporary basis. No mention is made of regular licensing of out-of-state dealers. KRS 227.590

(a) Necessity of proposed regulation if in conflict: The Mobile Home Board requires the need to allow persons in neighboring states to inspect and certify the homes they sell in Indiana but have delivered to KY and pay KY taxes. These dealers must meet all the same requirements as the KY dealer except they do not have to put seals on any homes, except those sold to go to KY. Also, the regulation for recreational vehicles and mobile homes overlaps for "park trailers".

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: We believe that the regulation harmonizes with the statute.

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Tiering is applied in the licensing of out-of-state dealers

under slightly different requirements (Sections 8 and 9).

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Title VI, National Mobile Home Construction and Safety Standards Act of 1974.

2. State compliance standards. NFPA 501B.

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

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. N/A

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

815 KAR 25:020. Recreational vehicles.

RELATES TO: KRS 227.550, 227.660 [227.570]

STATUTORY AUTHORITY: KRS 227.570, 227.590, 227.610

NECESSITY AND FUNCTION: KRS 227.590 requires the Recreational Vehicle Certification and Licensure Board to establish rules and regulation governing the standards for manufacture, sale, and alteration of recreational vehicles; and the office of the State Fire Marshal is required to license dealers pursuant to KRS 227.610 and to issue certificates of acceptability pursuant to KRS 227.580. These regulations are intended to assure safety for owners and occupiers of recreational vehicles by regulating dealers, setting standards for construction and inspection. This amendment is necessary to clarify the law and improve the enforcement of safety standards for all recreational vehicles, including a new entity known as park trailers. This amendment was approved by the Recreational Vehicle Board on May 2, 1991. [This amendment is necessary to comply with the technical requirements of KRS Chapter 13A. No substantive changes are intended.]

Section 1. Definitions. For purposes of this regulation the following definitions [In addition to the definitions contained herein, the definitions of National Fire Protection Association Pamphlet Number 501(C)] shall apply:

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

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

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

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

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

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

(e) Approved by the board.

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

(4) "ANSI" means the American National Standards Institute.

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

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

(7) "Certified Kentucky dealer" means a dealer who is approved by the State Fire Marshal to inspect used recreational vehicles which are brought into Kentucky, and repair them, if necessary, under ANSI A119.2/NFPA 501C or ANSI A119.5 before placing a "B" seal upon them.

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

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

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

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

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

(13) "HUD Act" means Title VI of the "Housing and Community Development Act of 1974 - National Mobile Home Construction and Safety Standards."

(14) "Manufacturer" as defined by KRS 227.550(8).

(15) "Manufactured housing" as defined by KRS 227.550(7).

(16) "Municipality" for purposes of this regulation means county.

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

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

(19) "Offer for sale" means to display, exhibit or otherwise advertise a recreational vehicle before the general public. It also means negotiating the purchase and sale or exchange of recreational vehicles for a fee, commission, compensation, or other valuable consideration.

(20) "Park trailer" means a recreational vehicle that meets the following criteria:

(a) Built on a single chassis mounted on wheels.

(b) Primarily designed as temporary living quarters for seasonal or destination camping which may be connected to utilities necessary for operation of installed fixtures and appliances.

(c) Having a gross trailer area not exceeding forty (40) square feet in the set-up mode.

(d) Having a gross trailer area not less than 240 square feet and certified by the manufacturer as complying with ANSI A119.5.

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

(22) [(14)] "Recreational vehicle" as defined by KRS 227.550(14), the HUD Act in 24 CFR, Parts 3280, 3282 and 3283, and defined herein as "park trailers."

(23) "Red tag" means a written notice which is applied to a recreational vehicle by a representative of the State Fire Marshal's office in accordance with Section 4 of this regulation signifying that the recreational vehicle is not in compliance with applicable laws.

(24) "Registration" means the transfer of title or any other official recording of change of ownership.

(25) "Salvage unit" means any used recreational vehicle which is identified by the State Fire Marshal and the dealer, or by title, to not be subject to "B" seal requirements because it is not to be sold or used for habitable purposes.

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

Section 2. Authorization. (1) This regulation is authorized to carry out the provisions of law in KRS Chapter 227. If [in the event that] these regulations conflict with the applicable provisions of ANSI A119.2/NFPA 501C, or ANSI A119.5 [codes promulgated by the National Fire Protection Association (NFPA 501(C), 1977 edition,] the codes shall govern in all cases.

(2) Subject to the provisions of applicable law, when it becomes necessary during an inspection to determine compliance, the office may require the dealer or manufacturer to remove or expose a portion or portions of the recreational vehicle in order to make the inspection.

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

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

(2) [On] All recreational vehicles

manufactured for sale within the Commonwealth of Kentucky shall comply with the applicable [said] standards set forth in ANSI A119.2/NFPA 501C, Recreational Vehicles, 1990 Edition, or ANSI A119.5, Park Trailers, 1988 Edition, hereby [shall be National Fire Protection Association Pamphlet #501(C), 1977 edition, herein] adopted by reference as if set at length herein. Copies of ANSI A119.2/NFPA 501C are available from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101. Copies of ANSI A119.5 are available from the American National Standards Institute, 1430 Broadway, New York, New York 10018. This material is [Copies are] available for public inspection and copying, subject to copyright law, [review] at the Department of Housing, Buildings and Construction, The 127 Building, 1047 U.S. 127 South, Frankfort, Kentucky, Monday through Friday between 8 a.m. and 4:30 p.m.

(3) Prior to the offering for sale of any used recreational vehicle, [On all used recreational vehicles without a seal, said standards shall be that] the dealer shall first certify that the electric, heating, plumbing, and fire and life safety systems have been checked, and repaired if necessary, and found to be in safe working condition and then affix a "B" seal to the unit [thus be in conformity with the intent of the Act to protect the health and safety of the occupants and general public].

(4) All recreational vehicles taken in trade by a dealer shall [must] be reinspected and certified that they are in compliance with requirements of this subsection and subsection (7) of this section. The existing class "A" or class "B" seal shall [may] be removed and a new seal or label affixed to the unit; or a new seal shall [may] be affixed to the unit [applied] over the existing seal or label. [A seal shall not be required if such dealer submits an affidavit that the unit will not be resold for use as recreational vehicles by the public.]

(5) No seal shall be required if the dealer submits to the office an affidavit that the unit is a salvage unit. No salvage unit shall be sold until it has been authorized, in writing, by the office to be labeled "salvage only" and the label has been affixed to the unit by the dealer. No seal shall be required if one (1) licensed dealer sells any unit to another licensed dealer; however, prior notice of such shall be given to the office.

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

(a) Inspection of the plumbing and waste systems;

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

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

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

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

(8) [(7)] Any unit found to be in noncompliance with the requirements of [section 4(5) of] this regulation shall be corrected prior to the dealer certifying the unit or offering the unit for sale unless the unit has been issued a salvage label in accordance with this regulation. All units requiring repairs or corrections prior to unit certification shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.

(9) [(8)] The fee for the inspection of recreational vehicles shall be twenty (20) [fifteen (15)] dollars per hour plus twenty-two (22) cents per mile [mileage as required] and a twenty-five (25) [(20)] dollar seal fee when performed by a certified Kentucky dealer. Inspections performed by the office shall be thirty-five (35) dollar inspection fee and twenty-five (25) dollar seal fee.

Section 5. Applicability and Interpretation of Code and Regulation Provisions. (1) Any request for [questions regarding the applicability or] interpretations of any provisions of this regulation or the Act [code] or any standard referred to herein may [regulation adopted shall] be submitted, in writing, by any interested person to the office [for resolution]. It is the policy of the office that [with respect to] questions regarding ANSI A119.2/NFPA 501C or ANSI A119.5 [NFPA 501(C), any such questions] shall, whenever feasible, be submitted to the NFPA or ANSI for their recommendation [in accordance with the established procedures of the organization]. The opinion or decision of the office shall be in writing for written requests.

Section 6. Certificate of Acceptability. (1) No manufacturer shall [may] manufacture, import, or sell any recreational vehicle in this state unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Recreational vehicles manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with applicable provisions of ANSI A119.2/NFPA 501C or ANSI A119.5 as required by Section 4(2) [NFPA 501(C)] need not comply with this provision. A certificate of acceptability shall not be required for manufacturers attending a recreational vehicle trade show within the Commonwealth of Kentucky if they do not sell recreational vehicles to Kentucky dealers.

(2) Requirements for issuance.

(a) The manufacturer shall [must] submit and the office shall [must] approve in-plant quality

control systems;

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

(c) A \$500 [400] fee shall [must] accompany the application. The fee shall be paid by check or money order and shall be made payable to: Kentucky State Treasurer;

(d) The manufacturer shall [must] furnish and maintain with the office a certificate of insurance to certify proof of general liability insurance to include lot and completed operations insurance in the minimum amount of \$300,000 bodily injury or death for each person, \$400,000 bodily injury or death for each accident, and \$100,000 property damage.

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

(a) A certified copy of the plans and specifications of a model or model-group for electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half (8 1/2) inches by eleven (11) inches, and the maximum possible size of which is twenty-four inches by thirty inches (24" x 30"). The manufacturer shall certify that the aforementioned systems comply with ANSI A119.2/NFPA 501C, Recreational Vehicles or ANSI A119.5, Park Trailers, whichever is applicable [NFPA 501(C)].

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

1. Scope and purpose.
2. Receiving and inspection procedure for basic materials.
3. Material storage and stock rotation procedure.
4. Types and frequency of product inspection.
5. Sample of inspection control form used.
6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.
7. Test equipment.
8. Control of drawings and material specifications.
9. Test procedures.

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

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

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

(7) If [Should] the applicant does not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. If [Should] the applicant fails to submit a corrected application in accordance with the information supplied on the application

correction notice, the application shall [will] be deemed abandoned and twenty (20) percent of fees due shall [will] be forfeited to the office. Any additional submission shall be processed as new application.

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

- (a) The corporate name is changed;
- (b) The main address of the company is changed;
- (c) There is a change in twenty-five (25) percent or more of the ownership interest of the company within a twelve (12) month period;
- (d) The location of any manufacturing facility is changed;
- (e) A new manufacturing facility is established; or
- (f) There are changes in the principal officers of the firm.

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

(10) The office may determine that the standards for recreational vehicles established by a state or a recognized body or agency of the federal government or other independent third party are at least equal to applicable provisions of ANSI A119.2/NFPA 501C, Recreational Vehicles or ANSI A119.5, Park Trailers, as adopted by this regulation [NFPA 501(C)]. If the office finds that these [such] standards are actually enforced then it may issue a certificate of acceptability for those [such] recreational vehicles.

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

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

(2) Application shall [must] contain the following information:

- (a) Name and address of the chief managing officer;
- (b) Location of each and every established place of business;
- (c) Social security number and date of birth of chief managing officer;
- (d) Affidavit certifying compliance with the Act and regulations;
- (e) Names of officers if dealership in corporate form;
- (f) Names of partners if dealership in partnership form; [and]
- (g) A copy of a valid Kentucky sales tax certificate; and

(h) [(g)] Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed

business.

(3) All licenses shall be granted or refused within thirty (30) days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee shall be \$200 [100]. The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

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

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

(7) Periodic reports.

(a) Dealers shall maintain a record of all units sold, new and used, to include serial numbers, Kentucky seal numbers ("A" or "B"), date manufactured, make, and the name and address of the purchaser. This report shall be in the format depicted in Section 13 of this regulation. The report shall be made available to the field inspector on a monthly basis. [A unit compliance format certifying compliance with the Act and regulations shall be submitted to the field inspector on a monthly basis for "all" units sold. The unit certification format shall contain the information in Appendix B.]

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

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

(8) Out-of-state dealers with valid Kentucky license. Exception: an applicant whose place of business is in another state and who possesses a valid dealer's license in another state, shall be licensed upon application and approval by the office in accordance with this regulation. These out-of-state dealers shall certify and provide Kentucky seals only for units actually sold for delivery into Kentucky.

(9) Any dealer duly licensed under subsections (1) through (8) of this section may offer for sale or sell recreational vehicles on a temporary basis at a location outside the municipality for which the dealer is currently licensed under the following conditions:

(a) Written notification to the State Fire Marshal's office thirty (30) days in advance of any event at which the dealer plans to exhibit recreational vehicles, giving name, location and duration of the proposed event and that the dealer shall comply with applicable fire code requirements for the event.

(b) No event exceeds fifteen (15) days in duration.

(c) The dealer complies with applicable temporary licensing requirements of Section 9 of this regulation for authorized events in excess of two (2).

Section 9. Temporary Licenses. (1) No dealer, except one (1) possessing a valid Kentucky license issued pursuant to Section 8 of this regulation shall offer for sale or sell recreational vehicles within the Commonwealth of Kentucky unless the dealer shall purchase from the Office of the State Fire Marshal a temporary license. [Any dealer other than one duly licensed in Kentucky, wishing to show and offer recreational vehicles within the Commonwealth of Kentucky for the express purpose of retailing said units to the general public, shall be required to purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be ten (10) dollars for each authorized event.]

(2) An out-of-state applicant for temporary license shall meet the following requirements before a temporary license shall be [is] granted:

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

(b) [Must] Furnish to the office a certificate of insurance as proof of liability insurance in the minimum amount of \$200,000 [50,000] bodily injury or death for each person, \$300,000 [100,000] bodily injury or death for each accident, and \$100,000 [25,000] property damage;

(c) Provide satisfactory assurance to the office by way of a physical inspection by an authorized representative of the office, that each new unit the dealer proposes to display, show or offer for sale, bears a Kentucky class "A" seal of approval. Used units are not permitted to be displayed, shown or offered for sale within the Commonwealth of Kentucky by any [nonresident] dealers who do not possess a valid Kentucky license issued pursuant to Section 8 of this regulation;

(d) Possess a valid Kentucky sales tax certificate; [Provide all other information as may be required by the office.]

(e) The state in which the applicant is licensed shall have reciprocal provisions for temporary licensing of Kentucky dealers;

(3) Any temporary license shall not exceed fifteen (15) days duration and the license fee shall be \$100 for each authorized event. [Temporary licenses shall be prominently displayed at the location where the applicant is transacting business.]

(4) Applications for a temporary license shall be made at least thirty (30) days in advance of any event at which recreational vehicles shall be offered for sale or sold and the application shall state the name, location and time of the proposed event and all dealers shall comply with applicable fire code requirements for the proposed event. [Temporary licenses shall not be required for those dealers attending a recreational vehicle show within the Commonwealth of Kentucky provided they do not sell or offer for sale to the general public recreational vehicles.]

(5) Temporary licenses shall be prominently displayed at the location where the applicant is transacting business. The license shall be valid only for the location stated on the application.

(6) No dealer shall be issued more than two (2) temporary licenses per calendar year.

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

(2) No dealer who has received a license from the office shall sell or offer for sale a recreational vehicle except as permitted between licensed dealers pursuant to Section 4(6) unless it has an "A", a "B" seal or a "salvage label" affixed to the unit [a seal]. Any dealer who has acquired a used recreational vehicle without a seal shall apply to the office for a class "B" seal by submitting an affidavit certifying either that all electrical, heating, plumbing, and fire and life safety equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code. Any licensed dealer who has acquired a new recreational vehicle without an "A" seal, is to notify the office and the manufacturer upon discovery. Units without seals affixed shall not be displayed or offered for sale prior to certification by the office or manufacturer.

(a) Acquisition of seals.

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

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

(b) Application for seals.

1. Any person who has met the applicable requirements of Section 6 or 8 of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty-five (25) [(20)] dollars for each class "A" seal or twenty-five (25) [(20)] dollars for each class "B" seal.

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

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

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

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

- a. Repairs with approved component parts;
- b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;
- c. Adjustment and maintenance of equipment;
- d. Replacement of equipment in kind;
- e. Any change that does not affect those areas regulated [covered] by ANSI A119.2/NFPA 501C, Recreational Vehicles or ANSI A119.5, Park

Trailers [NFPA 501(C)].

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

- a. Make and model of recreational vehicle;
- b. Serial number;
- c. State seal number;
- d. A complete description of the work to be performed together with plans and specifications when required; and
- e. Location of the recreational vehicle where work is to be performed.

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

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

(d) Denial and repossession of seals. If [Should] inspection reveals that a manufacturer is not constructing recreational vehicles according to the applicable provisions of ANSI A119.2/NFPA 501C or ANSI A119.5; or, if inspection reveals that any dealer failed to repair a used recreational vehicle under the standards and procedures set forth in this regulation and KRS 227.550 to 227.660 or failed to comply with any other provision for placement of seals and labels; and the dealer or manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture, sell or offer for sale recreational vehicles in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. [NFPA 501(C) and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture recreational vehicles in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given.] Upon satisfactory proof of compliance, the [such] manufacturer or dealer shall [may] resubmit an application for seals.

(e) Seal removal. In the event that any recreational vehicle bearing the seal is found to be in violation of this regulation or the Act [these rules], the office shall attach to the vehicle a notice of noncompliance or a "red tag" and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the noncompliance tag or "red tag" until corrections have been made, and the owner or his agent has requested an inspection in writing to the office or given an affidavit certifying compliance. Removal of any "red tag" shall result in repossession of all seals held by the dealer or manufacturer until the facility is once again in full compliance with the Act and this regulation.

(f) Placement of seals.

1. Each seal shall be assigned and affixed to a specific recreational vehicle. Assigned seals are not transferable unless upon prior approval of the office and are void when not affixed as assigned, and all [such] seals shall be returned to or shall [may] be confiscated by the office. The seal shall remain the property of the office and shall [may] be seized by the office in the

event of violation of the Act or regulation.

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

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

(g) Lost or damaged seals.

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

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

3. A dealer shall not display, sell or offer for sale a recreational vehicle unless an "A" seal, a "B" seal or salvage label is affixed to the unit.

Section 11. Effective Date. The effective date of this regulation shall be September 1, 1991.

Section 12. Recreational Vehicle Unit Certification Format.

[APPENDIX A to 815 KAR 25:020]

RECREATIONAL VEHICLE
UNIT CERTIFICATION FORMAT

_____ Name of Manufacturer		
_____ Mailing Address	_____ County	
_____ City	_____ State	_____ Zip Code

I hereby certify that the recreational vehicles as described hereon have been constructed in compliance with ANSI A119.2/NFPA 501(C) or ANSI A119.5.

		KY	DATE		
NO.	SERIAL #	SEAL #	MFG.	MODEL	SIZE DEALER

This form shall [must] be used in reporting units to the Office of the State Fire Marshal. The form shall [should] be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the manufacturer. This form shall [should] be mailed to the Office of the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

BY _____
Date Person Authorized to
Certify These Units

Section 13. Dealer Certification Format.

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

DEALER CERTIFICATION FORMAT

Name of Dealer		
Mailing Address	County	
City	State	Zip Code

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

NO.	SERIAL #	KEY SEAL #	DATE MFG.	PURCHASER MAKE & ADDRESS

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

Date	Signature
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CHARLES A. COTTON, Commissioner
THEODORE T. COLLEY, Secretary

APPROVED BY AGENCY: May 13, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 26, 1991 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, U.S. 127 South, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 21, 1991, (five days prior to the hearing) of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is received. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: The level of regulation remains the same as for 15 years. Purchase of seals and tax required has not been changed.

(a) Direct and indirect costs or savings to those affected: Increased license fee for dealers and manufacturers.

1. First year: 45 dealers x \$100 = \$4,500. 57

manufacturers x \$100 = \$5,700.

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): Increased fee in A seals = \$9,025 and B seals = \$4,000.

(b) Reporting and paperwork requirements: No increase in reporting or paperwork required to institute the amendments in this regulation.

(2) Effects on the promulgating administrative body: Level of enforcement remains the same. Requirements have been more specifically defined to provide better control and oversight over recreational vehicles.

(a) Direct and indirect costs or savings: There are no additional costs incurred by this amendment. The department will receive increased fees as stated above. The increase allows the department to move closer to self-sufficiency from agency fees.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Inspection form on all used recreational vehicles sold. Reports on each inspection, as in the past.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Across the board uniform regulation completed by nationally recognized standards.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Tiering is applied in the licensing of out-of-state dealers under slightly different requirements (Sections 8 and 9).

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

902 KAR 20:008. License procedures and fee schedule.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990

STATUTORY AUTHORITY: KRS 216B.042, 216B.105

NECESSITY AND FUNCTION: KRS 216B.042 and 216B.105 mandate that the Cabinet for Human Resources regulate health facilities and health services. This regulation provides requirements for obtaining a license to operate a health facility and establishes the fee schedule for a license.

Section 1. Definitions. (1) "Volunteer service" means an ambulance service in which none of the drivers or attendants receive any compensation for their work.

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

(3) "Commission" means the Commission on Health Economics Control in Kentucky.

Section 2. Licenses. (1) No person shall operate any health facility in this Commonwealth without first obtaining the appropriate license therefor.

(2) The license shall be conspicuously posted in a public area of the facility.

(3) All applications for licensure shall be filed with the Office of the Inspector General, Division of Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40621.

(4) All applicants for licenses shall, as a condition precedent to licensure or relicensure, be in compliance with the applicable regulations relating to the particular health facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the health facility. Representatives of the inspecting agency shall have access to the health facility/health service during the hours that the facility operates. Any regulatory violation identified during such inspections will be transmitted in writing to the health facility by the inspecting agency. The health facility shall submit a written plan for the elimination or correction of the regulatory violations to the inspecting agency within ten (10) days. Such plan shall specify the date(s) by which each of the violations will be corrected. Following a review of the plan, the inspecting agency shall notify the health facility in writing of the acceptability of the plan. In instances where a portion or all of the plan is unacceptable, the inspecting agency shall specify the reasons for the unacceptability. In such cases, the health facility shall modify or amend the plan and resubmit it to the inspecting agency within ten (10) days.

(5) All licensees shall, as a condition of licensure or relicensure, be in compliance with the following reporting requirements unless otherwise exempted by statute. All licensees shall have submitted completed annual routine reports approved by the Commission on Health Economics Control in Kentucky and any special reports required by the commission concerning health services provided, health manpower employed, or utilization of health services within forty-five (45) days of the date the request is mailed. Completed routine semiannual reports approved by the commission shall be submitted within thirty (30) days of the date the request is mailed. Licensees shall be notified of the content of routine (e.g., annual and semiannual reports) reports as follows:

(a) Licensees shall be notified of the content of reports for calendar year 1986 and subsequent years no later than October 1 of the previous year.

(b) The cabinet shall recommend the content of the reports to the commission no later than the date of the regularly scheduled September meeting of the commission.

(6) Unannounced inspections shall be conducted on complaint allegations. Such inspections shall be conducted utilizing the procedures outlined under subsection (4) of this section.

(7) All licenses shall expire on December 31 following the date of issuance unless otherwise expressly provided in the license certificate.

(8) Licenses may be renewed upon payment of the prescribed fee and compliance with the

applicable provisions of the licensure regulations.

(9) Each license to operate shall be issued only for the person or persons and premises, including the number of beds (if applicable), named in the application and shall not be transferable. A new application shall be filed in the event of change of ownership. A change of ownership for licenses shall be deemed to occur when more than fifty (50) percent of an existing facility or capital stock or voting rights of a corporation is purchased, leased or acquired by comparable arrangement by one (1) person from another.

(10) Upon the filing of a new application for a license because of change of ownership, the new license shall be automatically issued for the remainder of the current licensure period. No additional fee will be charged for the remainder of the licensure period.

(11) There shall be full disclosure to the commission of the name and address (and any changes) of:

(a) Each person having (directly or indirectly) ownership interest of ten (10) percent or more in the facility;

(b) Each officer and director of the corporation, where a facility is organized as a corporation; and

(c) Each partner, where a facility is organized as a partnership.

Section 3. Fee Schedule. (1) Fees for review of plans and specifications for construction of health facilities shall be as follows:

License Type	Rate
(a) Hospitals plans and specifications review (initial through final)	\$.04 per sq. ft. \$2300 maximum
(b) All other health facilities plans and specifications review (initial through final)	\$.04 per sq. ft. \$1200 maximum

(2) Annual fees. The annual licensure fee (including renewals) for health services shall be as follows:

License Type	Rate
(a) Air ambulance services	\$80
(b) Alternative birth centers	\$155
(c) Ambulatory surgical center	\$155
(d) Chemical dependency treatment service	\$8 per bed \$155/minimum \$1,545/maximum
(e) Community mental health and mental retardation center	\$750
(f) Day health care	\$80
(g) Ambulance service (Per nonvolunteer service)	\$80
(g) Ambulance service (Per volunteer service)	\$20
(h) Family care homes	\$40
(i) Group homes mentally retarded/developmentally disabled	\$80
(j) Health maintenance organizations	\$5 per 100 patients
(k) Home health agencies	\$80
(l) Homemaker	\$80
(m) Hospice	\$20

(n) Hospitals	
1. Accredited hospital	\$5 per bed \$155/minimum \$1,545/maximum
2. Nonaccredited hospital	\$8 per bed \$155/minimum \$1,545/maximum
(o) Intermediate care facilities	\$8 per bed \$155/minimum \$1,545/maximum
(p) Medical detoxification services	No fee
(q) Nonemergency health transportation service (per service)	\$80
(r) Nursing home	\$8 per bed \$155/minimum \$1,545/maximum
(s) Outpatient clinics and ambulatory care facilities	\$155
(t) Personal care home	\$4 per bed \$80/minimum \$800/maximum
(u) Primary care center	\$155 \$25 per satellite
(v) Psychiatric hospitals	
1. Accredited	\$5 per bed \$155/minimum \$1,545/maximum
2. Nonaccredited hospital	\$8 per bed \$155/minimum \$1,545/maximum
(w) Rehabilitation (outpatient)	\$80
(x) Renal dialysis	\$20 per station
(y) Rural health clinics	\$80
(z) Skilled nursing facilities	\$8 per bed \$155/minimum \$1,545/maximum
(aa) Special health clinics	\$155
(bb) Specialized medical technologies	\$155
(cc) Mobile health services	\$155
(dd) Comprehensive physical rehabilitation hospitals	
1. Accredited	\$5 per bed \$155/minimum \$1,545/maximum
2. Nonaccredited	\$8 per bed \$155/minimum \$1,545/maximum
(ee) Networks	\$155
(ff) Psychiatric residential treatment facilities	\$155
(gg) Nursing facilities	\$8 per bed \$155/minimum \$1,545/maximum

CLAY CESSNA, Inspector General
HARRY J. COWHERD, M.D., Secretary
APPROVED BY AGENCY: May 13, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1991 at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1991, of their desire to appear and testify at the hearing: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Eric Friedlander

(1) Type and number of entities affected: Networks (20); psychiatric residential treatment facilities (12); nursing facilities (250).

(a) Direct and indirect costs or savings to those affected: This regulation establishes licensure fees for the preceding three types of health care providers. Networks and PRTF's will pay \$155 for licensure and nursing facilities will pay \$8 per bed with a \$155 minimum and a \$1,545 maximum. The fees for nursing facilities are the same as the other levels of long-term care.

1. First year: \$4960 in additional revenue.

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): No factors effecting competition.

(b) Reporting and paperwork requirements: Routine reports required by the cabinet.

(2) Effects on the promulgating administrative body: No effect on promulgating body.

(a) Direct and indirect costs or savings: \$500 for reprinting regulation.

1. First year: \$500 for reprinting regulation.

2. Continuing costs or savings: No continuing costs since reprinting regulations is built into the continuing budget.

3. Additional factors increasing or decreasing costs: No additional factors.

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

(3) Assessment of anticipated effect on state and local revenues: State revenues should increase by approximately \$4960.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Fee needed to be established. No alternative methods are available.

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

(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 additional information.

TIERING: Was tiering applied? Yes. Tiering is utilized only to the extent that different types of providers are assessed different fees.

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

902 KAR 20:290. Nursing home standards for freestanding facilities limited to the care of patients with Alzheimer's or related disorders.

RELATES TO: KRS 216B.010 to 216B.131, 216B.990
STATUTORY AUTHORITY: KRS 216B.042, 216B.071, 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 Alzheimer's facilities constructed pursuant to KRS 216B.071.

Section 1. Definitions. (1) "Activities of daily living" means activities of self-help (e.g., being able to feed, bathe and/or dress oneself), communication (e.g., being able to place phone calls, write letters and understanding instructions) and socialization (e.g., being able to shop, being considerate of others, working with others and participating in activities).

(2) "Administrator" means a person who is licensed as a nursing home administrator pursuant to KRS 216A.080.

(3) "Facility" means a nursing home facility constructed pursuant to KRS 216B.071.

(4) "License" means an authorization issued by the Cabinet for Human Resources for the purpose of operating a nursing home and offering nursing home services.

(5) "PRN medications" means medications administered as needed.

(6) "Qualified dietician" or "nutritionist" means a person certified pursuant to KRS 310.010 or 310.030.

(7) "Patient" means any resident admitted to an Alzheimer's facility.

(8) "Restraint" means any pharmaceutical agent or physical or mechanical device used to restrict the movement of a patient or the movement of a portion of a patient's body.

Section 2. Scope. (1) Facilities constructed and operated pursuant to KRS 216B.071 and this regulation shall provide care to residents with a primary diagnosis of Alzheimer's disease or related disorder.

(2) Facilities constructed pursuant to KRS 216B.071 shall be constructed in accordance with 902 KAR 20:046 and this regulation.

(3) These facilities shall be subject to the provisions of KRS 216.535 to 216.593.

Section 3. Administration and Operation. (1) Licensee. The licensee shall be legally responsible for the facility and for compliance with federal, state and local laws and regulations pertaining to the operation of the facility.

(2) Administrator.

(a) All facilities shall have an administrator who is responsible for the operation of the facility and who shall delegate such responsibility in his absence.

(b) The licensee shall contract for professional and supportive services not available in the facility as dictated by the needs of the patient. The contract shall be in writing.

(3) Administrative records.

(a) The facility shall maintain a permanent, chronological patient registry showing date of admission, name of patient, and date of discharge.

(b) The facility shall require and maintain written recommendations or comments from consultants regarding the program and its development on a per visit basis.

(c) Menu and food purchase records shall be maintained.

(d) A written report of any incident or accident involving a patient (including medication errors or drug reactions), visitor or staff shall be made and signed by the administrator or nursing services supervisor, and any staff member who witnessed the incident. The report shall be filed in an incident file.

(4) Policies. The facility shall establish written policies and procedures that govern all services provided by the facility. The written policies shall include:

(a) Patient care and services to include physician, nursing, pharmaceutical (including medication stop orders policy), and residential services.

(b) Adult and child protection. The facility shall have written policies which assure the reporting of allegations of abuse, neglect or exploitation of adults and children to the Cabinet for Human Resources pursuant to KRS Chapter 209 and KRS 620.

(c) Use of restraints. The facility shall have a written policy that addresses minimizing the use of restraints and a mechanism for monitoring and controlling their use.

(d) Missing patient procedures. The facility shall have a written procedure to specify in a step-by-step manner the actions which shall be taken by staff when a patient is determined to be lost, unaccounted for or on other unauthorized absence.

(5) Patient rights. Patient rights shall be provided for pursuant to KRS 216.510 to 216.525.

(6) Admission.

(a) Patients shall be admitted only upon the referral of a physician. Additionally, the facility shall admit only persons who have a primary diagnosis of Alzheimer's disease or related disorder. The facility shall not admit persons whose care needs exceed the capability of the facility.

(b) Upon admission the facility shall obtain the patient's medical diagnosis, physician's orders for the care of the patient and the transfer form. Within forty-eight (48) hours after admission the facility shall obtain a medical evaluation from the patient's physician including current medical findings, medical history and physical examination. The medical evaluation may be a copy of the discharge summary or history and physical report from a hospital or long-term care facility, if done within seven (7) days prior to admission.

(c) Upon admission the patient and a responsible member of his family or legal representative shall be informed in writing of the established policies of the facility including fees, reimbursement, visitation rights during serious illness, visiting hours, type of diets offered and services rendered.

(d) The facility shall provide and maintain a system for identifying each patient's personal property and facilities for safekeeping of his declared valuables. Each patient's clothing and other property shall be reserved for his own use.

(7) Discharge planning. The facility shall have a discharge planning program to assure the continuity of care for patients being transferred to another health care facility or being discharged to the home.

(8) Transfer procedures and agreements.

(a) The facility shall have written transfer procedures and agreements for the transfer of patients to other health care facilities which can provide a level of inpatient care not provided by the facility. Any facility which does not have a transfer agreement in effect but which documents a good faith attempt to enter into such an agreement shall be considered to be in compliance with the licensure requirement. The transfer procedures and agreements shall specify the responsibilities each institution

assumes in the transfer of patients and establish responsibility for notifying the other institution promptly of the impending transfer of a patient and arrange for appropriate and safe transportation.

(b) When a patient's condition exceeds the scope of services of the facility, the patient, upon physician's orders (except in cases of life threatening emergency), shall be transferred promptly to an appropriate facility to meet the patient's needs, or services shall be contracted for from another community resource.

(c) If changes and progress occur which would enable the patient to function in a less structured and restrictive environment, and the less restrictive environment cannot be offered at the facility, the facility shall offer assistance in making arrangements for patients to be transferred to a setting which provides appropriate services.

(d) Except in an emergency, the patient, his next of kin, or guardian, if any, and the attending physician shall be consulted at least thirty (30) days in advance of the transfer or discharge of any patient.

(e) If the patient is transferred, a transfer form shall accompany the patient. The transfer form shall include at least: physician's orders (if available), current information relative to diagnosis with history of problems requiring special care, a summary of the course of prior treatment, special supplies or equipment needed for patient care, and pertinent social information on the patient and his family.

(9) 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.

(10) Personnel.

(a) Job descriptions. Written job descriptions shall be developed for each category of personnel, to include qualifications, lines of authority and specific duty assignments.

(b) Employee records. Current employee records shall be maintained and shall include an employment application and a record of each employee's training and experience, evidence of current licensure or registration where required by law, health records, records of in-service training and ongoing education, and the employee's name, address and Social Security Number.

(c) Staffing requirements.

1. The facility shall have adequate personnel to meet the needs of the patients on a twenty-four (24) hour basis. The number and classification of personnel required shall be based on the number of patients and the amount and kind of personal care, nursing care, supervision and program needed to meet the needs of the patients as determined by medical orders and by services required by this regulation.

2. Required overall minimum staffing ratios for direct patient care are as follows:

SHIFT	STAFF	:	RESIDENTS
7 a.m. - 3 p.m.	1	:	6
3 p.m. - 11 p.m.	1	:	10
11 p.m. - 7 a.m.	1	:	10

3. [2.] When the staff/patient ratio does not meet the needs of the patients, the Division for Licensing and Regulation shall determine and inform the administrator in writing how many

additional personnel are to be added and of what job classification and shall give the basis for this determination.

4. [3.] Responsible staff member shall be on duty and awake at all times to assure prompt, appropriate action in cases of injury, illness, fire or other emergencies.

5. [4.] Although emergency scheduling may require substitution of staff, every effort should be made to provide residents with familiar staff members in order to minimize resident confusion.

6. [5.] Volunteers shall not be counted to make up minimum staffing requirements.

7. [6.] The facility shall have a director of nursing service who is a registered nurse and who works full time during the day, and who devotes full time to the nursing service of the facility. If the director of nursing has administrative responsibility for the facility, there shall be an assistant director of nursing, who is a registered nurse, so that there shall be the equivalent of a full-time director of nursing service. The director of nursing shall be trained or experienced in areas of nursing service, administration, rehabilitation nursing, psychiatric or geriatric nursing. The director of the nursing service shall be responsible for:

a. Developing and maintaining nursing service objectives, standards of nursing practice, nursing procedure manuals, and written job description for each level of nursing personnel.

b. Recommending to the administrator the number and levels of nursing personnel to be employed, participating in their recruitment and selection and recommending termination of employment when necessary.

c. Assigning and supervising all levels of nursing personnel.

d. Participating in planning and budgeting for nursing care.

e. Participating in the development and implementation of patient care policies.

f. Coordinating nursing services with other patient care services.

g. Planning and conducting orientation programs for new nursing personnel and continuing in-service education for all nursing personnel.

h. Participating in the screening of prospective patients in terms of required nursing services and nursing skills available.

i. Assuring that a written monthly assessment of the patient's general condition is completed.

j. Assuring that a nursing care plan shall be established for each patient and that his plan shall be reviewed and modified as necessary.

k. Assuring that registered nurses, licensed practical nurses, nursing assistants, and certified medication aides are assigned duties consistent with their training and experience.

l. Assuring that a monthly review of each patient's medications is completed and notifying the physician when changes are appropriate.

8. [7.] Supervising nurse. Nursing care shall be provided by or under the direction of a full-time registered nurse. The supervising nurse may be the director of nursing or the assistant director of nursing and shall be trained or experienced in the areas of nursing administration and supervision, rehabilitative nursing, psychiatric or geriatric nursing. The supervising nurse shall make daily rounds to all nursing units performing such functions as visiting each patient, and staff assignments,

and whenever possible accompanying physicians when visiting patients.

9. [8.] Charge nurse. There shall be at least one (1) registered nurse or licensed practical nurse on duty at all times who is responsible for the nursing care of patients during the nurse's tour of duty. When a licensed practical nurse is on duty, a registered nurse shall be on call.

10. [9.] Pharmacist. The facility shall retain a licensed pharmacist on a full-time, part-time or consultant basis to direct pharmaceutical services.

11. [10.] Therapists.

a. If rehabilitative services beyond rehabilitative nursing care are offered, whether directly or through cooperative arrangements with agencies that offer therapeutic services, these services shall be provided or supervised by qualified therapists to include licensed physical therapists, speech pathologists and occupational therapists.

b. When supervision is less than full time, it shall be provided on a planned basis and shall be frequent enough, in relation to the staff therapist's training and experience, to assure sufficient review of individual treatment plans and progress.

c. In a facility with an organized rehabilitation service using a multidisciplinary team approach to meet all the needs of the patient, and where all therapists' services are administered under the direct supervision of a physician qualified in physical medicine who will determine the goals and limits of the therapists' work, and prescribes modalities and frequency of therapy, persons with qualifications other than those described in clause a. of this subparagraph may be assigned duties appropriate to their training and experience.

12. [11.] Dietary. Each facility shall have a full-time person designated by the administrator, responsible for the total food service operation of the facility and on duty a minimum of thirty-five (35) hours each week.

13. [12.] Each facility shall designate a person for the following areas who will be responsible for:

- a. Medical records;
- b. Arranging for social services;
- c. Developing and implementing the activities program and therapeutic recreation; and
- d. Developing and implementing staff training program.

14. [13.] Community family support coordinator. A social worker licensed pursuant to KRS 335.090 or who has two (2) years of social work supervised experience in a health care setting working directly with individuals; or similar professional qualifications shall be utilized whose functions shall include:

- a. Evaluation of resident's initial social history on admission;
- b. Utilization of community resources;
- c. Conducting quarterly family support group meetings; and
- d. Identification and utilization of existing Alzheimer's network.

15. [14.] Supportive personnel, consultants, assistants and volunteers shall be supervised and shall function within the policies and procedures of the facility.

(d) Health requirements. No employee contracting an infectious disease shall appear

at work until the infection can no longer be transmitted.

(e) Orientation and in-service training. All staff members and consultants shall have documented training in the care and handling of Alzheimer's patients, including at least:

1. Eight (8) hours of orientation to cover the following:

- a. Facility Alzheimer's policies;
- b. Etiology and treatment of dementias;
- c. Stages of Alzheimer's disease;
- d. Behavior management; and
- e. Communication.

f. Resident's rights.

2. Quarterly continuing education is required, six (6) hours of which shall be in Alzheimer's disease or related disorders.

(11) Medical records.

(a) The facility shall develop and maintain a system of records retention and filing to insure completeness and prompt location of each patient's record. The records shall be held confidential. The records shall be in ink or typed and shall be legible. Each entry shall be dated and signed. Each record shall include:

1. Identification data including the patient's name, address and Social Security Number (if available); name, address and telephone number of referral agency; name and telephone number of personal physician; name, address and telephone number of next of kin or other responsible person; and date of admission.

2. Admitting medical evaluation by a physician including current medical findings, medical history, physical examination and diagnosis. (The medical evaluation may be a copy of the discharge summary or history and physical report from a hospital, or long-term care facility if done within seven (7) days prior to admission.)

3. The physician's dated and signed orders for medication, diet, and therapeutic services.

4. Physician's progress notes describing significant changes in the patient's condition, written at the time of each visit.

5. Findings and recommendations of consultants.

6. A medication sheet which contains the date, time given, name of each medication, dosage, administration method, name of prescribing physician and name of person who administered the medication.

7. Nurse's notes indicating changes in patient's condition, actions, responses, attitudes, appetite, etc. Nursing personnel shall make notation of response to medications, response to treatments, mode and frequency of PRN medications administered, condition necessitating administration of PRN medication, reaction following PRN medication, visits by physician and phone calls to the physician, medically prescribed diets and preventive maintenance or rehabilitative nursing measures.

8. Written assessment of the patient's monthly general condition.

9. Reports of dental, laboratory and x-ray services (if applicable).

10. Changes in patient's response to the activity and therapeutic recreation program.

11. A discharge summary, signed and dated by the attending physician within one (1) month of discharge from the facility.

(b) Retention of records. After patient's death or discharge the completed medical record shall be placed in an inactive file and retained for five (5) years.

Section 4. Provision of Services. (1) Physician services.

(a) The health care of every patient shall be under the supervision of a physician who, based on an evaluation of the patient's immediate and long-term needs, prescribes a planned regimen of medical care which covers indicated medications, treatments, rehabilitative services, diet, special procedures recommended for the health and safety of the patient, activities, plans for continuing care and discharge.

(b) Patients shall be evaluated by a physician at least once every thirty (30) days for the first sixty (60) days following admission. Subsequent to the 60th day following admission, the patients shall be evaluated by a physician every sixty (60) days unless justified and documented by the attending physician in the patient's medical record. There shall be evidence in the patient's medical record of the physician visits to the patient at medically appropriate intervals.

(c) There shall be evidence in the patient's medical record that the patient's attending physician has made arrangement for the medical care of the patient in the physician's absence.

(d) Availability of physicians for emergency care. The facility shall have arrangements with one (1) or more physicians who will be available to furnish necessary medical care in case of an emergency if the physician responsible for the care of the patient is not immediately available. A schedule listing the names and telephone numbers of these physicians and the specific days each shall be on call and shall be posted in each nursing station. There shall be established procedures to be followed in an emergency, which cover immediate care of the patient, persons to be notified, and reports to be prepared.

(2) Nursing services.

(a) Twenty-four (24) hour nursing service. There shall be twenty-four (24) hour nursing service with a sufficient number of nursing personnel on duty at all times to meet the total needs of patients. Nursing personnel shall include registered nurses or licensed practical nurses, aides, assistants, and certified medication aides. The amount of nursing time available for patient care shall be exclusive of nonnursing duties. Sufficient nursing time shall be available to assure that each patient:

1. Shall receive treatments, medication, and diets as prescribed;
2. Shall receive proper care to prevent decubiti and shall be kept comfortable, clean and well-groomed;
3. Shall be protected from accident and injury by the adoption of indicated safety measures;
4. Shall be treated with kindness and respect;

(b) Rehabilitative nursing care. There shall be an active program of rehabilitative nursing care directed toward assisting each patient to achieve and maintain his highest level of self-care and independence.

1. Rehabilitative nursing care initiated in the hospital shall be continued immediately upon admission to the facility.

2. Nursing personnel shall be taught rehabilitative nursing measures and shall practice them in their daily care of patients. These measures shall include:

- a. Maintaining good body alignment and proper positioning of bedfast patients;
- b. Encouraging and assisting bedfast patients

to change positions at least every two (2) hours, day and night to stimulate circulation and prevent decubiti and deformities or more often if necessary;

c. Making every effort to keep patients active and out of bed for reasonable periods of time, except when contraindicated by physician's orders, and encouraging patients to achieve independence in activities of daily living by teaching self-care, transfer and ambulation activities;

d. Assisting patients to carry out prescribed physical therapy exercises between visits of the physical therapists.

(c) Dietary supervision. Nursing personnel shall assure that patients are served diets as prescribed. Patients needing help in eating shall be assisted promptly upon receipt of meals. Food and fluid intake of patients shall be observed and deviations from normal shall be reported to the charge nurse. Persistent unresolved problems shall be reported to the physician.

(d) Comprehensive assessment of resident needs. Nursing personnel 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:

1. The comprehensive assessment must include at least the following information:

- a. Medically defines conditions and prior medical history;
- b. Medical status measurement;
- c. Functional status;
- d. Sensory and physical impairment;
- e. Nutritional status and requirements;
- f. Special treatments or procedures;
- g. Psychosocial status;
- h. Dental condition;
- i. Activities potential;
- j. Cognitive status; and
- k. Drug therapy.

2. Assessments must be conducted no later than fourteen (14) days after the date of admission and promptly after a significant change in the resident's physical or mental condition.

3. Each assessment must be conducted or coordinated by a registered nurse who signs and certifies the completion of the assessment.

(3) Comprehensive assessments and care plans.

(a) Comprehensive assessments.

1. 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.

2. The comprehensive assessment shall include at least the following information:

- a. Medically defined conditions and prior medical history;
- b. Medical status measurement;
- c. Functional status;
- d. Sensory and physical impairments;
- e. Nutritional status and requirements;
- f. Special treatments or procedures;
- g. Psychosocial status;
- h. Discharge potential;
- i. Dental condition;
- j. Activities potential;
- k. Rehabilitation potential;
- l. Cognitive status; and
- m. Drug therapy.

3. Frequency. Assessments shall be conducted:

- a. No later than fourteen (14) days after the

date of admission;

b. Promptly after a significant change in the resident's physical or mental condition; and

c. In no case less often than once every twelve (12) months.

4. 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.

5. Use. The results of the assessment are used to develop, review, and revise the resident's comprehensive plan of care, under paragraph (4) of this section.

(b) Accuracy of assessments.

1. 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.

2. Certification. Each individual who completes a portion of the assessment shall sign and certify the accuracy of that portion of the assessment.

(c) Comprehensive care plans.

1. 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.

2. A comprehensive care plan shall be:

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

b. 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

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

3. The services provided or arranged by the facility shall:

a. Meet professional standards of quality; and

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

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

1. A recapitulation of the resident's stay;

2. A final summary of the resident's status to include items in paragraph (2)(b) of this subsection, 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

3. 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.

(4) Specialized rehabilitative services.

(a) Rehabilitative services shall be provided upon written order of the physician which indicates anticipated goals and prescribes specific modalities to be used and frequency of physical, speech and occupational therapy services. These services may be contracted for from another community resource.

(b) If therapy services are provided they shall include:

1. Physical therapy which includes:

a. Assisting the physician in his evaluation of patients by applying muscle, nerve, joint, and functional ability tests;

b. Treating patients to relieve pain, develop or restore functions, and maintain maximum performance, using physical means such as exercise, massage, heat, water, light, and electricity.

2. Speech therapy which includes:

a. Service in speech pathology or audiology;

b. Cooperation in the evaluation of patients with speech, hearing, or language disorders;

c. Determination and recommendation of appropriate speech and hearing services;

3. Occupational therapy services which includes:

a. Assisting the physician in his evaluation of the patient's level of function by applying diagnostic and prognostic tests.

b. Guiding the patient in his use of therapeutic creative and self care activities for improving function.

c. Therapists shall collaborate with the facility's medical and nursing staff in developing the patient's total plan of care.

d. Ambulation and therapeutic equipment. Commonly used ambulation and therapeutic equipment necessary for services offered shall be available for use in the facility such as parallel bars, handrails, wheelchairs, walkers, walkerettes, crutches and canes. The therapists shall advise the administrator concerning the purchase, rental, storage and maintenance of equipment and supplies.

(5) Personal care services. Personal care services shall include: assistance with bathing, shaving, cleaning and trimming of fingernails and toenails, cleaning of the mouth and teeth, and washing, grooming and cutting of hair.

(6) Pharmaceutical services.

(a) The facility shall provide appropriate methods and procedures for obtaining, dispensing, and administering drugs and biologicals, developed with the advice of a licensed pharmacist or a pharmaceutical advisory committee which includes one (1) or more licensed pharmacists.

(b) If the facility has a pharmacy department, a licensed pharmacist shall administer the department.

(c) If the facility does not have a pharmacy department, it shall have provision for promptly obtaining prescribed drugs and biologicals from a community or institutional pharmacy holding a valid pharmacy permit issued by the Kentucky Board of Pharmacy, pursuant to KRS 315.035.

(d) If the facility does not have a pharmacy department, but does maintain a supply of drugs:

1. The consultant pharmacist shall be responsible for the control of all bulk drugs and maintain records of their receipt and disposition.

2. The consultant pharmacist shall dispense drugs from the drug supply, properly label them and make them available to appropriate licensed nursing personnel.

3. Provisions shall be made for emergency withdrawal of medications from the drug supply.

(e) An emergency medication kit approved by the facility's professional personnel shall be kept readily available. The facility shall maintain a record of what drugs are in the kit and document how the drugs are used.

(f) Medication services.

1. Conformance with physician's orders. All

medications administered to patients shall be ordered in writing by the patient's physician. Telephone orders shall be given only to a licensed nurse or pharmacist immediately reduced to writing, signed by the nurse and countersigned by the physician within fourteen (14) days. Medications not specifically limited as to time or number of doses, when ordered, shall be automatically stopped in accordance with the facility's written policy on stop orders. A registered nurse or pharmacist shall review each patient's medication profile at least monthly. The prescribing physician shall review the patient's medical profile at least every two (2) months. The patient's attending physician shall be notified of stop order policies and contacted promptly for renewal of such orders so that continuity of the patient's therapeutic regimen is not interrupted. Medications are to be released to patients on discharge only on the written authorization of the physician.

2. 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 of (KRS Chapter 314) or by personnel who have completed a state approved training program, from a state-approved source. The administration of oral and topical medicines by certified medicine aides shall be under the supervision of licensed medical or nursing personnel. Intramuscular injections shall be administered by a licensed 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.

a. The nursing station shall have readily available items necessary for the proper administration of medications.

b. In administering medications, medication cards or other state approved systems shall be used and checked against the physician's orders.

c. Medications prescribed for one patient shall not be administered to any other patient.

d. Self-administration of medications by patients shall not be permitted except on special order of the patient's physician or in a predischARGE program under the supervision of a licensed nurse.

e. Medication errors and drug reactions shall be immediately reported to the patient's physician and an entry thereof made in the patient's medical record as well as on an incident report.

f. Up-to-date medication reference texts and sources of information shall be provided for use by the nursing staff, (e.g., the American Hospital Formulary Service of the American Society of Hospital Pharmacists, Physicians Desk Reference or other suitable references).

3. Labeling and storing medications.

a. All medications shall be plainly labeled with the patient's name, the name of the drug, strength, name of pharmacy, prescription number, date, physician name, caution statements and directions for use except where accepted modified unit dose systems conforming to federal and state laws are used. The medications of each patient shall be kept and stored in their original containers and transferring between containers shall be prohibited. All medicines kept by the facility shall be kept in a locked

place and the persons in charge shall be responsible for giving the medicines and keeping them under lock and key. Medications requiring refrigeration shall be kept in a separate locked box of adequate size in the refrigerator in the medication area. Drugs for external use shall be stored separately from those administered by mouth and injection. Provisions shall also be made for the locked separate storage of medications of deceased and discharged patients until such medication is surrendered or destroyed in accordance with federal and state laws and regulations.

b. Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to the issuing pharmacist or pharmacy for relabeling or disposal. Containers having no labels shall be destroyed in accordance with state and federal laws.

c. Cabinets shall be well lighted and sufficient size to permit storage without crowding.

d. Medications no longer in use shall be disposed of or destroyed in accordance with federal and state laws and regulations.

e. Medications having an expiration date shall be removed from usage and properly disposed of after such date.

4. Controlled substances. Controlled substances shall be kept under double lock (e.g., in a locked box in a locked cabinet). There shall be a controlled substances record, in which is recorded the name of the patient, the date, time, kind, dosage, balance remaining and method of administration of all controlled substances; the name of the physician who prescribed the medications; and the name of the nurse who administered it, or staff who supervised the self-administration. In addition, there shall be a recorded and signed Schedule II controlled substances count daily, and Schedule III, IV, and V controlled substances count once per week by those persons who have access to controlled substances. All controlled substances which are left over after the discharge or death of the patient shall be destroyed in accordance with KRS 218A.230, or 21 CFR 1307.21, or sent via registered mail to the Controlled Substances Enforcement Branch of the Kentucky Cabinet for Human Resources.

5. Use of restraints. If a patient becomes disturbed or unmanageable, the patient's physician shall be notified in order to evaluate and direct the patient's care. No form of restraints or protective devices shall be used except under written orders of the attending physician. There shall be no PRN orders for restraints. Understanding that measures to prevent wandering may infringe on patient rights, care shall be exercised in the use of physical or mechanical devices or chemical restraints.

a. Restraints shall not be used as punishment, as discipline, as a convenience for the staff, or when not required to treat the resident's medical symptoms, or as a substitute for staff.

b. Physical or mechanical restraints that require lock and key shall not be used. Restraints shall be applied only by personnel trained in the proper application and observation of this equipment. Restraints shall be checked at least every one-half (1/2) hour and released at least ten (10) minutes every two (2) hours. During the patient's normal waking

hours, the patient must be exercised during release periods. The checks and releases of restraints shall be recorded in the patient's medical record as they are completed. Such reports shall document the rationale or justification for the use of the procedure, a description of the specific procedures employed, and the physician's order. Restraints shall be comfortable and easily removed in case of an emergency.

(c) The specific purpose and time-limited order for any restraint shall be written and reviewed according to facility policy. The frequency of such renewal shall not exceed sixty (60) days.

6. Infection control and communicable diseases.

a. There shall be written infection control policies, which are consistent with the Center for Disease Control guidelines including:

(i) Policies which address the prevention of disease transmission to and from patients, visitors and employees, including:

- i. Universal blood and body fluid precautions;
- ii. Precautions for infections which can be transmitted by the airborne route; and
- iii. Work restrictions for employees with infectious diseases.

(ii) Policies which address the cleaning, disinfection, and sterilization methods used for equipment and the environment.

b. 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.

c. Sharp wastes.

(i) 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.

(ii) Needles shall not be recapped by hand, purposely bent, broken, or otherwise manipulated by hand.

(iii) The containers for 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.

d. Disposable waste.

(i) 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.

(ii) The facility shall establish specific written policies regarding handling and disposal of all wastes.

(iii) 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.

(iv) 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.

e. 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), rebecca, salmonellosis, shigellosis, typhoid fever,

yersiniosis, brucellosis, giardiasis, leprosy, psittacosis, Q fever, tularemia, and typhus.

f. A facility may admit a (noninfectious) tuberculosis patient under continuing medical supervision for his tuberculosis disease.

g. Patients with active tuberculosis may be admitted to the facility whose isolation facilities and procedures have been specifically approved by the cabinet.

h. 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.

(7) Diagnostic services. The facility shall have provisions for obtaining required clinical laboratory, x-ray and other diagnostic services. Laboratory services may be obtained from a laboratory which is part of a licensed hospital or a laboratory licensed pursuant to KRS 333.030 and any regulations promulgated thereunder. Radiology services shall be obtained from a service licensed or registered pursuant to KRS 211.842 to 211.852 and any regulations promulgated thereunder. If the facility provides its own diagnostic services, the service shall meet the applicable laws and regulations. All diagnostic services shall be provided only on the request of a physician. The physician shall be notified promptly of the test results. Arrangements shall be made for the transportation of patients, if necessary, to and from the source of service. Simple tests, such as those customarily done by nursing personnel for diabetic patients may be done in the facility. All reports shall be included in the medical record.

(8) Dental services. The facility shall assist patients to obtain regular and emergency dental care. Provision for dental care: Patients shall be assisted to obtain regular and emergency dental care. An advisory dentist shall provide consultation, participate in in-service education, recommend policies concerning oral hygiene, and shall be available in case of emergency. The facility, when necessary, shall arrange for the patient to be transported to the dentist's office. Nursing personnel shall assist the patient to carry out the dentist's recommendations.

(9) Social services.

(a) Provision for medically related social needs. The medically related social needs of the patient shall be identified, and services provided to meet them, in admission of the patient, during his treatment and care in the facility.

1. As a part of the process of evaluating a patient's need for services in a facility and whether the facility can offer appropriate care, emotional and social factors shall be considered in relation to medical and nursing requirements.

2. As soon as possible after admission, there shall be an evaluation, based on medical, nursing and social factors, of the probable duration of the patient's need for care and a plan shall be formulated and recorded for providing such care.

3. Subject to the requirements of KRS 216B.071, where there are indications that financial help will be needed, arrangements shall be made promptly for referral to an appropriate agency.

4. Social and emotional factors related to the patient's illness, to his response to treatment and to his adjustment to care in the facility shall be recognized and appropriate action shall be taken when necessary to obtain casework services to assist in resolving problems in these areas.

5. Knowledge of the patient's home situation, financial resources, community resources available to assist him, and pertinent information related to his medical and nursing requirements shall be used in making decisions regarding his discharge from the facility.

(b) Confidentiality of social data. Pertinent social data, and information about personal and family problems related to the patient's illness and care shall be made available only to the attending physician, appropriate members of the nursing staff, and other key personnel who are directly involved in the patient's care, or to recognized health or welfare agencies. There shall be appropriate policies and procedures for assuring the confidentiality of such information.

1. The staff member responsible for social services shall participate in clinical staff conferences and confer with the attending physician at intervals during the patient's stay in the facility, and there shall be evidence in the record of such conferences.

2. The staff member and nurses responsible for the patient's care shall confer frequently and there shall be evidence of effective working relationships between them.

3. Records of pertinent social information and of action taken to meet social needs shall be maintained for each patient. Signed social service summaries shall be entered promptly in the patient's medical record for the benefit of all staff involved in the care of the patient.

(10) Patient activities. Activities suited to the needs and interests of patients shall be provided. Provision shall be made for activities which must be appropriate for the needs and interests of each resident, taking into consideration his or her specific impairment, state of disease. Activities programs shall be available to all residents and shall be planned and documented in the patient's interdisciplinary comprehensive assessment.

(a) The activity leader shall have specialized educational preparation concerning the care of an Alzheimer's patient, and use, to the fullest possible extent, community, social and recreational opportunities.

(b) Patients shall be encouraged but not forced to participate in such activities. Suitable activities are provided for patients unable to leave their rooms.

(c) Patients who are able and who wish to do so shall be assisted to attend religious services.

(d) Patient's request to see their clergymen shall be honored and space shall be provided for privacy during visits.

(e) Visiting hours shall be flexible and posted to permit and encourage visiting friends and relatives.

(f) The facility shall make available a variety of supplies and equipment adequate to satisfy the individual interests of patients. Examples of such supplies and equipment are: books and magazines, daily newspapers, games, stationery, radio and television and the like.

(11) Transportation.

(a) If transportation of patients is provided

by the facility to community agencies or other activities, the following shall apply:

1. Special provision shall be made for patients who use wheelchairs.

2. An escort or assistant to the driver shall be provided in transporting patients to and from the facility if necessary for the the patient's safety.

(b) The facility shall arrange for appropriate transportation in case of medical emergencies.

(12) Residential services.

(a) Dietary services. The facility shall provide or contract for food service to meet the dietary needs of the patients including modified diets or dietary restrictions as prescribed by the attending physician. When a facility contracts for food service, with an outside food management company, the company shall provide a qualified dietician on a full-time, part-time or consultant basis to the facility. The qualified dietician shall have continuing liaison with the medical and nursing staff of the facility for recommendations on dietetic policies affecting patient care. The company shall comply with all of the appropriate requirements for dietary services in this regulation.

1. Therapeutic diets. If the designated person responsible for food service is not a qualified dietician or nutritionist, consultation by a qualified dietician or qualified nutritionist shall be provided.

2. Dietary staffing. There shall be sufficient food service personnel employed and their working hours, schedules of hours, on duty and days off shall be posted. If any food service personnel are assigned duties outside the dietary department, the duties shall not interfere with the sanitation, safety or time required for regular dietary assignments.

3. Menu planning.

a. Menus shall be planned, written and rotated to avoid repetition. Nutrition needs shall be met in accordance with the current recommended dietary allowances of the Food and Nutrition Board of the National Research Council adjusted for age, sex and activity, and in accordance with physician's orders.

b. Meals shall correspond with the posted menu. Menus must be planned and posted one (1) week in advance. When changes in the menu are necessary, substitutions shall provide equal nutritive value and the changes shall be recorded on the menu and all menus shall be kept on file for thirty (30) days.

c. The daily menu shall include daily diet for all modified diets served within the facility based on an approved diet manual. The diet manual shall be a current manual with copies available in the dietary department, that has the approval of the professional staff of the facility. The diet manual shall indicate nutritional deficiencies of any diet. The dietician shall correlate and integrate the dietary aspects of the patient care with the patient and patient's chart through such methods as patient instruction, recording diet histories and participation in rounds and conferences.

4. Food preparation and storage.

a. There shall be at least a three (3) day supply of food to prepare well balanced palatable meals. Records of food purchased for preparation shall be on file for thirty (30) days.

b. Food shall be prepared with consideration for any individual dietary requirement. Modified

diets, nutrient concentrates and supplements shall be given only on the written orders of a physician.

c. At least three (3) meals per day shall be served with not more than a fifteen (15) hour span between the substantial evening meal and breakfast. Between meal snacks to include an evening snack before bedtime shall be offered to all patients. Adjustments shall be made when medically indicated.

d. Foods shall be prepared by methods that conserve nutritive value, flavor and appearance and shall be attractively served at the proper temperatures, and in a form to meet the individual needs. A file of tested recipes, adjusted to appropriate yield shall be maintained. Food shall be cut, chopped or ground to meet individual needs. If a patient refuses foods served, nutritional substitutions shall be offered.

e. All opened containers or leftover food items shall be covered and dated when refrigerated.

5. Serving of food. When a patient cannot be served in the dining room, trays shall be provided for bedfast patients and shall rest on firm supports such as over-bed tables. Sturdy tray stands of proper height shall be provided for patients able to be out of bed.

a. Correct positioning of the patient to receive his tray shall be the responsibility of the direct patient care staff. Patients requiring help in eating shall be assisted within a reasonable length of time.

b. Adaptive self-help devices shall be provided to contribute to the patient's independence in eating.

6. Sanitation. All facilities shall comply with all applicable provisions of KRS 219.011 to 219.081 and 902 KAR 45:005 (Kentucky's Food Service Establishment Act and Food Service Code).

(b) Housekeeping and maintenance services.

1. The facility shall maintain a clean and safe facility free of unpleasant odors. Odors shall be eliminated at their source by prompt and thorough cleaning of commodes, urinals, bedpans and other obvious sources.

2. An adequate supply of clean linen shall be on hand at all times. Soiled clothing and linens shall receive immediate attention and shall not be allowed to accumulate. Clothing or bedding used by one patient shall not be used by another until it has been laundered or dry cleaned.

3. Soiled linen shall be sorted and laundered in the soiled linen room in the laundry area. Handwashing facilities with hot and cold water, soap dispenser and paper towels shall be provided in the laundry area.

4. Clean linen shall be sorted, dried, ironed, folded, transported, stored and distributed in a sanitary manner.

5. Personal laundry of patients or staff shall be collected, transported, sorted, washed and dried in a sanitary manner, separate from bed linens.

6. Patients' personal clothing shall be laundered as often as is necessary. Laundering of patients' personal clothing shall be the responsibility of the facility unless the patient or the patient's family accepts this responsibility. Patient's personal clothing laundered by or through the facility shall be marked to identify the patient-owner and returned to the correct patient.

7. Maintenance. The premises shall be well

kept and in good repair. Requirements shall include:

a. The facility shall insure that the grounds are well kept and the exterior of the building, including the sidewalks, steps, porches, ramps and fences are in good repair.

b. 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 shall be screened.

c. 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.

d. 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 compounds shall be stored under lock.

(c) Room accommodations.

1. Each patient shall be provided a standard size bed or the equivalent at least thirty-six (36) inches wide, equipped with substantial springs, a clean comfortable mattress, a mattress cover, two (2) sheets and a pillow, and such bed covering as is required to keep the patients comfortable. Rubber or other impervious sheets shall be placed over the mattress cover whenever necessary. Beds occupied by patients shall be placed so that no patient may experience discomfort because of proximity to radiators, heat outlets, or by exposure to drafts.

2. The facility shall provide window coverings, bedside tables with reading lamps (if appropriate), comfortable chairs, chest or dressers with mirrors, a night light, and storage space for clothing and other possessions.

3. Patients shall not be housed in unapproved rooms or unapproved detached buildings.

4. Basement rooms shall not be used for sleeping rooms for patients.

5. Patients may have personal items and furniture when it is physically feasible.

6. There shall be a sufficient number of tables provided that can be rolled over a patient's bed or be placed next to a bed to serve patients who cannot eat in the dining room.

7. Each living room or lounge area and recreation area shall have an adequate number of reading lamps, and tables and chairs or settees of sound construction and satisfactory design.

8. Dining room furnishings shall be adequate in number, well constructed and of satisfactory design for the patients.

9. Each patient shall be permitted to have his own radio and television set in his room unless it interferes with or is disturbing to other patients.

Section 5. Alzheimer's Facility Requirements.

(1) The care of residents with Alzheimer's disease and other cognitive disorders require increased security and visual access. Measures to protect the residents from harm and to prevent them from leaving designated areas without supervision shall include frequent in-person observation of each resident and may also include the use of wide angle mirrors closed-circuit television monitors, and alarm systems.

(2) In addition to the required facility

specifications in 902 KAR 20:046, the following shall be provided:

(a) Control doors, if used for security of the residents, shall be forty-four (44) inches in width each leaf, and swing in opposite directions. A latch or other fastening device on a door shall be provided with a knob, handle, panic bar, or other simple type of releasing device, the method of operation of which is obvious, even in darkness.

(b) Locking devices may be used on the control doors if the following criteria are met.

1. The locking device, which shall not be a keylock device, shall be electronic and shall be released when the following occurs:

a. Upon activation of the fire alarm or sprinkler systems;

b. Power failure to the facility; and

c. By pressing a button located at the main staff station and at the monitoring station.

2. Key pad or buttons may be located at the control doors for routine use by staff or service.

(3) Access to outdoor areas shall be provided and such areas shall be enclosed by walls or fencing that do not present a hazard.

(4) Any security measures taken to provide for the safety of wandering patients shall be as unobtrusive as possible.

CLAY CESSNA, Inspector General
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 2, 1991

FILED WITH LRC: May 6, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1991 at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1991, 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/Ralph Von Derau

(1) Type and number of entities affected: Indeterminable, but due to the conditions of the enabling statute, very few are anticipated.

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

1. First year: Construction costs in the range of \$35,000 to \$40,000 per bed. Staffing and other overhead expenses.

2. Continuing costs or savings: Staffing and other overhead expenses.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Enabling statute requires construction to be completed by July 15, 1991.

(b) Reporting and paperwork requirements: There will be such requirements since these Alzheimer's facilities will need to document compliance with these standards.

(2) Effects on the promulgating administrative body: The costs should be minimal. Since there will be so few facilities, additional surveys will be incorporated into the agency's workload.

(a) Direct and indirect costs or savings:

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

2. Continuing costs or savings: None since reprinting of regulation is part of this agency's continuing budget.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: These are minimum licensing standards applicable to all facilities.

(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: No conflict exists.

(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. These are minimum licensing standards that apply to all regulated entities.

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

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

RELATES TO: KRS 205.200(2), 205.210(1), 42 CFR 435.831, 45 CFR 233, 250.33, 250.73, 255, 256, PL 101-508

STATUTORY AUTHORITY: KRS 194.050, 205.200(2)

NECESSITY AND FUNCTION: The Cabinet for Human Resources is required to administer the public assistance programs. KRS 205.200(2) and 205.210(1) require that the secretary establish the standards of need and amount of assistance for the Aid to Families with Dependent Children Program, referred to as AFDC. This regulation sets forth the standards by which the need for and the amount of an AFDC assistance payment is established.

Section 1. Definitions. (1) "Approved JOBS activities" means participation in component, precomponent, component preparation, preemployment, transitional extension or self-initiated JOBS activities which have been determined by the Department for Social Insurance to be consistent with employment goals.

(2) "Assistance group" means a group composed of one (1) or more children and may include as specified relative any person specified in 904 KAR 2:006, Section 3. The assistance group shall include the dependent child, child's eligible parent, and all eligible siblings living in the home with the needy child. Additionally, if the dependent child's parent is a minor living in the home with his eligible parent, the minor's parent shall also be included in the assistance group if the minor's parent applied for assistance. The incapacitated or unemployed natural or adoptive parent of the child who is living in the home shall be included as second parent if the technical eligibility factors are met.

(3) "Beyond the control" means:

(a) Loss or theft of the money;

(b) The individual to whom the lump sum was designated no longer lives in the household, making the lump sum income inaccessible;

(c) Expenditure of the lump sum income to meet extraordinary expenses, that are not included in the AFDC Standard of Need.

(4) "Certified child care providers" means a small family day care in a provider's home serving fewer than four (4) children. This provider has voluntarily registered with the Cabinet for Human Resources, Department for Social Services. Standards for certification are contained in 905 KAR 2:070.

(5) "Claimant" means the individual responsible for an overpayment.

(6) "Combination programs" means any educational program which includes as its basis literacy or GED. This program must also include life skills, skills training or job readiness training.

(7) "Component" means services and activities such as education, job skills training, job readiness, job development and placement, job search, on-the-job training, work supplementation or community work experience program activities available under the Job Opportunities and Basic Skills (JOBS) program. Each individual component is described in 904 KAR 2:006.

(8) "Component preparation" means the period in which assessment, testing, development of the employability plan and referrals for removal of barriers takes place.

(9) "Full-time employment" means employment of thirty (30) hours per week or 130 hours per month or more.

(10) "Full-time school attendance" means a workload of at least:

(a) The number of hours required by the individual program for participation in a General Educational Development (GED) program; or

(b) Twelve (12) semester hours or more in a college or university; or six (6) semester hours or more during the summer term; or the equivalent in a college or university if other than a semester system is used; or

(c) The number of hours required by the individual high school/vocational school to fulfill their definition of full time; or

(d) Eight (8) clock hours per month in a literacy program.

(e) Twenty-five (25) clock hours per week in combination programs.

(11) "Gross income limitation standard" means 185 percent of the sum of the assistance standard, as set forth in Section 7 of this regulation.

(12) "Licensed child care providers" means day care centers serving twelve (12) or more children, or day care in a provider's home serving four (4) to twelve (12) children, which are licensed by the Division of Licensing and Regulation, Office of the Inspector General, as provided in 905 KAR 2:010.

(13) "Lump sum income" means income that does not occur on a regular basis, and does not represent accumulated monthly income received in a single sum.

(14) "Minor" means any person who is under the age of eighteen (18) or under the age of nineteen (19) in accordance with 45 CFR 233.90(b)(3). EXCEPTION: For the purpose of deeming income, a minor parent is considered any person under the age of eighteen (18).

(15) "Part-time employment" means employment

of less than thirty (30) hours per week or 130 hours per month or not employed throughout the entire month.

(16) "Part-time school attendance" means a workload of anything less than "full-time school attendance."

(17) "Precomponent" means a waiting period between the dates of component assignment and component commencement.

(18) "Preemployment" means a waiting period between the dates of hiring and employment commencement.

(19) "Prospective budgeting" means computing the amount of assistance based on income and circumstances which will exist in the month(s) for which payment is made.

(20) "Recoupment" means recovery of overpayments of assistance payments.

[(21)] "Retrospective budgeting" means computing amount of assistance based on actual income and circumstances which existed in the second month prior to the payment month.]

[(21)] [(22)] "Sanctioned individual" means any person who is required to be included in the assistance group but who is excluded from the assistance group due to failure to fulfill an eligibility requirement.

[(22)] [(23)] "Self-initiated" means approved participation in which education or training activities are initiated by the client and determined to meet agency criteria. Specific criteria is contained in 904 KAR 2:006.

[(23)] [(24)] "Transitional extension" means a period of up to ninety (90) days subsequent to the discontinuance of the AFDC case in which supportive service payments may continue if:

[(a)] The case is not eligible for transitional child care, as described in Section 9 of this regulation;]

[(a)] [(b)] The case is not discontinued due to fraudulent activity; and

[(b)] [(c)] The case is not discontinued due to failure to comply with procedural requirements; and

[(c)] [(d)] The JOBS participant elects to continue the approved component activity in which she is engaged at the time of discontinuance.

[(24)] [(25)] "Unavailable" means that the income is not accessible to the AFDC benefit group for use toward basic food, clothing, shelter, and utilities.

[(25)] [(26)] "Unregulated child care providers" means private providers, such as friends or relatives, who are not required to be certified or licensed.

Section 2. Resource Limitations. (1) Real and personal property owned in whole or in part by an applicant or recipient including a sanctioned individual and his parent, even if the parent is not an applicant or recipient, if the applicant or recipient is a dependent child living in the home of the parent, shall be considered.

(2) The amount that can be reserved by each assistance group shall not be in excess of \$1,000 equity value excluding those items specifically listed in subsection (1) of this section as follows:

(3) Excluded resources. The following resources shall be excluded from consideration:

(a) One (1) owner-occupied home;

(b) Home furnishings, including all appliances;

(c) Clothing;

(d) One (1) motor vehicle, not to exceed

\$1,500 equity value;

(e) Farm machinery, livestock or other inventory, and tools and equipment other than farm, used in a self-employment enterprise;

(f) Items valued at less than fifty (50) dollars each;

(g) One (1) burial plot or space per family member;

(h) Funeral agreements not to exceed maximum equity of \$1,500 per family member;

(i) Real property which the assistance group is making a good faith effort to sell. This exemption shall not exceed a period of nine (9) months and is contingent upon the assistance group agreeing to repay AFDC benefits received beginning with the first month of the exemption. Any amount of AFDC paid during that period that would not have been paid if the disposal of property had occurred at the beginning of the period is considered an overpayment. The amount of the repayment shall not exceed the net proceeds of the sale. If the property has not been sold within the nine (9) months, or if eligibility stops for any other reason, the entire amount of assistance paid during the nine (9) month period shall be treated as an overpayment;

(j) Other items or benefits mandated by federal regulations.

(4) Disposition of resources.

(a) An applicant or recipient shall not have transferred or otherwise divested himself of property without fair compensation in order to qualify for assistance.

(b) If the transfer was made expressly for the purpose of qualifying for assistance and if the uncompensated equity value of the transferred property, when added to total resources, exceeds the resource limitation, the household's application shall be denied, or assistance discontinued.

(c) The time period of ineligibility shall be based on the resulting amount of excess resources and begins with the month of transfer.

(d) If the amount of excess transferred resources does not exceed \$500, the period of ineligibility shall be one (1) month; the period of ineligibility shall be increased one (1) month for every \$500 increment up to a maximum of twenty-four (24) months.

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

(1) Gross income test.

(a) The total gross non-AFDC income of the assistance group, as well as income of parent, sanctioned individual and amount deemed available from the parent of a minor parent living in the home with such assistance group, and amount deemed available from a stepparent living in the home, and amount deemed available from an alien's sponsor and sponsor's spouse if living with the sponsor, shall not exceed the gross income limitation standard.

(b) Disregards specified in Section 4(1) of this regulation shall apply.

(c) If total gross income exceeds the gross income limitation standard, the assistance group is ineligible.

(2) Applicant eligibility test.

(a) An applicant eligibility test shall be applied if:

1. The gross income is below the gross income limitation standard; and

2. The assistance group has not received

assistance during the four (4) months prior to the month of application.

(b) The total gross income after application of exclusions or disregards set forth in Section 4(1) and (2) of this regulation shall be compared to the assistance standard set forth in Section 7 of this regulation.

(c) If income exceeds this standard, the assistance group is ineligible.

(d) For assistance groups who meet the gross income test but who have received assistance any time during the four (4) months prior to the application month, the applicant eligibility test shall not apply.

(3) Benefit calculation.

(a) If the assistance group meets the criteria set forth in subsections (1) and (2) of this section, benefits shall be determined by applying disregards in Section 4(1), (2), and (3) of this regulation.

(b) If the assistance group's income, after application of appropriate disregards, exceeds the assistance standard, the assistance group is ineligible.

(c) Amount of assistance [for the initial two (2) months of eligibility] shall be determined prospectively [and for subsequent months retrospectively].

(4) Ineligibility period.

(a) A period of ineligibility shall be established for an applicant or recipient whose income in the month of application or during any month for which assistance is paid exceeds the limits as set forth in subsections (2) or (3) of this section due to receipt of lump sum income.

(b) The ineligibility period shall be recalculated if any of the following circumstances occur:

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

2. Income, which caused the calculation of the ineligibility period, has become unavailable for reasons that were beyond the control of the benefit group.

3. The assistance group incurs and pays necessary medical expenses not reimbursable by a third party.

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

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

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

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

(c) Disregards applicable to self-employment income;

(d) Earnings received by a dependent child from participation in the Summer Youth Program, Work Experience Program, Limited Work Experience Program, and Tryout Employment Program under the Job Training Partnership Act (JTPA) for a period not to exceed six (6) months within a given calendar year, effective March 1, 1988;

(e) Unearned income received by a dependent child from participation in a JTPA program;

(f) Value of the monthly allotment of food stamp coupons or value of United States Department of Agriculture (USDA) donated foods;

(g) Nonemergency medical transportation payments;

(h) Payments from complementary programs if no duplication exists between the other assistance and the assistance provided by the AFDC program;

(i) Educational grants, loans, scholarships, including payments for actual educational costs made under the GI Bill, obtained and used under conditions that preclude their use for current living costs and all education grants and loans to any undergraduate made or insured under any program administered by the United States Commissioner of Education;

(j) Highway relocation assistance;

(k) Urban renewal assistance;

(l) Federal disaster assistance and state disaster grants;

(m) Home produce utilized for household consumption;

(n) Housing subsidies received from federal, state or local governments;

(o) Receipts distributed to members of certain Indian tribes by the federal government under 25 USC 459, 1261 and 1401;

(p) Funds distributed per capita to or held in trust for members of any Indian tribe by the federal government under 25 USC 459, 1261 and 1401;

(q) Benefits received from the Nutrition Program for the Elderly, under 42 USC 3001;

(r) Payments for supporting services or reimbursement of out-of-pocket expenses made to individual volunteers serving as foster grandparents, senior health aides, or senior companions, and to persons serving in Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under 42 USC 5001 and 5011;

(s) Payments to "Volunteers in Service to America" (VISTA) participants under 42 USC 1451 except when the value of such payments when adjusted to reflect the number of hours volunteers are serving is the same as or greater than the minimum wage under state or federal law, whichever is greater;

(t) The value of supplemental food assistance received under 42 USC 1771, and the special food service program for children under 42 USC 1755, as amended;

(u) Payments from the Cabinet for Human Resources, Department for Social Services, for child foster care, or adult foster care, or subsidized adoption];

(v) Payments made under the Low Income Home Energy Assistance Program (LIHEAP) under 42 USC 8621, and other energy assistance payments which are made to an energy provider or provided in-kind;

(w) The first fifty (50) dollars of child support payments collected in a month which represents the current month's support obligation and is returned to the assistance group;

(x) For a period not to exceed six (6) months within a given year, earnings of a dependent child in full-time school attendance;

(y) Nonrecurring gifts of thirty (30) dollars or less received per calendar quarter for each individual included in the assistance group; and

(z) Effective January 3, 1989, loans.

(aa) Effective June 1, 1989, up to \$12,000 to Aleuts and \$20,000 to individuals of Japanese ancestry for payments made by the United States Government to compensate for hardships experienced during World War II.

(bb) Effective June 1, 1989, the essential person's portion of the SSI check.

(cc) Income of an individual receiving mandatory or optional state supplementary payments.

(dd) The advance payment or refund of earned income tax credit (EITC).

(ee) Other benefits mandated by federal regulations or legislation.

(2) Applicant eligibility test. The exclusions or disregards set forth in subsection (1) of this section and those listed below shall be applied:

(a) Earnings received from participation in the Job Corps Program under JTPA by an AFDC child;

(b) Earnings of a dependent child in full-time school attendance for a period not to exceed six (6) months within a given year;

(c) Standard work expense deduction of ninety (90) dollars for full-time and part-time employment; and

(d) Child care, for a child or incapacitated adult living in the home and receiving AFDC, is allowed as a work expense is allowed not to exceed \$175 per month per individual for full-time employment or \$150 per month per individual for part-time employment, or \$200 per month per individual for child under age two (2).

(3) Benefit calculation. After eligibility is established, exclude or disregard all incomes listed in subsections (1) and (2) of this section as well as:

(a) Child support payments assigned and actually forwarded or paid to the department; and

(b) First thirty (30) dollars and one-third (1/3) of the remainder of each individual's earned income not already disregarded, if that individual's needs are considered in determining the benefit amount. The one-third (1/3) portion of this disregard shall not be applied to an individual after the fourth consecutive month it has been applied to his earned income. The thirty (30) dollar portion of this disregard shall be applied concurrently with the one-third (1/3) disregard, however, it shall be extended for an additional eight (8) months following the four (4) months referenced in the preceding sentence. These disregards shall not be available to the individual until he has not been a recipient for twelve (12) consecutive months; and

(c) Earnings of a child in full-time school attendance or earnings of a child in part-time school attendance, if not working full-time.

(4) Exceptions. Disregards from earnings in subsections (2)(c) and (d) and (3)(b) of this section shall not apply for any month in which the individual:

(a) Reduces, terminates, or refuses to accept employment within the period of thirty (30) days preceding such month, unless good cause exists as follows:

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

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

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

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

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

6. Effective February 1, 1988, the available child care does not meet the needs of the child, for example, handicapped or retarded children.

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

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

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

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

[4. The assistance group has been directly affected by a natural disaster (for example, fire, flood, storm, earthquake).]

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

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

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

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

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

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

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

(d) Payments by the stepparent and parent of a minor parent for alimony or child support with respect to individuals not living in the household; and

(e) Income of a stepparent and parent of a minor parent receiving Supplemental Security Income (SSI).

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

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

Section 6. Alien Income and Resources. (1) For the purposes of this section the alien's sponsor and sponsor's spouse (if living with the sponsor) shall be referred to as sponsor.

(2) The gross non-AFDC income and resources of an alien's sponsor shall be deemed available to the alien, subject to disregards as set forth below, for a period of three (3) years following entry into the United States.

(3) If an individual is sponsoring two (2) or more aliens, the income and resources shall be prorated among the sponsored aliens.

(4) A sponsored alien is ineligible for any month in which adequate information on the sponsor or sponsor's spouse is not provided.

(5) If an alien is sponsored by an agency or organization, which has executed an affidavit of support, that alien is ineligible for benefits for a period of three (3) years from date of entry into the United States, unless it is determined that the sponsoring agency or organization is no longer in existence or does not have the financial ability to meet the alien's needs.

(6) The provisions of this section shall not apply to those aliens identified in subsection (5) of this section.

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

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

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

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

4. Actual payments of alimony or child support paid to nonhousehold members; and

5. Income of a sponsor receiving SSI or AFDC.

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

Section 7. Payment Maximum. (1) The AFDC payment maximum includes amounts for food, clothing, shelter, and utilities.

(2) Countable income is deducted in determining eligibility for and the amount of the AFDC assistance payment, as follows:

Effective July 1, 1989		
Number of Eligible Persons	Payment Maximum	Standard of Need
1 child	\$162	\$394
2 persons	\$196	\$460
3 persons	\$228	\$526
4 persons	\$285	\$592
5 persons	\$333	\$658
6 persons	\$376	\$724
7 or more persons	\$419	\$790

(3) Since the payment maximum does not meet full need, effective July 1, 1989, a forty-five (45) percent ratable reduction shall be applied to the deficit between the family's countable

income and the standard of need for the appropriate family size.

(4) The assistance payment shall be fifty-five (55) percent of the deficit or the payment maximum, whichever is the lesser amount.

Section 8. Job Opportunities and Basic Skills (JOBS) Child Care and Supportive Services. (1) Individuals participating in the JOBS program shall be entitled to payment of:

(a) Child care;

(b) Transportation; and

(c) Other supportive service costs necessary for participation in an approved JOBS activity, as described in subsection (10) of this section.

(2) JOBS activities are described in 904 KAR 2:006, Section 9.

(3) Child care eligibility in JOBS components. Child care shall be paid for a child meeting the criteria specified in Section 9(1) of this regulation. Child care shall be provided in the following situations:

(a) Precomponent;

(b) Component preparation;

(c) Component participation;

(d) Preemployment; or

[(e) Transitional extension; or]

[(e) [(f)] On-the-job training (OJT) participants discontinued due to earned income or employment of 100 hours a month or more of the principal wage earner (PWE) in an AFDC-unemployed parent (AFDC-UP) case.

(4) Child care eligibility in self-initiated activities.

(a) Child care shall be provided in the same situations as in JOBS components with the following exceptions:

[1. Transitional extension;]

1. [2.] OJT participants discontinued due to increased earnings or hours of employment;

2. [3.] Component preparation; and

3. [4.] Precomponent, for persons waiting to enter self-initiated activities for the first time.

(b) Child care shall be provided only for approved self-initiated activities.

(5) Child care limitations.

(a) Child care payments shall:

1. Be made directly to the provider, in an amount equal to the actual cost, up to a payment maximum based on local market rates for components which:

a. Do not provide earned income; or

b. Are [not] work supplementation components.

2. Be allowed as a deduction as outlined in Section 4(2)(d) of this regulation for any component yielding earned income, other than work supplementation.

(b) Payments shall not be made to a provider if the provider is:

1. The parent;

2. The legal guardian;

3. A member of the AFDC assistance unit which includes the child needing care;

4. Not meeting applicable standards of state and local law; or

5. Not allowing parental access.

(c) Local market rates shall be determined by:

1. The type of provider;

2. The age of the child;

3. The special needs of the child. Special needs shall be verified by:

a. Entitlement to disability benefits; or

b. Written statement from a physician or professional from a service agency such as,

Comprehensive Care, or the Department for Social Services;

4. The amount of time care is needed; and

5. The geographical boundaries of the fifteen (15) area development districts.

(d) Full-time (FT) and part-time (PT) attendance shall be determined by the provider.

(e) FT and PT maximum payment levels shall be established for the following groups of dependent children:

1. "Special needs" includes children in no certain age group;

2. "Infants" includes children under age one (1);

3. "Toddlers" includes children from age one (1) up to age three (3);

4. "Preschool" includes children from age three (3) up to age five (5);

5. "School-age" includes children age five (5) and over.

(f) Child care maximum payments shall be made as follows:

PURCHASE AREA DEVELOPMENT DISTRICT #1

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	10	7
Certified	\$9	9	9	6	9	6
Unregulated	\$8	8	8	5	8	5
	Preschool				School-age	
	FT	PT			FT	PT
Licensed	\$10	7			10	7
Certified	\$9	6			9	6
Unregulated	\$8	5			8	5

PENNYRILE AREA DEVELOPMENT DISTRICT #2

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	9	6
Certified	\$9	9	9	6	8	5
Unregulated	\$8	8	8	5	7	4
	Preschool				School-age	
	FT	PT			FT	PT
Licensed	\$9	6			9	6
Certified	\$8	5			8	5
Unregulated	\$7	4			7	4

GREEN RIVER AREA DEVELOPMENT DISTRICT #3

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	9	6	9	6
Certified	\$9	9	8	5	8	5
Unregulated	\$8	8	7	4	7	4
	Preschool				School-age	
	FT	PT			FT	PT
Licensed	\$9	6			8	5
Certified	\$8	5			7	4
Unregulated	\$7	4			6	3

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BARREN RIVER AREA DEVELOPMENT DISTRICT #4

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$12	12	12	9	10	7
Certified	\$11	11	11	8	9	6
Unregulated	\$10	10	10	7	8	5
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$10	7			10	7
Certified	\$9	6			9	6
Unregulated	\$8	5			8	5

BUFFALO TRACE AREA DEVELOPMENT DISTRICT #8

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	8	5	8	5
Certified	\$9	9	7	4	7	4
Unregulated	\$8	8	6	3	6	3
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$8	5			8	5
Certified	\$7	4			7	4
Unregulated	\$6	3			6	3

LINCOLN TRAIL AREA DEVELOPMENT DISTRICT #5

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	9	6
Certified	\$9	9	9	6	8	5
Unregulated	\$8	8	8	5	7	4
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$9	6			8	5
Certified	\$8	5			7	4
Unregulated	\$7	4			6	3

GATEWAY AREA DEVELOPMENT DISTRICT #9

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	8	5	8	5
Certified	\$9	9	7	4	7	4
Unregulated	\$8	8	6	3	6	3
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$8	5			8	5
Certified	\$7	4			7	4
Unregulated	\$6	3			6	3

KENTUCKIANA REGIONAL PLANNING AND DEVELOPMENT AGENCY AREA DEVELOPMENT DISTRICT #6

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$13	13	13	10	13	10
Certified	\$12	12	12	9	12	9
Unregulated	\$11	11	11	8	11	8
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$11	8			11	8
Certified	\$10	7			10	7
Unregulated	\$9	6			9	6

FIVCO AREA DEVELOPMENT DISTRICT #10

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	10	7
Certified	\$9	9	9	6	9	6
Unregulated	\$8	8	8	5	8	5
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$10	7			9	6
Certified	\$9	6			8	5
Unregulated	\$8	5			7	4

NORTHERN KENTUCKY AREA DEVELOPMENT DISTRICT #7

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$12	12	12	9	12	9
Certified	\$11	11	11	8	11	8
Unregulated	\$10	10	10	7	10	7
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$12	9			11	8
Certified	\$11	8			10	7
Unregulated	\$10	7			9	6

BIG SANDY AREA DEVELOPMENT DISTRICT #11

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	10	7
Certified	\$9	9	9	6	9	6
Unregulated	\$8	8	8	5	8	5
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$10	7			10	7
Certified	\$9	6			9	6
Unregulated	\$8	5			8	5

KENTUCKY RIVER AREA DEVELOPMENT DISTRICT #12

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$11	11	11	8	11	8
Certified	\$10	10	10	7	10	7
Unregulated	\$9	9	9	6	9	6
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$9	6			9	6
Certified	\$8	5			8	5
Unregulated	\$7	4			7	4

CUMBERLAND VALLEY AREA DEVELOPMENT DISTRICT #13

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	10	7	10	7
Certified	\$9	9	9	6	9	6
Unregulated	\$8	8	8	5	8	5
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$9	6			10	7
Certified	\$8	5			9	6
Unregulated	\$7	4			8	5

LAKE CUMBERLAND AREA DEVELOPMENT DISTRICT #14

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$10	10	9	6	9	6
Certified	\$9	9	8	5	8	5
Unregulated	\$8	8	7	4	7	4
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$9	6			9	6
Certified	\$8	5			8	5
Unregulated	\$7	4			7	4

BLUEGRASS AREA DEVELOPMENT DISTRICT #15

	Special Needs		Infants		Toddlers	
	FT	PT	FT	PT	FT	PT
Licensed	\$12	12	12	9	12	9
Certified	\$11	11	11	8	11	8
Unregulated	\$10	10	10	7	10	7
	Preschool		School-age			
	FT	PT	FT	PT		
Licensed	\$11	8			11	8
Certified	\$10	7			10	7
Unregulated	\$9	6			9	6

(g) Child care payments shall be limited as follows:

1. Six (6) semesters (three (3) years) for a two (2) year postsecondary program;
2. Eight (8) semesters (nine (9) with good cause) for a four (4) year postsecondary program; or

3. No restrictions on other education and training activities.

(h) These limits apply to both full-time and part-time enrollment.

(i) In preemployment or precomponent, child care payments shall be limited to a period of two (2) weeks up to one (1) month if necessary to guarantee the child care arrangement shall not be lost.

(j) Child care payments shall not be made if:

1. An AFDC-UP qualifying parent is participating; and

2. The nonparticipating parent is not incapacitated.

(6) Authorization of child care payment.

(a) Child care payments shall be authorized upon the receipt of appropriate verification of the cost of care.

(b) Departmental forms required for verification are incorporated by reference in this regulation.

(c) Payments shall be authorized in accordance with 904 KAR 2:050.

(7) Restrictions on authorization of child care payments. Payment shall not be made if:

(a) Verification is not returned by the end of the month following the month in which the cost was incurred;

(b) The participant is sanctioned for noncompliance with JOBS activities, as specified in 904 KAR 2:006; or

(c) A fair hearing decision is pending on an issue of noncompliance with JOBS.

(8) Transportation payments in JOBS components. Transportation reimbursement shall be paid in the following situations:

(a) Precomponent;

(b) Component preparation;

(c) Component participation;

(d) Transitional extension; or

(e) On-the-job training (OJT) participants discontinued due to earned income or employment of 100 hours a month or more of the PWE in an AFDC-UP case.

(9) Transportation payments in self-initiated activities.

(a) Transportation shall be provided in the same situations as in JOBS components, with the exceptions of:

1. Transitional extension;

2. OJT participants discontinued due to increased earnings or hours of employment;

3. Component preparation; and

4. Precomponent, for persons waiting to enter self-initiated activities for the first time.

(b) Reimbursement shall be paid only for approved self-initiated activities.

(10) Transportation payment amount and authorization.

(a) A standard rate of three (3) dollars per day shall be paid for individuals participating in approved JOBS activities.

(b) Transportation reimbursement shall be made after receipt of appropriate verification. Departmental forms required for verification are incorporated by reference. Payments shall be made as specified in 904 KAR 2:050.

(c) Transportation payments shall be limited in the same manner as child care payments, as described in subsection (4)(g) of this section.

(d) In precomponent, transportation payments are limited to two (2) weeks up to one (1) month if necessary to guarantee that the arrangements shall not be lost.

(11) Restrictions on authorization of

transportation payments. Payments shall not be made if:

(a) Appropriate verification is not returned by the end of the month following the month in which the cost was incurred;

(b) The participant is sanctioned for noncompliance with JOBS activities, as specified in 904 KAR 2:006; or

(c) A fair hearing decision is pending on an issue of noncompliance with JOBS.

(12) Other supportive services in JOBS components.

(a) Nonrecurring services shall be provided if necessary for participation in the approved JOBS activities of:

1. Component preparation;

2. Component participation;

3. Transitional extension;

4. Preemployment; or

5. OJT participants discontinued due to earned income or increased hours of employment.

(b) These services shall be approved by the case manager as defined in 904 KAR 2:006.

(c) Examples of services which may be approved are the purchase of:

1. Remedial health care items or services not covered under the Medicaid program;

2. Necessary clothing; or

3. Any other item identified by a referral agency, the case manager, or the participant as being necessary for participation.

(13) Other supportive services in self-initiated activities. Nonrecurring services shall be provided in the same situations as in JOBS components, with the following exceptions:

(a) Transitional extension;

(b) OJT participants discontinued due to increased earnings or hours of employment; or

(c) Component preparation.

(14) Limitations on other supportive services.

(a) A cumulative limit of \$300 in a twelve (12) month period, beginning with the first day of the month in which the first supportive service payment is made, shall be in effect for any participant in these approved JOBS activities:

1. Component preparation;

2. Component-related;

3. Transitional extension; or

4. OJT participants discontinued due to increased earnings or hours of employment.

(b) A separate \$300 limit, per job, for preemployment supportive services may be paid.

(c) Other supportive services shall be limited in the same manner as child care payments, as described in subsection (4)(g) of this section.

(15) Restrictions on authorization of supportive service payments. Payments shall not be made for the period during which:

(a) Verification is not returned by the service provider;

(b) The participant is sanctioned for noncompliance with JOBS activities, as specified in 904 KAR 2:006; or

(c) A fair hearing decision is pending on an issue of noncompliance with JOBS.

Section 9. Transitional Child Care (TCC). (1) Effective April 1, 1990, child care assistance shall be provided by the state to families whose eligibility for AFDC assistance has ceased due to:

(a) Increased hours of, or earnings from, employment; or

(b) As a result of the loss of income

disregards due to the expiration of the time limits at Section 4(3)(b) of this regulation.

(2) TCC shall be administered by the Cabinet for Human Resources, Department for Social Insurance through an interagency agreement with the Department for Social Services.

(3) Child care assistance shall be provided for children if the criteria in subsection (4) of this section are met.

(4) Technical eligibility. The following requirements shall be met during any month for which TCC is paid:

(a) The child(ren) is under age thirteen (13); or

1. Physically or mentally incapable of caring for himself, as verified by the state based on a determination of a physician or a licensed or certified psychologist; or

2. A dependent child under court supervision (if needy); or

3. Would be a dependent child except for the receipt of benefits under SSI under Title XVI or foster care under Title IV-E.

(b) Child care must be necessary in order to permit a member of an AFDC family to accept or retain employment;

(c) Payments are not made for care provided by parents, legal guardians or members of the assistance unit (including essential persons);

(d) The family shall have ceased to be eligible for AFDC as a result of increased hours of, or increased income from, employment or the loss of income disregards due to the time limitations at Section 4(3)(b) of this regulation;

(e) The family shall have received AFDC:

1. In at least three (3) of the six (6) months preceding the first month of ineligibility; and

2. At least one (1) of the three (3) months was received in the state of Kentucky.

(f) The family requests TCC benefits, provides the information necessary for determining eligibility and fees, and meets application requirements;

(g) The family ceased to be eligible for AFDC on or after April 1, 1990.

(5) Time limitations.

(a) Eligibility for TCC begins with the first month for which the family is ineligible for AFDC and continues for a period of twelve (12) consecutive months when the family requests assistance for TCC.

(b) Families may begin to receive child care in any month during the twelve (12) month eligibility period.

(6) Notification of eligibility. A family shall be notified of their potential eligibility for TCC when their AFDC benefits are terminated.

(7) Sanctions. The family is not eligible for TCC for any remaining portion of the twelve (12) month period if the caretaker relative:

(a) Terminates employment unless good cause exists as follows:

1. The individual is personally providing care for a child under age six (6) and employment will require the individual to work more than twenty (20) hours per week.

2. Child care is necessary for the individual to participate in the program or accept employment and such care is not available or the available child care does not meet the special needs of the child, e.g., handicapped or retarded child.

3. The individual is unable to engage in employment or training for mental or physical

reasons including participation in a drug and alcohol rehabilitation program.

4. Unavailability of transportation with no readily accessible alternative means of transportation available.

5. Travel time to the work site exceeds two (2) hours daily.

6. Illness of another household member requiring the presence of the participant.

7. Temporary incarceration.

8. Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, national origin or political beliefs.

9. Work demands or conditions that render continued employment unreasonable, such as consistently not being paid on schedule or work presents a risk of the individual's health or safety.

10. Wage rates are decreased subsequent to acceptance of employment.

11. Acceptance of a better job which, because of circumstances beyond the control of the recipient, does not materialize.

12. Employment would result in a net loss of cash income.

(b) Fails to cooperate with the state IV-A agency in establishing payments and enforcing child support obligations, per 904 KAR 2:006, Section 11.

(8) Notices and hearings. Notices of adverse action, hearings, and appeals shall comply with the provisions of 904 KAR 2:046 and 904 KAR 2:055.

(9) Fee requirements. Each family receiving TCC shall be required to contribute toward the payment for child care based on the family's income.

(a) A minimum fee of one (1) percent of the family's gross income shall be charged for families who fall below the federal poverty income guidelines. A fee equivalent to seven and five-tenths (7.5) percent of gross income shall be charged for child care when the gross income exceeds the federal poverty guidelines as defined in 905 KAR 3:010 and 905 KAR 3:020.

(b) Individuals who fail to cooperate in paying required fees may, subject to notices and hearing requirements, lose eligibility for TCC for the period of time back fees are owed, unless satisfactory arrangements are made to make full payment.

(10) Recoupment. The following provisions apply to overpayments in TCC:

(a) Necessary action shall be taken promptly by the state IV-A agency to correct and recoup any overpayments.

(b) Overpayments, including assistance paid pending hearing decisions, shall be recovered from:

1. The responsible party;
2. The family unit which was overpaid;
3. The provider who was responsible for the overpayment;

4. Individuals who were members of the family when overpaid; or

5. Families which include members of a previously overpaid family.

(c) Overpayments shall be recovered through:

1. Repayment by the individual or child care provider to the cabinet; or

2. Reduction in child care payments; or

3. Reduction of AFDC benefits only upon a voluntary request of the recipient family.

(d) Repayment by the individual shall allow the recipient family to retain, for any month, a

reasonable amount of funds.

(e) Underpayments and overpayments may be offset against each other in adjusting incorrect payments.

(f) Benefits shall not be suspended, reduced, discontinued or terminated until a decision is rendered after a hearing as specified in 904 KAR 2:055 requested within the timely notice period.

Section 10. Recoupment. The following provisions are effective for all overpayments discovered on or after April 1, 1982, regardless of when the overpayment occurred.

(1) Necessary action will be taken promptly to correct and recoup any overpayments.

(2) Overpayments, including assistance paid pending hearing decisions, shall be recovered:

(a) The claimant;

(b) The overpaid assistance unit;

(c) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member; or

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

(3) Overpayments shall be recovered through:

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

(b) Reduction of future AFDC benefits, which shall result in the assistance group retaining, for the payment month, family income and liquid resources of not less than ninety (90) percent of the amount of assistance paid to a like size family with no income in accordance with Section 7 of this regulation; or

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

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

(5) Neither reduction in future benefits nor civil action shall be taken except after notice and an opportunity for a fair hearing as specified in 904 KAR 2:055 is given and the administrative and judicial remedies have been exhausted or abandoned in accordance with Title 904, Chapter 2.

Section 11. Material Incorporated by Reference. (1) Forms necessary for verification of child care and supportive service payments in the JOBS program are incorporated effective October 1, 1990. These forms include the PA-33, revised 10/90, the PA-33.1, revised 10/90, and the PA-32, revised 10/90.

(2) These forms may be inspected and copied at the Department for Social Insurance, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

MIKE ROBINSON, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: May 7, 1991

FILED WITH LRC: May 13, 1991 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 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 June 16, 1991, 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: Sanctioned individuals - The Department does not maintain statistics specifying the number of sanctioned individuals in the AFDC program. It is not possible to identify the number of entities. Child Care as Transitional Supportive Service - This change will affect only 3 cases statewide. At the present time, no child care is being paid but the potential is there. Adoption Assistance Payments - The department does not maintain statistics specifying the number of children for whom adoption assistance payments are made that could potentially be added to AFDC cases. It is not possible to identify the number of entities.

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

1. First year: Sanctioned Individuals - There is no way to speculate the cost or savings to those affected by this change as there is no way to determine how many cases involve sanctioned individuals. Child Care as Transitional Supportive Service - Based on an average of 8 cases qualifying for transitional supportive service since October 1990, the average amount spent in a 90 day period would be \$200 per case. The impact will be minimal as a result of the change. Adoption Assistance Payments - There is no way to predict how many households there are with children for whom adoption assistance payments are paid for, will be added to AFDC cases. No cost or savings determination.

2. Continuing costs or savings: Same as above.

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

(b) Reporting and paperwork requirements: Sanctioned Individuals - None. Child Care Transitional Supportive Service - None. Adoption Assistance Payments - None.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: As stated under entities and direct and indirect cost or savings to those affected under first year it is not possible to determine cost or savings to items 1 and 3 to the administration either, for the same reasons. Item 2 will have a minimal impact.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Sanctioned Individuals - None. Child Care as Transitional Supportive Service - None. Adoption Assistance Payments - None.

(3) Assessment of anticipated effect on state

and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None. These are federally mandated changes.

(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. Eligibility conditions for AFDC must be applied on a consistent and equitable basis in accordance with federal regulations at 45 CFR 233.10(2)(1).

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 45 CFR 233.20, PL 101-508, 45 CFR 250.73.

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. Allowance of applicable earnings disregards applied to earned income of sanctioned individuals. Deletion of child care as transitional supportive service. Deletion of adoption assistance payments as disregarded or excluded 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 Services Division of Family Services (Proposed Amendment)

905 KAR 1:180. DSS policy and procedures manual.

RELATES TO: KRS 194.060, 199.420 to 199.990, 200.080 to 200.120, 205.201 to 205.204, 205.455 to 205.465, Chapters 208, 209, and 600 to 645

STATUTORY AUTHORITY: KRS 194.050, 199.420, 200.080, 209.030, 605.150, 615.050, 620.180, 625.120, 630.140, 635.100, 640.120, 645.250

NECESSITY AND FUNCTION: 42 USC 9901-9912 [P.L. 97-35], "Block Grants for Social Services - Title XX," authorizes grants to states for social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt [such rules and] regulations as are necessary to implement programs mandated by federal law, or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. The function of this manual is to implement a statewide social services program. This administrative regulation is amended in order to comply with KRS 13A.221, that requires a separate administrative regulation for each topic of general subject matter. Material related to child protective services, adult protective services, and fair hearings is

deleted from this regulation. New administrative regulations have been promulgated - 905 KAR 1:330, Child protective services; 905 KAR 5:070, Adult protective services; 905 KAR 1:320, Fair hearings - that shall contain provisions relating to child protection, adult protection and fair hearings respectively.

Section 1. DSS Policies and Procedures Manual. For the purpose of implementing and enforcing those sections of the Kentucky Revised Statutes relating to social service programs for children and adults that apply to the Department for Social Services, the Secretary of the Cabinet for Human Resources hereby adopts, by reference, the Department for Social Services' Policy and Procedural Manual as revised March, 1991, [through January 1, 1988,] as the current policies and procedures of that department. The manual contains policies and procedures relating to management procedures, adult services, support services, family and children's services, and youth services. The Department for Social Services' Policy and Procedures Manual may be reviewed in any departmental field office located in each of the 120 counties or at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky, during regular working hours.

Section 2. Summary of Amendment. In Chapter I, Management Procedures, delete in their entirety Section A.5., Fair Hearings, dated November, 1987, refer to 905 KAR 1:320. In Chapter II, Adult Services, delete in their entirety Section A, Adult Protection, Spouse Abuse, General Adult Services, dated July, 1987, refer to 905 KAR 5:070. In Chapter IV, Family and Children's Services, delete in their entirety Section a., Child Protective Services, dated January, 1988, refer to 905 KAR 1:330, Child protective services. [In Chapter IV, Family and Children's Services, delete in their entirety Section A, Child Protective Services, and Section B, Commitment and Termination, dated 7/87, and substitute in lieu thereof the revised Section A, Child Protective Services, and Section B, Commitment and Termination, dated 1/88. These revised sections clarify a variety of procedures including the procedures for child abuse/neglect reporting, interviewing children, and medical consent for children under temporary or emergency custody of the Department for Social Services.]

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

APPROVED BY AGENCY: May 7, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 21, 1991 at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by June 16, 1991: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: J. R. Nash

(1) Type and number of entities affected: The

type and number of entities affected are all families, children and adults who may be benefited by the implementation of the statewide social service programs through the current policies and procedures of the Department for Social Services.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs or savings to the affected entities.

1. First year: There are no direct or indirect costs or savings to the affected entities.

2. Continuing costs or savings: There are no direct or indirect cost or savings to the affected entities.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing cost or any effects upon competition.

(b) Reporting and paperwork requirements: There are no additional reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: The effects on the administrative body is that it initiates the process of complying with 13A.221 which requires separate administrative regulations for each topic of general subject matter.

(a) Direct and indirect costs or savings: There are no direct or indirect cost or savings to the administrative body.

1. First year: There are no direct or indirect cost or savings to the administrative body.

2. Continuing costs or savings: There are no direct or indirect cost or savings to the administrative body.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing the costs.

(b) Reporting and paperwork requirements: There are no additional reporting or paperwork requirements as a result of this amended regulation.

(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: No alternatives were considered as this incorporated material has been replaced with separate regulations pursuant to KRS 13A.221.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, regulation or policy in conflict, but this regulation deletes incorporated material that has been promulgated into separate administrative regulations pursuant to KRS 13A.221.

(a) Necessity of proposed regulation if in conflict: There is no conflict in statute, regulation or policy.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: This does not apply as no conflict exists.

(6) Any additional information or comments: There is no additional information or comments.

TIERING: Was tiering applied? No. This regulation amends the policies and procedures of all offices of the Department for Social Services and is effective statewide.

**CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)**

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

RELATES TO: KRS 205.520, 205.575

STATUTORY AUTHORITY: KRS 194.050, 20 CFR 405.402 through 405.488, 42 CFR 440.10, 440.140, 447.250 through 447.280, 42 USC 1396a, b, d, r-4

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. KRS 205.575 provides for hospital indigent care assurance program (HICAP) payments. This regulation sets forth the method for determining amounts payable by the cabinet for hospital inpatient services.

Section 1. Acute Care Hospital, Rehabilitation Hospital and Mental Hospital (Including Psychiatric Facility) Inpatient Services. The Department for Medicaid Services shall [state agency will] pay for inpatient hospital services provided to eligible recipients of Medical Assistance through the use of rates that are reasonable and adequate to meet the costs that are required to be incurred by efficiently and economically operated hospitals to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

Section 2. Establishment of Payment Rates. The policies, methods, and standards to be used by the cabinet in setting payment rates are specified in the cabinet's "Inpatient Hospital Reimbursement Manual" revised April 1, 1991 [July 1, 1990], and amended August 1, 1990, which is incorporated by reference in this regulation. For any reimbursement issue or area not specified in the manual, the cabinet shall [will] apply the Medicare standards and principles [described in 20 CFR Sections 405.402 through 405.488] (excluding the Medicare inpatient routine nursing salary differential). The Kentucky Medical Assistance Program Inpatient Hospital 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 3. Compliance with Federal Medicaid Requirements. The cabinet will comply with the requirements shown in 42 CFR 447.250 through 447.280.]

Section 3. [4.] General Description of the Payment System. (1) Use of prospective rates. Each hospital shall [will] be paid using a prospective payment rate based on allowable Medicaid costs and Medicaid inpatient days. The prospective rate shall [will] be all inclusive in that both routine and ancillary cost shall [will] be reimbursed through the rate. For universal rate years prior to January 1, 1985 the prospective rate shall [will] not be subject

to retroactive adjustment except to the extent that an audited cost report alters the basis for the prospective rate or the projected inflation index utilized in setting the individual rate is different from actual inflation as determined by the index being used. For universal rate years beginning on or after January 1, 1985, the prospective rate shall [will] not be subject to retroactive adjustment except to the extent that facilities with a rate based on unaudited data shall [will] have their rate appropriately revised for the rate year when the audited cost report is received from the fiscal intermediary. However, total prospective payments shall not exceed the total customary charges in the prospective year. Overpayments shall [will] be recouped by payment from the provider to the cabinet of the amount of the overpayment, or alternatively, by the withholding of the overpayment amount by the cabinet from future payments otherwise due the provider.

(2) Use of a uniform rate year. A uniform rate year shall [will] be set for all facilities, with the rate year established as January 1 through December 31 of each year. The first uniform rate year for mental hospitals shall be July 1, 1985 through June 30, 1986; however, effective January 1, 1986 the mental hospital rate year shall be reestablished and shall be January 1 through December 31 of each year thereafter. Changes of rates throughout the rate year as a result of policy changes shall not change the rate year, although the facility rates may change. Hospitals are not required to change their fiscal years.

(3) Trending of cost reports. Allowable Medicaid cost as shown in cost reports on file in the cabinet, both audited and unaudited, shall [will] be trended to the beginning of the rate year so as to update Medicaid costs. When trending, capital costs and return on equity capital are excluded. The trending factor to be used shall [will] be the Data Resources, Inc. rate of inflation for the period being trended.

(4) Indexing for inflation. After allowable costs have been trended to the beginning of the rate year, an indexing factor shall be [is] applied so as to project inflationary cost in the uniform rate year. The forecasting index currently in use is prepared by Data Resources, Inc. This policy shall be effective August 3, 1985.

(5) Peer grouping. Acute care hospitals (but not including those considered to be primarily rehabilitative in nature) shall [will] be peer grouped according to bed size. The peer groupings for the payment system shall [will] be: 0-50 beds, 51-100 beds, 101-200 beds, 201-400 beds, and 401 beds and up (except that the designated state teaching hospitals affiliated with or a part of the University of Kentucky and the University of Louisville shall not be included in the array for facilities with 401 beds and up unless such facility's primary characteristics are considered essentially the same as the peer group's, and the facility, although not a university teaching hospital as such, is treated in such a manner as to recognize the presence of the major pediatric teaching component existing outside the state university hospitals). No facility in the 201-400 peer group shall have its operational per diem reduced below that amount in effect in the 1982 rate year as a result of the establishment of a peer grouping of 401 beds and

up. Mental hospitals shall [will] not be peer grouped but shall [will] have a separate array of mental hospitals only. Rehabilitation hospitals and acute care hospitals considered to be primarily rehabilitative in nature shall [will] not be peer grouped or arrayed.

(6) Use of a minimum occupancy factor. A minimum occupancy factor shall [will] be applied to capital costs attributable to the Medicaid program. A sixty (60) percent occupancy factor shall [will] apply to hospitals with 100 or fewer beds. A seventy-five (75) percent occupancy factor shall [will] apply to facilities with 101 or more beds. Capital costs are interest and depreciation related to plant and equipment.

(7) Use of a reduced depreciation allowance. The allowable amount for depreciation on building and fixtures (not including major movable equipment) shall be sixty-five (65) percent of the reported depreciation amount as shown in the hospital's cost reports. The use of a reduced depreciation allowance is not applicable with regard to mental hospitals.

(8) Use of upper limits with regard to services provided on or after July 1, 1990.

(a) For acute care hospitals, an upper limit shall [will] be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in each peer group, using the most recent Medicaid cost report available as of December 1 of each year. For mental hospitals, an upper limit shall [will] be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in the array. A mental hospital designated by the cabinet as a primary referral and services resource for children in the custody of the cabinet shall be exempt from the upper limit for the array and shall be paid at actual projected cost with no year end settlement to actual cost; the projected cost may be adjusted for usual cost of living increases using the Data Resources, Incorporated Index. Upon being set, the arrays and upper limits shall [will] not be altered due to revisions or corrections of data; however the arrays or upper limits may be changed as a result of changes of agency policy. Hospitals participating in the Hospital Indigent Care Assurance Program (HICAP) shall also receive, in addition to regular program payments, amounts which are payable under HICAP. The HICAP payments shall be the product of the ratio of each hospital's Medicaid patient days compared to total Medicaid patient days as applied to total available HICAP funds (which are the hospital assessments paid minus administrative expense, hold-harmless amounts, and the contingency reserve amount and taking into consideration available federal Medicaid matching funds and upper limits on HICAP payments). The formula for determination of HICAP payment amounts is shown in the Reimbursement Manual at Section 1020.(b)(2), (3), (4), and (5). No hospital participating in HICAP shall receive less than its assessment plus \$100,000 annually. Hold harmless amounts are computed separately for the first twenty (20) percent of the fund, for the 21st through 60th percent of the fund, and 61st through 100th percent of the fund. For hospitals which are disproportionate share hospitals the limitations shown in paragraph (b) of this subsection and subsection (9) of this section shall be

applicable for HICAP payments. If a hospital which is a nondisproportionate share hospital is determined by the cabinet to be a nonparticipant in HICAP, the amounts otherwise payable under HICAP to the hospital shall not be made.

(b) The following upper limits and payment principles shall apply to disproportionate share hospitals as defined in subsection (9) of this section.

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, and hospitals having twenty-five (25) percent or more nursing days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days, shall have an upper limit set at 120 percent of the weighted median per diem cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to infants under age one (1) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

2. Designated state teaching hospitals and major affiliated pediatric teaching hospitals (i.e., those affiliated with or a part of the University of Kentucky and the University of Louisville) shall have an upper limit set at 126 percent of the weighted median per diem cost for all other hospitals of comparable size (401 beds and up). The pediatric teaching hospitals shall also be paid, in addition to the facilities' base rate, an amount which is equal to two (2) percent of the base for each one (1) percent of Medicaid occupancy but this amount shall not exceed the prospective reasonably determined uncompensated Medicaid cost to the facility. In addition to the per diem amount computed using the limits specified in this subparagraph, the hospitals shall be paid (as appropriate) additional amounts for services to infants under age one (1) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.

3. Mental hospitals with Medicaid utilization of thirty-five (35) percent or higher shall have an upper limit set at 115 percent of the weighted median per diem cost for hospitals in the array. The per diem amount shall be computed using this upper limit or by using the disproportionate share minimum payment amount shown in subsection (9)(b)1 of this section if doing so [will] results in a higher per diem amount.

4. All other disproportionate share acute care hospitals shall have their upper limit set at the weighed median per diem of the cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to infants under age one (1) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this

section if greater.

(9) Disproportionate share hospitals.

(a) Disproportionate share hospitals are those hospitals meeting the criteria specified in 42 USC 1396r-4(b) [Section 4112(b)] and (d) [of the Omnibus Budget Reconciliation Act of 1987 (OBRA 87)] and those hospitals which may not meet such criteria but meet the criteria specified in 42 USC 1396r-4(d) [Section 4112(d) of OBRA 87] and meet this additional criteria:

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher and mental hospitals with Medicaid utilization of thirty-five (35) percent or higher;

2. Hospitals which are designated state teaching hospitals;

3. Hospitals which are designated major pediatric teaching hospitals;

4. Hospitals having twenty-five (25) percent or more nursery days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days; and

5. Effective with regard to services provided on or after July 1, 1990, hospitals not meeting the additional criteria specified in subparagraphs 1 through 4 of this paragraph but with Medicaid utilization of one-half (1/2) of one (1) [five (5)] percent or higher.

(b) The upper limit for payments for hospitals in Kentucky shall be [is] set at the lower of allowable Medicaid cost or the median of the facility array of allowable cost with payment adjustments allowed for hospitals deemed disproportionate share hospitals in accordance with subsections (8) and (9) of this section. For compliance with 42 USC 1396r-4(c) [Section 4112(c) of OBRA 1987], the minimum payment adjustment and actual payment adjustment shall [will] be computed in the following manner:

1. All hospitals determined to be disproportionate share hospitals shall be entitled to a minimum payment adjustment equal to one (1) dollar as an addition to the hospital payment rate computed using usual upper limits; and for hospitals with Medicaid utilization in excess of one (1) standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, a further payment adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid utilization in the hospital which is in excess of utilization at the one (1) standard deviation level.

2. Effective with regard to medically necessary hospital inpatient services provided by all Kentucky disproportionate share hospitals on or after July 1, 1990 to infants under the age of one (1) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other infants are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the infants.

3. Effective with regard to services provided on or after July 1, 1990 any hospital which is participating in the Hospital Indigent Care Assurance Program (HICAP) shall receive disproportionate share payments under HICAP. HICAP assessments and payments are described in 907 KAR 1:017, Hospital indigent care assurance program. If a hospital is determined by the

cabinet to be a nonparticipant in the HICAP program, the hospital shall be entitled to the minimum adjustment shown in subparagraph 1 of this paragraph.

(10) Operating costs shall not include professional (physician) costs for purposes of establishing the median based upper limits. Professional costs shall be trended separately.

(11) Hospitals whose general characteristics are not those of an acute care or mental hospital (i.e., because they are rehabilitation hospitals or acute care hospitals considered to be primarily rehabilitative in nature) are not subject to the operating cost upper limits.

(12) Rate appeals. As specified in the Inpatient Hospital Reimbursement Manual, hospitals may request an adjustment to the prospective rate with the submittal of supporting documentation. The established appeal procedure allows a representative of the hospital group to participate as a member of the rate review panel.

Section 4. [5.] Payments to Participating Out-of-state Hospitals. (1) Effective with regard to services provided on or after July 1, 1990 participating out-of-state hospitals shall be reimbursed for covered inpatient services rendered eligible Kentucky Medicaid recipients at the rate of seventy-five (75) percent of usual and customary charges, up to the in-state per diem upper limit for a comparable size hospital, except as specified in subsection (2) of this section.

(2) Effective with regard to medically necessary hospital inpatient services provided on or after July 1, 1990 to infants under the age of one (1), for days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other infants are after thirty (30) days from the date of admission, participating out-of-state disproportionate share hospitals (determined in the same manner as for in-state hospitals except that out-of-state hospitals are not included in facility arrays) shall be paid at the rate of eighty-five (85) percent of usual and customary actual billed charges up to 110 percent of the per diem upper limit for the in-state peer group for comparably sized hospitals in recognition of exceptionally high costs and lengths of stay related to infants under the age of one (1), without regard to length of stay or number of admissions of the infants.

(3) Effective with regard to services provided on or after February 1, 1991, professional costs (i.e., physician fees) for all covered days of stay shall be paid at seventy-five (75) percent of [on the basis of] the usual and customary charges of the provider.

Section 5. Effective Date. Except as provided in Sections 3(9)(a)5 and 4(3) of this regulation, the amendments to this regulation shall be effective with regard to services provided on or after January 1, 1991.

ROY BUTLER, Commissioner

APPROVED BY AGENCY: April 8, 1991

FILED WITH LRC: April 18, 1991 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 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 June 16, 1991, 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 hospitals participating in Medicaid.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: \$185.3 million (costs)*

2. Continuing costs or savings: \$185.3 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: *Total increased payments for the HICAP program is \$185.4 million (special provider assessments and federal matching funds).

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 1:019. Pharmacy services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 440.120, 447.331, 447.332, 447.333, 42 USC

1396a, 1396b, 1396c, 1396d, 1396s
[205.560(1)(a), (b), (c)]

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 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. Definitions. (1) "Drug manufacturer [or distributor]" means an entity meeting the definition shown in 42 USC 1396s(k)(5) [those companies which the KMAP requests to provide directly to the KMAP pricing or cost information which shall be used in establishing the estimated acquisition cost upper limit as required by federal regulations].

(2) "Outpatient drug program" means the program of drug services provided directly by pharmacists to Medicaid recipients, including both the drug product and dispensing of the drug.

Section 2. Prescribed Drugs; Coverage and Limitations Provisions Relating to the Outpatient Drug Program. Drugs prescribed by a physician, osteopath, [or] dentist or podiatrist in accordance with 907 KAR 1:020 shall be provided in accordance with the coverage and [following] limitations provisions specified in this section of the regulation.

(1) Coverage for outpatient drugs shall be limited to drugs for which the drug manufacturer has entered into and complies with a rebate agreement under 42 USC 1396s(a) which are prescribed for a medically accepted indication, and those drugs with a preauthorized exemption from the rebate agreement granted by the Health Care Financing Administration.

(2) [(1) The] Drugs [must be] included on the Kentucky Medical Assistance Program Outpatient Drug List (as published by the Cabinet for Human Resources) may be provided without preauthorization. Preauthorization shall be required for all other drugs.

(3) The drugs or classes of drugs listed in 42 USC 1927s(d)(2) shall be excluded from coverage unless specifically (individually by drug within the class) placed on the outpatient drug list or preauthorized using the usual preauthorization criteria of the department for Medicaid services.

(4) [(2)] Prescribing quantities may be limited by the program.

(5) [(3)] Patients placed in "lock-in" status due to overutilization shall receive services only from their lock-in provider except in the case of emergency or referral.

(6) [(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.

(7) [(5)] No prescription shall be refilled more than five (5) times, or more than six (6)

months after the original prescription is written.

(8) [(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.

(9) [(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.

(10) [(8) Effective May 1, 1975,] Legend drugs, of a type not included on the Kentucky Medical Assistance Program Outpatient Drug List, and which will prevent hospitalization or a higher level of care of the patient [meet established criteria], shall be considered covered for individual recipients when preauthorized by qualified medical professionals within the Department for Medicaid Services.

(11) [(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 for those recipients in nursing facilities who meet patient status criteria for the facility. [; and]

(12) [(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 3. [4.] The amendments to this regulation shall be effective with regard to services provided on or after May 1, 1991 [October 1, 1990].

ROY BUTLER, Commissioner

APPROVED BY AGENCY: April 8, 1991

FILED WITH LRC: April 18, 1991 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 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 June 16, 1991, 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 pharmaceutical manufacturers; all pharmacists; all 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: \$10 million to \$15 million (costs)

2. Continuing costs or savings: \$10 million to \$15 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: None

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 1:382. Incorporation by reference of the Preventive Health Services Manual.

RELATES TO: KRS 205.520[, Title XIX of the Social Security Act]

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 447.325, 42 USC 1396a, 1396c, 1396d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medical Assistance Program [in accordance with Title XIX of the Social Security Act and KRS 205.520. KRS 205.520 empowers] The cabinet, by regulation, is empowered to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the preventive health services component of the Medical Assistance Program. In the event of a conflict between manual materials incorporated by reference in this regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail.

Section 1. Incorporation by Reference. The cabinet incorporates by reference the Preventive Health Services Manual, revised April 1, 1991 [dated October 26, 1988], used in the implementation of this component of the Kentucky Medical Assistance Program. This manual contains the policies and procedures issued by the cabinet for the implementation of this program element including benefit descriptions and operating instructions used by agency staff and participating providers.

Section 2. This manual incorporated by reference may be reviewed Monday through Friday between the hours of 8 a.m. and 4:30 p.m., Eastern time, in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which shall [will] not exceed approximate cost.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 18, 1991

FILED WITH LRC: April 25, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 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 June 16, 1991, 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 providers of preventive health services are potentially affected.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no direct or indirect cost or savings to affected entities because this administrative regulation adopts manual materials incorporated by reference that outline procedures and operating instructions for agency staff and participating providers. Any direct or indirect cost or savings would be addressed in the primary component administrative regulation.

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

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:390. Incorporation by reference of the hearing services manual.

RELATES TO: KRS 205.520[, Title XIX of the Social Security Act]

STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a, 1396c, 1396d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medical Assistance Program, [in accordance with Title XIX of the Social Security Act and KRS 205.520. KRS 205.520 empowers] The cabinet is empowered to comply with any requirement that is imposed or opportunity presented by federal

law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the hearing services component of the Medical Assistance Program. In the event of a conflict between manual materials incorporated by reference in this regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail.

Section 1. Incorporation by Reference. The cabinet shall incorporate by reference the hearing services manual effective April 1, 1991 [February 1, 1990] used in the implementation of this component of the Kentucky Medical Assistance Program. This manual contains the policies and procedures issued by the cabinet for the implementation of this program element including benefit descriptions and operating instructions used by agency staff and participating providers.

Section 2. This manual incorporated by reference may be reviewed Monday through Friday between the hours of 8 a.m. and 4:30 p.m., Eastern time, in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which shall [will] not exceed approximate cost.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 18, 1991

FILED WITH LRC: April 25, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 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 June 16, 1991, 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 providers of hearing services are potentially affected.

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

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing

costs (note any effects upon competition):

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no direct or indirect cost or savings to affected entities because this administrative regulation adopts manual material incorporated by reference that outline procedures and operating instructions for agency staff and participating providers. Any direct or indirect cost or savings would be addressed in the primary component administrative regulation.

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

CABINET FOR HUMAN RESOURCES Department for Medicaid Services (Proposed Amendment)

907 KAR 1:400. Incorporation by reference of the Renal Dialysis Center Services Manual.

RELATES TO: KRS 205.520[, Title XIX of the Social Security Act]

STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a, 1396c, 1396d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medical Assistance Program, [in accordance with Title XIX of the Social Security Act and KRS 205.520. KRS 205.520 empowers] The cabinet is empowered to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the renal dialysis center services component of the Medical Assistance Program. In the event of a conflict between manual materials incorporated by reference in this regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail.

Section 1. Incorporation by Reference. The cabinet incorporates by reference the Renal Dialysis Center Services Manual, revised April 1, 1991 [September 1, 1988], used in the implementation of this component of the Kentucky Medical Assistance Program. This manual contains

the policies and procedures issued by the cabinet for the implementation of this program element including benefit descriptions and operating instructions used by agency staff and participating providers.

Section 2. This manual incorporated by reference may be reviewed Monday through Friday between the hours of 8 a.m. and 4:30 p.m., Eastern time, in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which shall [will] not exceed approximate cost.

ROY BUTLER, Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 18, 1991

FILED WITH LRC: April 25, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 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 June 16, 1991, 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 providers of renal dialysis center services are potentially affected.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no direct or indirect cost or savings to affected entities because this administrative regulation adopts manual material incorporated by reference that outline procedures and operating instructions for agency staff and participating providers. Any direct or indirect cost or savings would be addressed in the primary component administrative regulation.

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

PROPOSED REGULATIONS RECEIVED BY NOON, MAY 15, 1991

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:010. Kentucky educational savings plan trust definitions.

RELATES TO: KRS 164A.300 to 164A.380

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.325(10) provides that the Kentucky Educational Savings Plan Trust Board shall have the power to promulgate rules and regulations to carry out and effectuate the purposes and objectives of the Kentucky Educational Savings Plan Trust (KRS Chapter 164A). Executive Order 90-433 reorganized the administration of the trust, and assigned the duties conferred by KRS 164A.300 through 164A.380 to the Board of Directors of the Kentucky Higher Education Assistance Authority. KRS 164A.305(1) through (16) defines certain terms and words, but does not define other terms and words which are necessary to carry out and accomplish the purposes, objectives and provisions of KRS Chapter 164A ("Act"). This regulation defines additional terms and words which shall be interpreted and applied in a uniform manner when used in the participation agreement, forms, notices and other instruments related to the administration of the trust.

Section 1. Definitions. The language used in the administration of the trust contains some legal and technical terms as well as everyday terms which, of necessity, have specialized meaning. The following definitions shall be controlling in the interpretation and application of these words and phrases, except where the context clearly requires another interpretation:

(1) The term "academic period" shall mean one (1) semester or one (1) quarter or an equivalent period for a vocational technical institution.

(2) The word "account" shall denote the account in the program fund established and maintained under the trust for a beneficiary.

(3) The term "account balance" shall mean the fair market value of an account as of the accounting date.

(4) The term "accounting date" shall mean the date, not later than the last business day of each quarter as determined by the program administrator.

(5) The term "administrative fee" shall mean the fee charged by the trust on cancellation or termination, which is the lesser of two (2) percent of the amount refunded or twenty-five (25) dollars, or for multiple substitution of beneficiaries, twenty-five (25) dollars.

(6) The term "designated date" shall mean the date on which each beneficiary is eligible to be designated in a participation agreement.

(7) "Effective date" shall mean the date which a participant may enter into a participation agreement with the trust, which is on or after July 1, 1989.

(8) The term "general unrestricted endowment income" shall mean the investment income derived from the endowment fund which benefits are paid for a beneficiary attending an institution in the Commonwealth.

(9) The words "hardship" or "emergency" shall denote those circumstances and conditions of a

sudden nature, including catastrophic illness, which deprive the participant or his dependent from the basic necessities or comforts of life or proper health care.

(10) The term "Kentucky ties" shall mean participants or beneficiaries who have contact or ties with the Commonwealth, such as current or former residence or employment in the Commonwealth, or family members with current or former residence in the Commonwealth.

(11) The term "minimum rate of return" shall mean the minimum earnings of four (4) percent guaranteed by the trust on payments made by the participant.

(12) "Notice to delay benefits under participation agreement" shall mean the form which a participant submits to the program administrator of the trust to delay benefits under a participation agreement, after the beneficiary has attained the age of eighteen (18).

(13) "Notice to extend payments under participation agreement" shall mean the form which a participant submits to the program administrator of the trust to extend payments under a participation agreement beyond the beneficiary's age of eighteen (18).

(14) "Notice to increase or decrease payments under participation agreement" shall mean the form which a participant submits to the program administrator of the trust to increase or decrease payments under a participation agreement.

(15) "Notice to preauthorize debit" shall mean the form which a participant completes to notify the participant's financial institution to debit or charge the participant's checking or savings account for payments due under the participation agreement.

(16) "Notice to substitute beneficiary" shall mean the form which a participant submits to the program administrator of the trust to substitute a beneficiary.

(17) "Notice to terminate the participation agreement" shall mean the form which a participant submits to the program administrator of the trust to terminate a participation agreement under the trust.

(18) "Notice to use trust benefits" shall mean the form which a participant submits to the program administrator of the trust to notify the trust of the date benefits are to begin and level of benefits paid.

(19) "Notice to withhold payments from payroll" shall mean the form which a participant submits to the program administrator of the trust to direct the participant's employer to withhold payments from the participant's payroll check and forward that amount to the trust.

(20) The word "payments" shall denote the money paid by the participant to the trust under the participation agreement.

(21) The term "payment book" shall mean the book which contains individual coupons, designating the amount and due date of each payment.

(22) The terms "property settlement agreement" or "decree of dissolution by the court" shall mean the agreement or judgment approved or entered by a court of competent jurisdiction which sets forth the participant's right, if any, to the participant's interest in the

participation agreement.

(23) The term "restricted endowment income" shall mean the investment income from the endowment fund which may be distributed as benefits only to a particular group or class of beneficiaries, such as the beneficiaries of participants who are employees or members of a particular organization.

(24) The term "trust year" shall mean the fiscal year beginning July 1 and ending the following June 30 of each year for purposes of the calculation of benefits.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991, at 10 a.m., at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The regulation affects residents of any state who choose to participate in the Kentucky Educational Savings Plan Trust Program as authorized pursuant to KRS 164A.380. Qualifying participants or beneficiaries would be those who have "Kentucky ties", and beneficiaries who have not attained the age of 15. In addition to potential beneficiaries outside the Commonwealth of Kentucky who have "Kentucky Ties", there are in 1991 approximately 850,000 children no older than fourteen in the Commonwealth who are potential beneficiaries.

(a) Direct and indirect costs or savings to those affected: The purpose of the legislation is to give participants an opportunity to fund future higher education costs for beneficiaries. This regulation defines certain terms and words which shall be interpreted and applied in a uniform manner in the participation agreement, forms, notices, and other instruments related to the administration of the trust. However, the terms and words, by definition, impose certain obligations on a participant and the trust. To defray the costs of administering the trust, a \$25 or 2% administration fee is required under certain conditions to cancel or terminate the participation agreement or for multiple substitution of beneficiaries; otherwise, no fee is charged. This regulation adopts a minimum rate of return of 4% on payments made by the

participant.

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: Each participant will enter into a participation agreement which sets out guidelines to participate in the program. A participant shall complete and forward to the trust the required notices to: (1) delay or to use benefits; (2) extend, increase, or decrease payments; (3) debit or charge a checking or savings account for payments; (4) substitute a beneficiary; (5) cancel or terminate a participation agreement; or (6) withhold payments from payroll.

(2) Effects on the promulgating administrative body: The trust is responsible for recordkeeping and enforcing the obligations delineated by the terms and conditions of the participation agreement. The Kentucky Higher Education Assistance Authority will serve as staff for the Kentucky educational savings plan trust and will solicit necessary professional services as instructed by the Board.

(a) Direct and indirect costs or savings: The Kentucky educational savings plan trust program is budgeted \$131,600 for fiscal year 1990-91, and we anticipate a 1991-92 budget of approximately \$250,800. The administrative fee is sufficient to offset the trust's costs for processing the required paperwork for cancellation or substitution of a beneficiary, and the guaranteed rate of return is less than the anticipated return on the payments.

1. First year: None.

2. Continuing costs or savings: None.

3. Additional factors increasing or decreasing costs: None.

(b) Reporting and paperwork requirements: The trust is responsible for responding to any notice submitted by a participant. We envision no increase in reporting, but we anticipate some additional paperwork burden associated with the responsibility of the trust.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on any state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Pursuant to the statutory authority, the board is establishing general rules for the administration of the trust. There are no alternative methods for establishing the requisite procedures.

(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 in conflict with the proposed administrative regulation.

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

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

(6) Any additional information or comments: None.

TIERING: Was tiering applied? No. The concept of tiering is not applicable to the provisions of this regulation. The proposed regulation adopts the definitions of words and terms, and does not impose a burden or a restriction on a participant, but provides the maximum benefits to all participants and beneficiaries on an equal basis.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:020. General rules for investments and fund transfers.

RELATES TO: KRS 164A.310(4), 164A.325(1), 164A.335(1), 164A.375

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.300 through 164A.380 confer certain powers and duties upon the Kentucky educational savings plan trust to invest funds and to utilize the administrative fund to support its activities. Executive Order 90-433 reorganized the administration of the trust, and assigned those powers and duties to the Board of Directors of the Kentucky Higher Education Assistance Authority. This regulation sets forth the policy for investments and fund transfers.

Section 1. Definitions. (1) "Administrative fund" (as defined in KRS 164A.305(2)).

(2) The term "board" shall mean the board of directors of the Kentucky Higher Education Assistance Authority which manages the Kentucky educational savings plan trust pursuant to Executive Order 90-433.

(3) "Endowment fund" (as defined in KRS 164A.305(6)).

(4) "Program administrator" (as defined in KRS 164A.305(12)).

(5) "Program fund" (as defined in KRS 164A.305(13)).

(6) The term "trust year" shall mean the fiscal year period beginning July 1 of each year and ending June 30 of the following year.

Section 2. Investments. (1) The program administrator and any trustee or depository institution holding funds received pursuant to KRS 164A.335 shall adhere to the following standards:

(a) Safety of principal at the time of a projected cash need shall be paramount for all investment situations.

(b) Liquidity of investments shall be assured for funds which may be needed to satisfy short term cash flow needs; and

(c) Except as provided in paragraphs (a) and (b), maximizing investment yield shall be the prime objective of any investment.

(2) Funds received pursuant to KRS 164A.335 may be invested in any of the following:

(a) Deposits or banker's acceptances with commercial banks whose outstanding indebtedness is rated A or better by a nationally recognized rating service, and deposits with any financial institution to the extent fully insured by the Federal Deposit Insurance Corporation or other U.S. government insurance entity;

(b) U.S. Treasury securities, obligations backed by the full faith and credit of the United States government, and U. S. government agency securities;

(c) Repurchase agreements, both overnight and term, must be governed by a Public Securities Association or equivalent master repurchase agreement including the appropriate annexes. These agreements shall be collateralized at 100% with U.S. Treasury securities, U.S. government agency securities, and other obligations backed by the full faith and credit of the United States government. Collateral shall be held by a third party custodian.

(d) Bank certificates of deposit rate A/A-1 or

better by a nationally recognized rating service.

(e) State or municipal obligations rated in one (1) of the two (2) top classifications by a nationally recognized rating service (at least AA or Aa, SP-2 or MIG-2/VMIG-2).

(f) Obligations of any U.S. corporation, if the obligations are rated at least AA or As by a nationally recognized rating service.

(g) Collateralized mortgage or credit card obligations, mortgage backed securities, or similar securities that are collateralized at 100%, provided that the obligations are either fully insured by a U.S. government insurance entity or are issued by a corporation whose obligations would be an authorized investment.

(h) Commercial paper rated in the highest classification as established by a nationally recognized rating service (A-1 or Prime-1).

(i) Mutual funds, including money market funds, consisting of securities which would be authorized investments; and

(j) Other investments as approved by the board of directors.

Section 3. Administrative Fund. The costs of administering the Kentucky educational savings plan trust shall be paid out of the administrative fund. Funds shall be transferred periodically to the administrative fund from the program and endowment funds. Fund transfers may be made quarterly, or more or less frequently, as the program administrator determines is necessary to cover the administrative costs of the trust. The total amount transferred to the administrative fund during any trust year shall not exceed four (4) percent of the total investment earnings accruing and credited to the program and endowment funds during that trust year. Monies transferred to the administrative fund pursuant to KRS 164A.335(1) and this regulation shall be deposited in accordance with KRS 41.070(2).

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991, at 10 a.m., at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected:

There are approximately 850,000 Kentucky residents under the age of fifteen, as well as nonresidents with "Kentucky ties", who could potentially become beneficiaries in the program.

(a) Direct and indirect costs or savings to those affected: Periodically, 4% of investment earnings shall be transferred to the administrative fund for the purpose of defraying the costs of administering the program.

1. First year: The 4% transfer from endowment earnings to the administrative fund shall be based on endowment earnings for each trust year.

2. Continuing costs or savings: This transfer of funds from the investment earnings shall constitute 4% of the investment earnings each year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The amount transferred each year to the administrative fund will remain a constant 4%; however, the actual dollar amount could increase or decrease, according to the investment earnings accruing in any given year.

(b) Reporting and paperwork requirements: A negligible amount of paperwork will be required to effect the transfer of monies to the administrative fund.

(4) The regulation merely determines a maximum amount that can be transferred to the administrative fund for the purpose of operating the trust program.

(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 in conflict with the proposed administrative regulation.

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

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

(6) Any additional information or comments: None.

TIERING: Was tiering applied? No. If no, explain why tiering was not applied. The concept of tiering is not applicable to this regulation. All participants and beneficiaries receive equal consideration.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:030. Eligibility of beneficiary and participant.

RELATES TO: KRS 164A.330

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.380 provides that this act shall be construed liberally in order to effectuate its legislative intent and the powers granted shall be broadly interpreted to effectuate such intent and purposes. KRS 164A.330(4) provides that a beneficiary in a participation agreement may be designated from date of birth through age fourteen (14). This regulation establishes the eligibility criteria for a beneficiary and a participant and the proof of age required for a beneficiary to participate in the participation agreement.

Section 1. Definition. (1) "Beneficiary" (as defined in KRS 164A.305(3)).

(2) "Designation date" shall mean the date on which each beneficiary is eligible to be

designated in a participation agreement.

(3) "Kentucky ties" shall mean participants or beneficiaries who have contacts or ties with the Commonwealth, such as current or former residence, or employment in the Commonwealth, or family members with current or former residence in the Commonwealth.

(4) "Participant" (as defined in KRS 164A.305(10)).

(5) "Participation agreement" (as defined in KRS 164A.305(11)).

(6) "Program administrator" (as defined in KRS 164A.305(12)).

Section 2. Beneficiary Eligibility. A beneficiary may be a resident of any state who, on the designation date, has "Kentucky ties" if the participant does not, and has not attained the age of fifteen (15) years.

Section 3. Proof of Age. A participant shall, on signing a participation agreement, provide the program administrator with proof of the beneficiary's age, in the form of a birth certificate or such other record as the trust may require.

Section 4. Participant Eligibility. A participant may be a resident of any state who, on signing the participation agreement, has "Kentucky ties" if the beneficiary does not.

Section 5. In order to participate in the Kentucky educational savings plan trust, a participant shall submit to the program administrator a signed participation agreement, incorporated herein by reference, and valid Social Security numbers of the beneficiary and the participant.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991, at 10 a.m., at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The regulation affects the residents of any state who are desirous of participating in the program pursuant to KRS 164A.300. There are

approximately 850,000 Kentucky residents under the age of fifteen who are potentially eligible beneficiaries. Additionally, an undetermined number of residents of other states can establish eligibility as participants or beneficiaries by virtue of "Kentucky ties".

(a) Direct and indirect costs or savings to those affected: This regulation merely establishes eligibility requirements for participants and beneficiaries. There are no anticipated routine costs or savings associated with the implementation of this regulation.

1. First year: None.

2. Continuing costs or savings: None.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Under certain conditions, a fee of \$25 or two percent (2%) may be charged for cancellation or termination of the participation agreement or for multiple substitution of beneficiaries.

(b) Reporting and paperwork requirements: To establish participant eligibility, documentation, such as a birth certificate, must be submitted verifying that the potential participant has not yet reached the age of fifteen.

(2) Effects on the promulgating administrative body: The trust is responsible for recordkeeping and monitoring eligibility criteria of participants and beneficiaries.

(a) Direct and indirect costs or savings: Any costs or savings attributed to the implementation of this regulation would be negligible.

1. First year: See above.

2. Continuing costs or savings: See above.

3. Additional factors increasing or decreasing costs: None.

(b) Reporting and paperwork requirements: We envision no increase in reporting, but some additional paperwork burden associated with the determination of eligibility of participants and beneficiaries.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on any local or state revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Pursuant to the enabling statute the Board establishes rules for the administration of the trust. There are no alternative methods by which these regulations can be established.

(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 in conflict with the proposed administrative regulation.

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

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

(6) Any additional information or comments: None.

TIERING: Was tiering applied? No. If no, explain why tiering was not applied. Tiering was not applied because the proposed regulation adopts minimum eligibility criteria for participants and beneficiaries and does not impose a burden or restriction on any eligible party.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:040. Residency classification for Kentucky educational savings plan trust vested participation agreements.

RELATES TO: KRS 164A.305(15), (16), 164A.330(9)

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.305(15) provides that "vested participation agreement" means a participation agreement which has been in full force and effect during the vestment period without default. KRS 164A.305(16) provides that "vestment period" means eight (8) continuous years of residency in the Commonwealth while participating in the trust. KRS 164A.330(9) requires that each participation agreement shall provide that for a vested participation agreement, the beneficiary shall be considered a resident of the Commonwealth for tuition purposes if the beneficiary enrolls in an institution of higher education in Kentucky prior to enrollment in any other educational institution. This regulation is necessary not only to clarify, interpret, and establish the standards for residency of a beneficiary for tuition purposes, who would not otherwise be classified as a resident except for participating in the trust, but to establish proof of residency of a beneficiary.

Section 1. Definitions. (1) "Beneficiary" (as defined in KRS 164A.305(3)).

(2) The term "dependent person" means a person who is unable to meet all of the criteria listed in subsection (4) of this section.

(3) The term "domicile" means a person's true, fixed, and permanent home. It is the place where the person intends to remain, and to which the person expects to return without intending to establish a new domicile elsewhere. "Legal residence" and domicile convey the same notion of permanence and are used interchangeably.

(4) The term "independent" means a person who meets all of the following criteria. An independent person is one:

(a) Whose parent has not claimed such person as a dependent on federal or state income tax returns for the tax year preceding the date of application for reclassification of residency status;

(b) Who demonstrates no financial dependence upon parent(s); and

(c) Whose parents' income is not taken into account by any private or governmental agency furnishing educational financial assistance to the person, including scholarships, loans, and other assistance.

(5) "Institution of higher education" or "institution" (as defined in KRS 164A.305(8)).

(6) The term "parent" means one (1) of the following:

(a) A person's father or mother; or

(b) A court-appointed legal guardian. The term "parent" shall not apply if the guardianship has been established primarily for the purpose of conferring the status of resident on a person.

(7) "Participation agreement" (as defined in KRS 164A.305(11)).

(8) "Program administrator" (as defined in KRS 164A.305(12)).

(9) "Vested participation agreement" (as defined in KRS 164A.305(15)).

Section 2. Residency Requirement. An individual who has at any time been a resident of the Commonwealth of Kentucky for at least eight (8) continuous years and was designated as a beneficiary under a participation agreement for that entire eight (8) year period, shall be deemed to have a vested participation agreement, even if the beneficiary leaves the state prior to enrollment in an institution of higher education.

Section 3. Proof of Residency. (1) At any time following the expiration of the period of eight (8) years of continuous residency by the beneficiary, either the participant or the beneficiary may submit to the program administrator evidence of the residency to establish a vested participation agreement. Evidence submitted on behalf of a dependent person shall pertain to the domicile of either parent during the claimed period of residency. Individuals who enroll in college immediately following graduation from high school and remain enrolled are treated as dependent persons unless the contrary is evident from the information submitted. In such cases, domicile shall be inferred from the student's permanent address, parent's mailing address, or location of high school of graduation.

(2) A person claiming independent status shall document independent status under Section 1(4) of this regulation and shall demonstrate by clear and convincing evidence that domicile in Kentucky has been established by that person's acts.

(3) The determination of residency shall be based upon verifiable circumstances or actions. No single fact is paramount, and each situation shall be evaluated to identify those facts which are essential to the determination of domicile.

(4) The following facts, although not conclusive, shall have probative value in support of a claim for resident classification:

(a) Full-time employment in Kentucky or transfer to an employer in contiguous area while maintaining domicile in Kentucky;

(b) Filing of Kentucky resident income tax return for each applicable calendar year of claimed residency status;

(c) Attendance as a full-time, nonresident student at an out-of-state institution of higher education while determined to be a resident of Kentucky;

(d) Abandonment of a former domicile and establishing domicile in Kentucky with attendance at an institution of higher education following and only incidental to such change in domicile;

(e) Payment of occupational taxes in Kentucky;

(f) Payment of real property taxes in Kentucky;

(g) Payment of intangible personal property taxes in Kentucky;

(h) Ownership of real property in Kentucky, if the property was used as a residence during the claimed period of residency status;

(i) Long-term lease of housing during the claimed period of residency status;

(j) Kentucky automobile registration during the claimed period of residency;

(k) Kentucky driver's license during the claimed period of residency status;

(l) Registration as a Kentucky voter during the claimed period of residency;

(m) Corroborating affidavit of a nonrelative.

(5) The determination of residency shall be

based upon verifiable circumstances or actions and authenticated copies of relevant documentation. The program administrator may request additional documentation to clarify circumstances and formulate a decision that considers all relevant facts.

Section 4. Nontransferability of Vested Participation Agreement. Although the participant may freely substitute beneficiaries under a participation, the residency status acquired by a beneficiary of a vested participation agreement shall not be used to confer such status on a substituted beneficiary, nor shall the residency of one (1) beneficiary be taken into account in the establishment of a vestment period of substituted beneficiary.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The regulation affects residents of any state who choose to participate in the Kentucky educational savings plan trust program as authorized pursuant to KRS 164A.300 through 164A.380. Qualifying participants or beneficiaries would be those who have "Kentucky ties", and beneficiaries who have not attained the age of 15. In addition to potential beneficiaries outside of the Commonwealth who have "Kentucky ties", there are approximately 850,000 children in the Commonwealth under the age of 15 who are potential beneficiaries.

(a) Direct and indirect costs or savings to those affected: This regulation not only clarifies, interprets and establishes standards for residency for a beneficiary for tuition purposes who would not otherwise be classified as a resident except for participating in the trust but also to establish proof of residency of a beneficiary. There are no costs or savings associated with the adoption of this regulation.

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: Each participant will enter into a participation agreement which delineates guidelines to participate in the Kentucky educational savings plan trust program. A beneficiary will be required to provide the institution of higher education with proof of residency for tuition purposes. We envision no increase in reporting but some inconsequential paperwork associated with the responsibilities of a beneficiary.

(2) Effects on the promulgating administrative body: The trust is responsible for recordkeeping and monitoring the eligibility criteria of a participant and a beneficiary. The trust will not be affected by the requirement that a beneficiary provide the institution of higher education with proof of residency for tuition purposes.

(a) Direct and indirect costs or savings: The promulgating administrative body will experience no appreciable costs or savings.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This regulation creates no additional reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on any state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no viable alternative methods by which eligibility can be substantiated.

(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 in conflict with the proposed regulation.

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The proposed regulation adopts the minimum standards for residency of a beneficiary for tuition purposes and does not impose a different burden or restriction on beneficiaries, but, rather, it promotes the maximum benefits to all beneficiaries on an equal basis.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:050. Substitution of a beneficiary.

RELATES TO: KRS 164A.325(6), 164A.330(7), (8), 164A.340

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.330(7), (8) and 164A.340 establishes the statutory framework for the substitution of a beneficiary, and KRS 164A.325(6) provides, in pertinent part, that the trust may promulgate, impose and collect administrative fees and charges in connection with the transactions of the trust. KRS 164A.340 provides, in pertinent part, that the trust may require adjustment of either payments or benefits in the event that a substituted beneficiary is eligible for enrollment at an

institution on a date earlier than the original beneficiary. This regulation establishes the notice provision for substitution of a beneficiary and administrative fee in the event of multiple substitutions. In addition, this regulation is necessary to clarify and establish, respectively, the obligations of the participant and the trust in the event that the substituted beneficiary is older or younger than the original.

Section 1. Definitions. (1) "Administrative fee" shall mean the fee charged by the trust on substitution of a beneficiary.

(2) "Beneficiary" (as defined in KRS 164A.305(3)).

(3) "Benefits" (as defined in KRS 164A.305(4)).

(4) "Endowment fund" (as defined in KRS 164A.305(6)).

(5) "Institution of higher education" (as defined in KRS 164A.305(8)).

(6) "Notice to substitute beneficiary" shall mean the form which a participant submits to the program administrator to substitute a beneficiary.

(7) "Participant" (as defined in KRS 164A.305(10)).

(8) "Participation agreement" (as defined in KRS 164A.305(11)).

(9) "Program administrator" (as defined in KRS 164A.305(12)).

(10) "Program fund" (as defined in KRS 164A.305(13)).

Section 2. Substitution. (1) A participant may substitute a beneficiary at any time. If a participant desires to substitute the beneficiary, then a participant shall give written notice to the program administrator by submitting a "notice to substitute beneficiary." No administrative fee shall be charged for the first two (2) substitutions of beneficiary.

(2) Older beneficiary. If a substituted beneficiary would be eligible for enrollment at an institution of higher education on a date earlier than the original beneficiary, a participant shall submit a notice to substitute beneficiary to the program administrator not less than ninety (90) days before the date on which the substituted beneficiary attains age fifteen (15). The benefits shall be paid at a reduced rate equal to the rate of return generated by the program fund and endowment fund during such lesser time period.

(3) Multiple. If a participant substitutes a beneficiary under a participation agreement more than twice, then the trust shall require the participant to pay an administrative fee of twenty-five (25) dollars.

(4) In order for a substitution of beneficiary to be effective, the substituted beneficiary shall be eligible, pursuant to 11 KAR 12:030, on the date that the notice to substitute beneficiary is submitted.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing,

of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The regulation could conceivably affect residents of any state who might be named beneficiaries of the Kentucky education savings plan trust program as authorized pursuant to KRS 164A.300.

(a) Direct and indirect costs or savings to those affected: If a participant changes beneficiaries no more than two times there will be no charge. If a participant substitutes a beneficiary more than twice, then the trust shall require the participant to pay an administrative fee of \$25. If a participant substitutes an older beneficiary, then a participant must adjust the account by paying to the trust a reasonable fee to place a beneficiary on a basis of actuarial parity, or the benefits will be paid by the trust at a reduced rate. Otherwise, there are no additional anticipated savings or costs associated with the adoption of this regulation.

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: In the event a participant wishes to substitute beneficiaries, then this substitution must be reported to the trust on a prescribed form, the "Notice to substitute beneficiary".

(2) Effects on the promulgating administrative body: The trust is responsible for recordkeeping and for responding to a participant when requested to substitute a beneficiary. The net effect on the administrative agency in adopting this regulation is expected to be negligible.

(a) Direct and indirect costs or savings: There are no costs or savings attributable to the promulgating agency. When an administrative fee is assessed for multiple substitutions, that fee is paid by the participant.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: We envision no increase in reporting requirements. However, a negligible amount of paperwork will be required to maintain accurate and current lists of beneficiaries.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on any state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This regulation

prescribes procedures to be followed for the substitution of beneficiaries. There are no viable alternatives to these procedures.

(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 in conflict with the proposed regulation.

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The proposed regulation adopts the minimum requirements for a participant to substitute a beneficiary and does not impose a different burden or restriction on participants, but promotes the maximum benefits to all beneficiaries on an equal basis.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:060. Cancellation and payment of refund.

RELATES TO: KRS 164A.325(6), 164A.345

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.345(1) provides, in pertinent part, that any participant may cancel a participation agreement at will and specifies the amount of refund the participant is entitled to at various stages. That statute authorizes an administrative fee to be charged by the trust. This regulation is necessary to establish the procedures for cancellation and refund and to specify the administrative fee.

Section 1. Definitions. (1) "Account" shall denote the account in the program fund established and maintained under the trust for a beneficiary.

(2) "Administrative refund fee" shall mean the fee charged by the trust to cover the costs of processing the cancellation and refunding the account.

(3) "Hardship" or "emergency" shall mean those circumstances and conditions of a sudden nature, including catastrophic illness, which deprive the participant or his dependent from the basic necessities or comforts of life or proper health care.

(4) "Notice to terminate the participation agreement" shall mean the form which a participant submits to the program administrator to cancel a participation agreement under the trust.

(5) "Participant" (as defined in KRS 164A.305(10)).

(6) "Participation agreement" (as defined in KRS 164A.305(11)).

(7) "Program administrator" (as defined in KRS 164A.305(12)).

(8) "Program fund" (as defined in KRS 164A.305(13)).

(9) "Vested participation agreement" (as defined in KRS 164A.305(15)).

Section 2. Cancellation. (1) A participant may at any time cancel a participation agreement, without cause, by submitting to the program

administrator a notice to terminate the participation agreement.

(2) Except as provided in KRS 164A.345(2) or subsection (3) of this section, an administrative refund fee shall be deducted from the account balance refunded to the participant. The administrative fee shall be the lesser amount of two (2) percent of the total balance in the participant's account or twenty-five (25) dollars. The amount to be refunded pursuant to KRS 164A.345, less the administrative fee, shall be mailed or otherwise sent to the participant within sixty (60) days after receipt by the program administrator of notice to terminate the participation agreement.

(3) Hardship or emergency. If a participant terminates or cancels the participation agreement under conditions of hardship or emergency, then the program administrator shall immediately refund money from the account in accordance with KRS 164A.345(1), without deduction of an administrative refund fee. The participant shall submit verifiable evidence of the hardship to the program administrator simultaneous with submission of the notice to terminate the participation agreement.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: This regulation will affect an undetermined number of participants in the Kentucky education savings plan trust program who decide to cancel their participation agreements with the trust.

(a) Direct and indirect costs or savings to those affected: Participants who cancel their participation agreements will be assessed an administrative fee of \$25 or 2% of their account balance, whichever is less. Otherwise, there are no additional anticipated savings or costs associated with the adoption of this regulation.

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:

Participants who decide to cancel their participation agreements must submit a written notice to terminate the participation agreement. No other reporting or paperwork requirements are imposed on those participants.

(2) Effects on the promulgating administrative body: The net effect on the administrative agency as a result of the adoption of this regulation is expected to be negligible.

(a) Direct and indirect costs or savings: There are no savings or costs imposed on the promulgating administrative body by this regulation. The administrative fee, borne by the participant, is commensurate with the costs of processing the paperwork required for the refund after cancellation of the participation agreement.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The trust will be required to respond to a participant's notice to cancel the participation agreement. We expect cancellation to occur so rarely that the amount of additional paperwork would be negligible.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on any state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no viable alternatives to the provisions of this regulation for the cancellation of participation agreement and for equitable refunds.

(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 in conflict with the proposed regulation.

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The concept of tiering is not applicable to the provisions of this regulation. This regulation promotes the maximum benefits to all beneficiaries and participants on an equal basis.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:070. Benefits payable from the Kentucky educational savings plan trust program fund.

RELATES TO: KRS 164A.310(8), 164A.330(5), 164A.335(3)

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.310(8), 164A.335(5) and 164A.335(3) establishes the statutory framework for payment of benefits to an institution from the program fund. This regulation is necessary to establish the maximum benefits payable in any academic period, the duration of the payments, the payment of benefits for a beneficiary residing off campus and the notice provisions in the event of a refund of the payments for nonuse or unused benefits from the program fund.

Section 1. Definitions. (1) "Academic period" shall mean, as applicable to the beneficiary's program of study, one (1) semester, one (1) quarter, or an equivalent period for a vocational technical institution of higher education.

(2) "Academic year" shall mean the period beginning July 1 and ending June 30 of the following year.

(3) "Account" shall denote the account in the program fund established and maintained under the trust for a beneficiary.

(4) "Beneficiary" (as defined in KRS 164A.305(3)).

(5) "Benefits" (as defined in KRS 164A.305(4)).

(6) "Endowment fund" (as defined in KRS 164A.305(6)).

(7) "Higher education costs" (as defined in KRS 164A.305(7)).

(8) "Institution of higher education" (as defined in KRS 164A.305(8)).

(9) "Investment income" shall mean the earnings from the investments in the program fund.

(10) "Notice to delay benefits under participation agreement" shall mean the form which a participant shall submit to the program administrator to delay payment of benefits under a participation agreement beyond the beneficiary's age of eighteen (18).

(11) "Notice to use trust benefits" shall mean the form which a participant submits to the program administrator specifying the date on which payment of benefits is to commence and the level of benefits to be paid.

(12) "Participant" (as defined in KRS 164A.305(10)).

(13) "Payments" shall denote the money paid by the participant to the trust under the participation agreement.

(14) "Program administrator" (as defined in KRS 164A.305(12)).

(15) "Program fund" (as defined in KRS 164A.305(13)).

Section 2. Distribution of Benefits. (1) Upon submission of a notice to use trust benefits, the participant shall specify the level of benefits to be paid. The participant may elect distribution of an allotment of the account balance, calculated by dividing the account balance by the number of academic periods in the beneficiary's program of study, or a higher amount, which shall not exceed the beneficiary's higher education costs for each academic period. The participant may adjust the level of benefits paid in any academic period by notifying the program administrator in writing.

(2) Distribution of benefits shall begin within sixty (60) days after receipt by the program administrator of a notice to use trust benefits and shall continue throughout the beneficiary's period of enrollment at an institution of higher education, or until the account balance has been exhausted, whichever occurs first.

(3) Except as provided in Section 3 of this regulation, each distribution of benefits shall be paid directly to the beneficiary's institution of higher education.

Section 3. Beneficiary Residing Off Campus. If a beneficiary resides off campus, then the program administrator shall pay to the beneficiary, in addition to the amounts paid to

the institution, an amount equal to the cost of lodging and meal ticket for an academic period as established by said institution for on-campus students. However, the amounts paid to the institution and the beneficiary shall not exceed the amount payable in any academic period from the program fund and the endowment fund or exceed the higher education costs for that institution.

Section 4. Nonenrollment. If a beneficiary does not enroll in an institution of higher education by the first academic period of the academic year that begins after the beneficiary attains the age of eighteen (18), or if the beneficiary interrupts enrollment (other than normal intersemester vacation periods), then the program administrator shall refund the balance of payments and investment income remaining in the account in accordance with KRS 164A.350, unless the participant submits either a notice to delay benefits under the participation agreement or a notice to use trust benefits.

Section 5. Unused Benefits. (1) During academic period. If a beneficiary's higher education costs are less than the benefits due for any academic period, then that portion of the unused benefits shall accumulate to the beneficiary's account. The unused benefits plus the beneficiary's entitlement in the program fund in any academic period not exceeding the higher education costs may be paid to the institution for the beneficiary in the next succeeding academic period.

(2) After graduation. If the beneficiary graduates from an institution of higher education, and a balance in the beneficiary's account remains, then the program administrator shall pay the balance of the payments to the participant, and the balance of the investment income to the beneficiary. The program administrator shall make the payment from the program fund within sixty (60) days from the date of the beneficiary's graduation.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The regulation affects residents of any state who choose to participate in the Kentucky educational savings plan trust program. Qualifying participants or beneficiaries would be those who have "Kentucky Ties", and beneficiaries who have not attained the age of 15 as of the designated date. In 1991, there are approximately 850,000 children who have not attained the age of 15. The extent of those who will be participants and beneficiaries is unknown.

(a) Direct and indirect costs or savings to those affected: This regulation establishes the criteria by which benefits are payable on behalf of a beneficiary, including a refund of the payments due to nonuse of benefits from the program fund. In the event a beneficiary does not enroll in an institution, an administrative refund fee of \$25 or 2%, whichever is less, will be charged a participant. In the event a beneficiary does not use all of the benefits, then the trust will refund the unused benefits to a participant and charge an administrative fee on a similar basis. Otherwise, there are no additional savings or costs associated with the adoption of this regulation.

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: A participant must submit to the trust a notice to use trust benefits or a notice to delay payment of benefits. We envision no other increase in reporting or paperwork requirements imposed on a participant or beneficiary.

(2) Effects on the promulgating administrative body: The net effect on the administrative agency in adopting this proposed regulation is expected to be negligible.

(a) Direct and indirect costs or savings: The trust will make payment of benefits to an institution, and any unused benefits will be refunded to a participant and a beneficiary. Otherwise, we do not anticipate any additional costs or savings associated with this regulation.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The trust is required to make payments of benefits on behalf of the beneficiaries to an institution and to return any unused benefits to a participant and a beneficiary. We envision no increase in reporting, but there will be some additional paperwork burden associated with responsibilities of the trust.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on any state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Pursuant to KRS 164A.310(8), 164.330(5) and 164A.335(3), this proposed regulation establishes guidelines for disbursement of benefits from the fund. There are no viable alternatives for this procedure.

(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 in conflict with the proposed regulation.

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The concept of tiering was not applicable to the provisions of this regulation. All participants and beneficiaries are provided equal consideration.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:080, Benefits payable from the Kentucky educational savings plan trust endowment fund.

RELATES TO: KRS 164A.335

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.335(2) and (3) establish the statutory framework for the endowment fund and separate the fund into two (2) separate income funds, identified as the general unrestricted endowment funds and the restricted endowment income fund. KRS 164A.335(3) provides, in pertinent part, a beneficiary's pro rata interest in the investment income derived by the endowment fund in any trust year in which benefits are paid under the participation agreement to the institution. This regulation is necessary to not only clarify a beneficiary's entitlement to the general unrestricted endowment income and the restricted endowment income, if any, as established by the act, but to establish the beneficiary's entitlement to the unused general unrestricted endowment income in any trust year where there is a partial distribution or no distribution of this income.

Section 1. Definitions. (1) "Academic period" shall mean one (1) semester, one (1) quarter, or an equivalent period for a vocational technical institution of higher education.

(2) "Beneficiary" (as defined in KRS 164A.305(3)).

(3) "Benefits" (as defined in KRS 164A.305(4)).

(4) "Endowment fund" (as defined in KRS 164A.305(6)).

(5) "General unrestricted endowment income" shall mean the investment income derived from the endowment fund which benefits are paid for a beneficiary attending an institution in the Commonwealth.

(6) "Higher education costs" (as defined in KRS 164A.305(7)).

(7) "Institution of higher education" (as defined in KRS 164A.305(8)).

(8) "Investment income" shall mean the earnings from the investments in the program fund.

(9) "Participant" (as defined in KRS 164A.305(10)).

(10) "Payments" shall denote the money paid by the participant to the trust under the participation agreement.

(11) "Program administrator" (as defined in KRS 164A.305(12)).

(12) "Program fund" (as defined in KRS 164A.305(13)).

(13) "Restricted endowment income" shall mean

the investment income from the endowment fund which may be distributed as benefits only to a particular group or class of beneficiaries, such as the beneficiaries of participants who are employees or members of a particular organization.

(14) "Trust year" means the fiscal year beginning July 1 and ending the following June 30 of each year for purposes of the calculation of benefits.

Section 2. General Unrestricted Endowment Income. (1) Each beneficiary attending a Kentucky institution of higher education, who has not first attended an out-of-state institution, is entitled to receive a pro rata interest in the general unrestricted endowment income earned in the trust year preceding the trust year in which benefits are paid to an institution. The amounts paid from the general unrestricted endowment income to an institution shall be in the ratio of the payments made by each participant and investment income earned to date thereon bears to the principal amount of all money, funds and securities then held in the program fund.

(2) When the program administrator makes a payment from the program fund, the program administrator shall also simultaneously pay from the general unrestricted endowment income, such proportionate amount to the Kentucky institution, and such payment shall be used for payment of higher education costs of the beneficiary. Each payment made to the institution shall not exceed the beneficiary's entitlement in the general unrestricted endowment income in any academic period, calculated by dividing the amount payable in accordance with subsection (1) of this section by the number of academic periods of the beneficiary's program of study for that trust year.

(3) The combination of amounts payable in any academic period from the beneficiary's program fund and the beneficiary's entitlement in the general unrestricted endowment income shall not exceed the beneficiary's higher education cost.

Section 3. Restricted Endowment Income. If the beneficiary qualifies for benefits from the restricted endowment income of the endowment fund, then the beneficiary shall receive benefits in accordance with the terms and conditions agreed to by the trust and the donor. The benefits from the restricted endowment income are calculated without regard to the general unrestricted endowment income, and are in addition to the beneficiary's pro rata share of benefits from the general unrestricted endowment income.

Section 4. Unused General Unrestricted Endowment Income in Trust Year. If there is a partial distribution of the general unrestricted endowment income in any trust year, then the unused portion shall accumulate and be a part of the general unrestricted endowment income for the succeeding trust year. If there is no distribution of benefits from the general unrestricted endowment income in any trust year, then the unused income for that shall be added to, and made a part of the principal of the general unrestricted endowment fund.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The regulation affects residents of any state who choose to participate in the Kentucky educational savings plan trust program. Qualifying participants or beneficiaries would be those who have "Kentucky Ties", and beneficiaries who have not attained the age of 15. In the Commonwealth, there are approximately 850,000 children who have not reached their 15th birthday. There is no estimate as to the number who will be enrolled in the program.

(a) Direct and indirect costs or savings to those affected: This regulation clarifies a beneficiary's entitlement to the general unrestricted endowment income and the restricted endowment income and also establishes the beneficiary's entitlement to the unused general unrestricted endowment income in any trust year under certain conditions. There are no additional savings or costs associated with the adoption of this regulation.

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: No additional paperwork or reporting requirements are anticipated as a result of this regulation.

(2) Effects on the promulgating administrative body: The trust is responsible for maintaining records and for informing a participant with respect to a beneficiary's potential entitlement to the endowment fund if any. The net effect on the administrative agency is expected to be negligible.

(a) Direct and indirect costs or savings: The trust is required to make payment of unrestricted and restricted endowment income benefits, if applicable. If there is no distribution of benefits from the general unrestricted endowment income in any trust year, then the unused income for that year shall be added to and made a part of the principal of the general unrestricted endowment income.

Otherwise, there are no additional anticipated costs or savings associated with this regulation.

1. First year: None
2. Continuing costs or savings: None
3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The trust is responsible for recordkeeping and paying of unrestricted and restricted endowment income benefits to a Kentucky institution for higher education costs of a beneficiary. We envision no increase in reporting, but some additional paperwork burden associated with responsibilities of the trust.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on any state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no viable alternative methods by which the provisions of this regulation can be executed.

(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 in conflict with the proposed regulation.

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The concept of tiering is not applicable to the distribution to beneficiaries of the entitlement to the unused general unrestricted endowment income in any year during which there is a partial distribution or no distribution of this income.

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

11 KAR 12:090. Transfer of ownership of Kentucky educational savings plan trust program fund.

RELATES TO: KRS 164A.350, Chapter 385

STATUTORY AUTHORITY: KRS 164A.325(10)

NECESSITY AND FUNCTION: KRS 164A.350 states that the participant retains ownership of the principal amount of payments to the program fund, and that the trust retains ownership of the investment income until distributions are made. KRS 164A.300 through 164A.380 provide to the participant reversionary rights in the investment income in the event of termination, and confer upon the participant various powers to terminate the participation agreement, substitute beneficiaries, and delay distribution of benefits. Nothing in the foregoing statutes prohibits a participant from transferring these rights and ownership and reversionary interests to another eligible participant or to a minor beneficiary under the Uniform Transfers to Minors Act. Furthermore, nothing in the foregoing statutes precludes a beneficiary from also being a participant. This regulation permits such a transfer and sets forth the procedures to facilitate a transfer under the Uniform Transfers to Minors Act.

Section 1. Definitions. (1) "Beneficiary" (as defined in KRS 164A.305(3)).

(2) "Benefits" (as defined in KRS 164A.305(4)).

(3) "Participant" (as defined in KRS 164A.305(10)).

(4) "Participation agreement" (as defined in KRS 164A.305(11)).

(5) "Payments" shall denote the money paid by the participant to the program fund under the participation agreement.

(6) "Program administrator" (as defined in KRS 164A.305(12)).

(7) "Program fund" (as defined in KRS 164A.305(13)).

(8) "Trust" shall mean the Kentucky educational savings plan trust.

Section 2. General Rule. A participant may assign ownership interest in payments to another eligible participant at any time. An assignment of ownership shall only be effective to transfer ownership interest in the trust if the assignment:

(1) Is to another individual who qualifies as eligible pursuant to 11 KAR 12:030;

(2) Is irrevocable;

(3) Transfers all ownership, reversionary rights, and powers of appointment (i.e., power to substitute beneficiaries) and to direct the distribution of benefits; and

(4) Is in writing and submitted to the program administrator.

Section 3. Subject to Section 2 of this regulation and in accordance with KRS Chapter 385, a participant, eighteen (18) years old or older, may make a gift of the ownership interest in the program fund to a minor beneficiary by designating in the assignment that the transfer is to the trust as custodian for the beneficiary.

Section 4. Upon receipt of a valid assignment of ownership, the assignee shall be considered the participant for all purposes of KRS 164A.300 through 164A.380, regardless of the source of subsequent payments.

GEORGE SHAW, Chairman

APPROVED BY AGENCY: April 30, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 21, 1991 at 10 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Paul P. Borden

(1) Type and number of entities affected: The regulation could affect residents of any state who qualify and choose to participate in the Kentucky educational savings plan trust program. Qualifying participants would be those who have "Kentucky ties", and beneficiaries must be younger than 15 years of age.

(a) Direct and indirect costs or savings to those affected: The regulation grants to the participant ownership of the principal amount of payments to the program fund, and the trust retains ownership of the investment income until distributions are made. The regulation also grants reversionary rights to participants. There are no additional savings or costs associated with the adoption of this regulation.

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: A participant who wishes to assign ownership interest in payments to another eligible participant or to the trust as custodian for a minor beneficiary must submit such request in writing. Otherwise, there are no additional reporting or paperwork requirements imposed on the affected entities.

(2) Effects on the promulgating administrative body: The trust is responsible for recordkeeping and keeping a participant informed as to the account balance in the program fund. The net effect on the promulgating body in adopting this regulation would be negligible.

(a) Direct and indirect costs or savings: Any cost or savings to the trust as a result of adoption of this regulation would be negligible.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The trust is responsible for maintaining adequate records and for keeping participants informed as to the account balance in the program fund. Such additional requirements imposed by the adoption of the regulation would be minimal.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on any state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There are no viable alternatives to the provisions of this regulation.

(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 in conflict with the proposed regulation.

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

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The concept of tiering is not applicable to the provisions of this regulation. All eligible qualifying participants and beneficiaries are afforded equal consideration.

GENERAL GOVERNMENT CABINET
Department of State

30 KAR 1:040. Indistinguishable names.

RELATES TO: KRS 271B.4-010, 271B.15-060, 273.177, 273.364, 274.077

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 271B.4-010, 271B.15-060, 273.177, 273.364 and 274.077 require the Secretary of State to set standards for the use of indistinguishable corporate names.

Section 1. (1) Each corporation applying to use an indistinguishable name shall be an existing corporation registered on the records of the Kentucky Secretary of State. Each corporation shall be in good standing as defined in 30 KAR 1:010.

(2) The corporations shall jointly submit one (1) written application in the form set out in Section 2 of this regulation. The application shall state the names and corporate mailing addresses of the two (2) corporations, the indistinguishable name which the second corporation wishes to use, an acknowledgment that the second corporation agrees to resume the use of its original corporate name if it does not acquire the indistinguishable name, that both corporations agree to continue their corporate existence in Kentucky in good standing and maintain a qualified agent and qualified registered office during the period of the application and that authorized individuals for each corporation shall sign the application.

(3) If the Secretary of State finds that the indistinguishable name filing is correct, he shall permit the two (2) corporations to use one (1) indistinguishable name for a nonrenewable sixty (60) day period.

(4) An indistinguishable name shall not be transferred.

(5) An indistinguishable corporate name shall only be used by two (2) corporations at the same time.

Section 2. The form required in Section 1 of this regulation is as follows:

APPLICATION FOR THE USE OF AN
INDISTINGUISHABLE NAME

Corporate Name

Corporate Business Address

is a corporation in good standing in Kentucky as defined in 30 KAR 1:010, which consents to the use of the indistinguishable name,

Indistinguishable Name

by _____

Corporate Name

Corporate Business Address

Both corporations agree to continue their corporate existence in Kentucky in good standing and maintain a qualified registered agent and qualified registered office in Kentucky during the period of the application.

Each corporation agrees to resume its corporate name, which satisfies the requirements of KRS 271B.4-010, 271B.15-060, 273.177, 273.364

and 274.077 if the name change is not completed prior to the expiration of the application.

This application shall be effective for a nonrenewable sixty (60) day period and is nontransferable.

I certify that the above statements are true and accurate.

_____ Name	_____ Name
_____ Title	_____ Title
_____ Corporation	_____ Corporation

BREMER EHRLER, Secretary of State

APPROVED BY AGENCY: May 15, 1991

FILED WITH LRC: May 15, 1991 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 24, 1991, at 10 a.m. at Room 327, The Capitol, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 19, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Cathy Cravens Snell, General Counsel, Office of Secretary of State, Box 718, Frankfort, Kentucky 40602-0718.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell

(1) Type and number of entities affected: Any corporation that wishes to use an indistinguishable corporate name will be affected. We have no experience in filing this information, but estimate that it will be a low number.

(a) Direct and indirect costs or savings to those affected: The regulation imposes no fee. The fee is set by statute: KRS 271B.1-220(1)(b) for profit corporations and KRS 273.368(1)(k) for nonprofit corporations.

1. First year: N/A

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: A corporation that elects to file for the use of an indistinguishable name, must file a one page form.

(2) Effects on the promulgating administrative body: There will be a minimal effect because we estimate that there will be a relatively few filings.

(a) Direct and indirect costs or savings: The forms will be printed and mailed on request. Clerical time will be needed to process the requests.

1. First year: The statutory fee is passed through to the General Fund.

2. Continuing costs or savings: There will be

minimal costs to process the documents and maintain the records.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: There will be a small increase in state revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The authorizing statute is permissive. One alternative would be not to file indistinguishable name requests. This would place our corporate statutes in a minority position with other states.

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: N/A

TIERING: Was tiering applied? No. All corporations that wish to use an indistinguishable name will be treated equally.

GENERAL GOVERNMENT CABINET Department of State

30 KAR 1:050. Dishonored checks.

RELATES TO: KRS Chapters 271B, 272, 273, 274, 279, 287, 289, 290, 304, 355, 362, 365

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: The Secretary of State is required to collect a filing fee prior to filing all documents where a fee is specified. Occasionally the Office of the Secretary of State receives payment by a check which is later dishonored. This regulation codifies existing practice and enforces the provisions of various Kentucky statutes that require the payment of fees prior to the filing of documents.

Section 1. (1) Filing fees shall be paid prior to the filing of a document in the Office of the Secretary of State.

(2) An entity which pays for its filing fees by check which is later dishonored shall have its filing voided and removed from the records of the Secretary of State.

BREMER EHRLER, Secretary of State

APPROVED BY AGENCY: May 15, 1991

FILED WITH LRC: May 15, 1991 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 24, 1991, at 10 a.m. at Room 327, The Capitol, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 19, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written

notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Cathy Cravens Snell, General Counsel, Office of Secretary of State, Box 718, Frankfort, Kentucky 40602-0718.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Cathy Cravens Snell

(1) Type and number of entities affected: Those entities who attempt to file corporate, limited partnership, assumed name or UCC filings with a dishonored check.

(a) Direct and indirect costs or savings to those affected: The entity will not be able to refile the document unless the specified fees are paid.

1. First year: No additional filing fees are required. The entity is only required to pay what is required by statute.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: Required to refile the documents.

(2) Effects on the promulgating administrative body: None. An existing policy is being codified.

(a) Direct and indirect costs or savings: The costs are minimal and involve clerical duties.

1. First year: N/A

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: This codifies administrative policy in voiding filings where payment was made with a dishonored check. There are no new 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: (1) It would cost the taxpayer too much money to require certified checks or money orders for each filing. (2) The documents cannot be held until the check clears the bank because the statutes require that the documents be filed immediately to be effective. The Treasury returns the dishonored checks approximately 8 weeks after the filing is made.

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering was not applied because it affects each business entity that files a document with a dishonored check equally.

STATE INVESTMENT COMMISSION

200 KAR 14:061. Repeal of 200 KAR 14:060.

RELATES TO: KRS Chapter 42

STATUTORY AUTHORITY: KRS 42.520

NECESSITY AND FUNCTION: 200 KAR 14:060 is no longer required as it is being replaced by amendments to 200 KAR 14:080. KRS 42.520

requires the State Investment Commission to assign priority to public depositories on the basis of compliance with regulations promulgated pursuant to KRS Chapter 13A. Compliance with KRS 42.520 is being achieved through amendments to 200 KAR 14:080.

Section 1. 200 KAR 14:060 is hereby repealed.

WALLACE G. WILKINSON, Chairman

APPROVED BY AGENCY: May 15, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 at 9 a.m. in Room 285, Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1991, 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: James R. Ramsey, Secretary, State Investment Commission, Room 318, Capitol Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary E. Lassiter

(1) Type and number of entities affected: The entities directly affected by this regulation are the State Investment Commission, the Office of Financial Management and Economic Analysis, Kentucky banks (335) and savings and loan institutions (60), and investment banking firms with which the State Investment Commission deals (30).

(a) Direct and indirect costs or savings to those affected: The regulation is being replaced by amendments to 200 KAR 14:080. There is no direct cost or savings to those affected.

1. First year: No impact expected.

2. Continuing costs or savings: No impact expected.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No other factors are expected which would increase or decrease costs.

(b) Reporting and paperwork requirements: The repeal of this regulation will not affect the amount of reporting and paperwork required of the affected entities. All reporting and paperwork requirements referenced in the regulation being repealed are being required by amendments to 200 KAR 14:080.

(2) Effects on the promulgating administrative body: The regulation is being replaced by amendments to 200 KAR 14:080. There is no direct cost or savings to the administrative body.

(a) Direct and indirect costs or savings: There will be no direct or indirect costs to the administrative agency due to the amendment of this regulation.

1. First year: No impact expected.

2. Continuing costs or savings: No impact

expected.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The amendments to this regulation would not result in a change to the amount of reporting required of the administrative body.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered, the regulation is being replaced by amendments to 200 KAR 14:080.

(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, overlap or duplicate this regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering was not utilized because the investment of public funds requires that all institutions meet the same eligibility requirements to ensure the safe investment of public funds.

STATE INVESTMENT COMMISSION

200 KAR 14:090. Guidelines for money market instruments.

RELATES TO: KRS Chapter 42

STATUTORY AUTHORITY: KRS 42.525

NECESSITY AND FUNCTION: KRS 42.525, provides that the State Investment Commission shall prescribe rules for the operation of the state's investment program. This regulation establishes the rules which shall apply to the use of certain money market instruments which include bankers' acceptances, commercial paper and negotiable collateralized and uncollateralized certificates of deposit.

Section 1. Definitions. For purposes of this regulation:

(1) "Commission" means the State Investment Commission.

(2) "Office" means the Office of Financial Management and Economic Analysis.

(3) "Bankers' acceptance" means a short-term negotiable discount note drawn on and accepted by a bank or trust company which is obligated to pay the face value amount at maturity, which is rated in one (1) of the three (3) highest categories by a nationally recognized rating agency.

(4) "Commercial paper" means an unsecured promissory obligation having a maturity of less than 270 days and is by a nationally recognized rating agency.

(5) "Executive director" means the Executive Director of the Office of Financial Management and Economic Analysis.

Section 2. Bankers' Acceptances. (1) The office may purchase these instruments if deemed appropriate by the executive director when

originated by a bank rated in one (1) of the three (3) highest categories by a nationally recognized rating agency.

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission.

(3) These investments may be made for a period of no longer than six (6) months per investment and the total amount of the investment in this security shall not exceed the amount of ten (10) million dollars in any one (1) institution at a time.

Section 3. Commercial Paper. (1) The office may purchase these instruments if deemed appropriate by the executive director when originated by an issuer that is rated in the highest category by a nationally recognized rating agency.

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission.

(3) The investments in commercial paper shall be made for a period of no longer than nine (9) months per investment and the total amount of the investment in this security shall not exceed the amount of ten (10) million dollars by any issuer at a time.

Section 4. Negotiable Certificates of Deposit, Collateralized and Uncollateralized. (1) The office may purchase these instruments if deemed appropriate by the executive director when issued by banks rated in one (1) of the three (3) highest categories by a nationally recognized rating agency.

(2) The purchase of these instruments shall be made on a payment versus delivery basis and shall be held in the Commonwealth's account in whatever depository shall be designated as eligible by the commission.

(3) These investments may be made for a period of no longer than six (6) months per investment and the total amount of investments in these securities shall not exceed the amount of ten (10) million dollars in any one (1) institution at a time.

Section 5. Limit of Money Market Instruments of the State's Total Portfolio. The aggregate investment in bankers' acceptances, commercial paper, and negotiable certificates of deposit shall not exceed twenty (20) percent of the Commonwealth's total investment portfolio.

Section 6. Exceptions. There shall be no exceptions to these guidelines except those approved by the commission or the executive director of the office on the commission's behalf based upon the liquidity needs of the Commonwealth.

WALLACE G. WILKINSON, Chairman

APPROVED BY AGENCY: May 15, 1991

FILED WITH LRC: May 15, 1991 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 at 9 a.m. in Room 285, Capitol Annex Building, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1991,

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: James R. Ramsey, Secretary, State Investment Commission, Room 318, Capitol Annex, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Mary E. Lassiter

(1) Type and number of entities affected: The only entities directly affected by this regulation are the State Investment Commission and its staff, the Office of Financial Management and Economic Analysis. Indirectly, all agencies of state government are affected as funds invested by the commission belong to every agency of state government.

(a) Direct and indirect costs or savings to those affected: Additional investment income of approximately \$196,000 per year is expected due to the implementation of this regulation. This amount is an aggregate figure and cannot be broken down by beneficiary as it is uncertain which funds of which state agencies will have their funds invested in these instruments.

1. First year: \$196,000 increased revenue.

2. Continuing costs or savings: \$196,000 increased revenue per year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The estimate of additional investment income is based upon 20% of an average portfolio of \$1.4 billion and average incremental yield of 7 basis points over repurchase agreements, the alternative for short-term investments. It is likely that the yield differential between money market instruments outlined in the regulation and repurchase agreements will change over time. The financial impact of the regulation will vary with the variance in this spread.

(b) Reporting and paperwork requirements: The amendments to this regulation would not result in a change to the amount of reporting and paperwork required of the affected entities.

(2) Effects on the promulgating administrative body: Additional investment income of approximately \$196,000 per year is expected due to the implementation of this regulation. This amount is an aggregate figure and cannot be broken down by beneficiary as it is uncertain which funds of which state agencies will have their funds invested in these instruments. The effects on the Office of Financial Management and Economic Analysis will be minimal.

(a) Direct and indirect costs or savings: There will be no direct or indirect costs to the administrative agency due to the amendment of this regulation. Review of investment opportunities and investment in money market securities will be accomplished with current resources.

1. First year: Little or no impact expected.

2. Continuing costs or savings: Little impact

expected.

3. Additional factors increasing or decreasing costs: None expected.

(b) Reporting and paperwork requirements: This regulation will result in additional reporting and paperwork required of the Office of Financial Management and Economic Analysis. The increase is not expected to be substantial.

(3) Assessment of anticipated effect on state and local revenues: Additional investment income to the state of approximately \$196,000 per year is expected due to the implementation of this regulation. There will be effect on local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered. Changes made are to conform to statute.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS 42.500(6) overlaps slightly with the regulation, however, it is necessary to restate portions of the statute in the regulation to conform with KRS 42.520 and to concisely reflect all of the guidelines which affect the purchase of these instruments in one location.

(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. Tiering was not utilized because the investment of public funds requires that all institutions meet the same eligibility requirements to ensure the safe investment of public funds.

GENERAL GOVERNMENT CABINET

Kentucky Real Estate Appraisers Board

201 KAR 30:100. Appraisers classification, fees, education, continuing education, experience, testing, application, renewal and report requirements.

RELATES TO: KRS 324A.015, 324A.020, 324A.030, 324A.035, 324A.040, 324A.045, 324A.050, 324A.070, 324A.075

STATUTORY AUTHORITY: KRS 324A.020

NECESSITY AND FUNCTION: This regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 through 12 USC 3351), to set standards, and to protect the public.

Section 1. Licensed Real Property Appraisers.

(1) There is created a "licensed real property appraiser" classification.

(2) Licensed real property appraisers shall be qualified to perform appraisals of:

(a) Noncomplex, one (1) to four (4) residential units, having a transaction value less than \$1,000,000.

(b) Complex, one (1) to four (4) residential units, having a transaction value less than \$250,000.

(c) Nonresidential properties having a transaction value less than \$250,000.

(3) Licensed real property appraisers shall successfully pass an examination approved by the

board and which complies with the requirements of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

(4) Licensed real property appraisers shall, by July 1, 1992, have completed seventy-five (75) hours of approved instruction in:

(a) Subjects related to real estate appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice of the Appraisal Standards Board of the Appraisal Foundation; and

(b) Subjects which show particular emphasis in the appraisal of one (1) to four (4) unit residential properties.

(5)(a) Licensed real property appraisers shall have 2,000 hours of appraisal experience. Acceptable appraisal experience includes, but is not limited to, the following:

1. Fee and staff appraisal;
2. Ad valorem tax appraisal;
3. Review appraisal;
4. Appraisal analysis;
5. Real estate counseling;
6. Highest and best use analysis;
7. Feasibility analysis or study; and
8. Teaching of appraisal courses but only if not claimed for education credit.

(b) If requested, experience documentation in the form of reports or file memorandum shall be made available to the board to support the claim for experience.

(c) Appraisal experience credit shall not be limited to individuals who are state certified or state licensed.

(d) The verification for experience credit claimed by an applicant shall be by oath and affidavit on forms prescribed by the board.

(6) Licensed real property appraisers shall attend and complete ten (10) classroom hours of approved continuing education each license year, and furnish the board with proof of compliance.

(7) Licensed real property appraiser licenses shall be granted only to those persons who are qualified and who make application to the board on the "Appraiser License/Certification Application", revised May 1991. This application form is hereby incorporated by reference and may be obtained at the Real Estate Appraisers Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday from 8 a.m. to 4:30 p.m.

Section 2. Certified Residential Real Property Appraisers. (1) There is created a "certified residential real property appraiser" classification.

(2) Certified residential real property appraisers shall be qualified to perform appraisals of one (1) to four (4) residential units without regard to transaction value or complexity.

(3) Certified residential real property appraisers shall successfully pass an examination approved by the board and which complies with the requirements of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

(4) Certified residential real property appraisers shall, by July 1, 1992, have completed 105 classroom hours of approved instruction. After January 1, 1994, the 105 hours shall increase to 165 hours for initial applicants after that date. The instruction shall be:

(a) In subjects related to real estate

appraisal which shall include coverage of the Uniform Standards of Professional Appraisal Practice of the Appraisal Standards Board of the Appraisal Foundation; and

(b) In subjects which show particular emphasis in the appraisal of one (1) to four (4) unit residential properties.

(5)(a) Certified residential real property appraisers shall have two (2) years appraisal experience. A year is defined in terms of hours within a calendar year. 1,000 hours constitutes a year of appraisal experience. A minimum of two (2) calendar years is required. Hours may be treated as cumulative in order to achieve the necessary 2,000 hours of appraisal experience.

(b) If requested, experience documentation in the form of reports or file memoranda shall be made available to the board to support the claim for experience.

(c) Acceptable appraisal experience includes, but is not limited to the following:

1. Fee and staff appraisal;
2. Ad valorem tax appraisal;
3. Review appraisal;
4. Appraisal analysis;
5. Real estate counseling;
6. Highest and best use analysis;
7. Feasibility analysis or study; and
8. Teaching of appraisal courses but only if not claimed for education credit.

(d) The verification for experience credit claimed by an applicant shall be by oath and affidavit on forms prescribed by the board.

(e) Appraisal experience credit is not limited to individuals who are state certified or state licensed.

(6) Certified residential real property appraisers shall attend and complete ten (10) classroom hours of approved continuing education each license year, and furnish the board with proof of compliance.

(7) Certified residential appraiser certifications shall be granted only to those persons who are qualified and who make application to the board on the "Appraiser License/Certification Application", revised May 1991. This application form is hereby incorporated by reference and may be obtained at the Real Estate Appraisers Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday from 8 a.m. to 4:30 p.m.

Section 3. Certified General Real Property Appraisers. (1) There is created a "certified general real property appraiser" classification.

(2) Certified general real property appraisers shall be qualified to perform appraisals of all types of real property.

(3) Certified general real property appraisers shall successfully pass an examination approved by the board and which complies with the requirements of Title XI of the Financial Institution Reform, Recovery and Enforcement Act of 1989.

(4) Certified general real property appraisers shall, by July 1, 1992 have completed 165 hours of approved instruction in:

(a) Subjects related to real estate appraisal which shall include coverage of the Uniform Standard of Professional Appraisal Practice of the Appraisal Standards Board of the Appraisal Foundation; and

(b) In subjects which show particular emphasis on the appraisal of nonresidential properties.

Residential means one (1) to four (4) residential units.

(5)(a) Certified general real property appraisers shall have two (2) years of appraisal experience. A minimum of two (2) calendar years is required. A year is defined in terms of hours within a calendar year. 1,000 hours constitutes a year of appraisal experience. Hours may be treated as cumulative in order to achieve the necessary 2,000 hours of appraisal experience.

(b) The applicant, for two (2) years experience credit, must have accumulated a total of 2,000 hours of appraisal experience of which at least fifty (50) percent (1,000 hours) must be in nonresidential appraisal work. Residential is defined as one (1) to four (4) residential units.

(c) If requested, experience documentation in the form of reports or file memoranda shall be made available to the board to support the claim for experience.

(d) Acceptable appraisal experience includes, but is not limited to the following:

1. Fee and staff appraisal;
2. Ad valorem tax appraisal;
3. Review appraisal;
4. Appraisal analysis;
5. Real estate counseling;
6. Highest and best use analysis;
7. Feasibility analysis or study; and
8. Teaching of appraisal courses but only if not claimed for education credit.

(e) The verification for experience credit claimed by an applicant shall be by affidavit on forms prescribed by the board.

(f) Appraisal experience credit is not limited to individuals who are state certified or state licensed.

(6) Certified general real property appraisers shall attend and complete ten (10) classroom hours of approved continuing education each license year, and furnish the board with proof of compliance.

(7) Certified general real property appraiser certifications shall be granted only to those persons who are qualified and who make application to the board on the "Appraiser License/Certification Application", revised May 1991. This application form is hereby incorporated by reference and may be obtained at the Real Estate Appraisers Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday from 8 a.m. to 4:30 p.m.

Section 4. Education for Licensure and Certification. (1) A classroom hour is defined as fifty (50) minutes out of each sixty (60) minute segment.

(2) Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least fifteen (15) hours, and the individual successfully completes an examination pertinent to that educational offering.

(3) Credit for the classroom hour requirement may be obtained from the following:

- (a) Colleges or universities;
 - (b) Community or junior colleges;
 - (c) Real estate appraisal or real estate related organizations;
 - (d) State or federal agencies or commissions;
 - (e) Proprietary schools; or
 - (f) Other providers approved by the board.
- (4) There is no time limit regarding when

qualifying education credit must have been obtained.

(5) The board may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided that such credit was granted by the course provider prior to July 1, 1990, and provided further that the board is satisfied with the quality of the challenge examination that was administered by the course provider.

(6) Various appraisal courses may be credited toward the classroom hour education requirement. Applicants must demonstrate that their education involved coverage of all of the following:

- (a) Influences on real estate value;
- (b) Legal considerations in appraisal;
- (c) Types of value;
- (d) Economic principles;
- (e) Real estate markets and analysis;
- (f) Valuation process;
- (g) Property description;
- (h) Highest and best use analysis;
- (i) Appraisal statistical concepts;
- (j) Sales comparison approach;
- (k) Site value;
- (l) Cost approach;
- (m) Income approach;
- (n) Valuation of partial interests;
- (o) Appraisal standards and ethics; and
- (p) Other topics approved by the board.

Section 5. Mandatory Continuing Education. (1) A classroom hour is defined as fifty (50) minutes out of each sixty (60) minute segment.

(2) Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours.

(3) Credit for the classroom hour requirement may be obtained from the following:

- (a) Colleges or universities;
 - (b) Community or junior colleges;
 - (c) Real estate appraisal or real estate related organizations;
 - (d) State or federal agencies or commissions;
 - (e) Proprietary schools; or
 - (f) Other providers approved by the board.
- (4) Credit may be granted for educational offerings which cover real estate related appraisal topics such as those listed in this section and which are consistent with the purpose of continuing education stated in subsection (6) of this section.

- (a) Ad valorem taxation;
 - (b) Arbitration;
 - (c) Business courses related to practice of real estate appraisal;
 - (d) Construction estimating;
 - (e) Ethics and standards of professional practice;
 - (f) Land use planning, zoning and taxation;
 - (g) Management, leasing, brokerage, timesharing;
 - (h) Property development;
 - (i) Real estate appraisal (valuations/evaluations);
 - (j) Real estate law;
 - (k) Real estate litigation;
 - (l) Real estate financing and investment;
 - (m) Real estate appraisal related computer applications;
 - (n) Real estate securities and syndication;
 - (o) Real property exchange.
- (5) Continuing education credit may also be

granted for participation, other than as a student, in appraisal educational processes and programs.

(6) The purpose of continuing education shall be to ensure that the appraiser participates in a program that maintains and increases his skill, knowledge and competency in real estate appraising.

(7) Failure to comply with this regulation shall be grounds for nonrenewal of licensure or certification by the board.

Section 6. The following fees shall be collected by the board:

(1) An initial licensed real property appraiser, certified residential real property appraiser and certified general real property appraiser application fee of \$200.

(2) A licensed real property appraiser, certified residential real property appraiser and certified general real property appraiser examination fee of \$200.

(3) A licensed real property appraiser, certified residential real property appraiser and certified general real property appraiser annual renewal fee of \$200.

Section 7. Renewal Date. The renewal date for licensed real property appraisers, certified residential real property appraisers and certified general real property appraisers shall be July 1 of each year.

Section 8. Appraisal Report Requirement. All appraisal reports made by a licensed real property appraiser, certified residential real property appraiser, or certified general real property appraiser, given in connection with any federally related transaction must be in writing.

Section 9. (1) All licensed real property appraisers, certified residential real property appraisers and certified general real property appraisers who have not already done so, shall by December 31, 1991, provide to the board, acceptable evidence that they have complied with the education requirements set forth in this administrative regulation.

(2) Failure to comply with this section shall result in the automatic suspension of the license or certificate issued by the board on December 31, 1991.

(3) Upon receiving, by July 1, 1992, acceptable evidence of compliance with the education requirements set forth in this administrative regulation, the license or certificate shall be reissued by the board at no charge.

(4) All applicants for licensure or certification, after December 31, 1991, shall submit with their application, acceptable evidence that they have complied with the education requirements set forth in this administrative regulation.

DON PARIS, Chairman

APPROVED BY AGENCY: May 13, 1991.

FILED WITH LRC: May 15, 1991 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 27, 1991 at 10 a.m. at the Auditorium, Ground Floor, Capital Plaza Office Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 22, 1991,

five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: John L. Ackman, Jr., Real Estate Appraiser Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John Ackman

(1) Type and number of entities affected: This agency is unaware of the exact number of real property appraisers in Kentucky. Our estimate is between 300 and 1,000.

(a) Direct and indirect costs or savings to those affected: There will be testing fees, additional application fees, and annual renewal fees for participating appraisers.

1. First year: A test fee of \$200 and an initial application fee of \$200 will be charged.

2. Continuing costs or savings: First year costs will continue to apply for new applicants and a \$200 renewal fee will be charged.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors.

(b) Reporting and paperwork requirements: Applications will be required.

(2) Effects on the promulgating administrative body: All applications must be reviewed to determine qualifications, and the board will administer KRS Chapter 324A.

(a) Direct and indirect costs or savings: The cost of the test is \$60 for preregistered applicants and \$75 for all walk-in applicants. Administrative support is from the Real Estate Commission with one additional staff person funded from this agency.

1. First year: The same costs set out above.

2. Continuing costs or savings: The test charge will continue only for new applicants.

3. Additional factors increasing or decreasing costs: KRS Chapter 324A states administrative support by the Real Estate Commission sunsets on 7/1/92.

(b) Reporting and paperwork requirements: This agency will administer and maintain records of the appraiser licensing and certification function.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered. This program is federally mandated.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: KRS Chapter 324A does not provide for the exact same appraiser classifications this regulation has.

(a) Necessity of proposed regulation if in conflict: The appraiser classifications in this

regulation are those set down by the appraiser's qualifications board under Title XI.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: Yes, two of the three appraiser classifications in the regulation are from KRS Chapter 324A, and the third classification is not barred by KRS Chapter 324A.

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not appropriate.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 12 USC 3331 through 12 USC 3351 (Title XI).

2. State compliance standards. KRS Chapter 324A sets forth the state licensing and certification criteria. KRS 324A.035(2) requires that the state education and experience requirements not exceed federal minimum standards.

3. Minimum or uniform standards contained in the federal mandate. The requirements of Title XI are that states license and certify real property appraisers according to the standards adopted by the Appraisers Qualification Board of the Appraisal Foundation. The education, experience, and testing standards of the Appraisal Qualification Board are included in this regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The only change from the federal mandate is that the board will charge \$35 as a roster fee, and the cost the board pays to the Appraisal Subcommittee under Title XI is \$25.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The \$10 increase is to defray administrative costs.

GENERAL GOVERNMENT CABINET Kentucky Real Estate Appraisers Board

201 KAR 30:110. Appraiser roster, transmission, fees, deletions, notification, and hearing.

RELATES TO: KRS 324A.015, 324A.020, 324A.030, 324A.035, 324A.040, 324A.045, 324A.050, 324A.070, 324A.075

STATUTORY AUTHORITY: KRS 324A.020

NECESSITY AND FUNCTION: This regulation is necessary to comply with Title XI of the Financial Institution Reform, Recovery and Enforcement Act of 1989, (12 USC 3331 through 12 USC 3351), to set standards, and to protect the public.

Section 1. The board shall maintain a roster of licensed real property appraisers, certified residential real property appraisers and certified general real property appraisers.

Section 2. The board shall transmit the roster to the appraisal subcommittee of the Federal Financial Institutions Examination Council's Appraisal Subcommittee at least annually.

Section 3. The board shall collect an annual roster fee of thirty-five (35) dollars from each licensed real property appraiser, certified residential real property appraiser, and certified general real property appraiser.

Section 4. The board shall transmit to the appraisal subcommittee of the Federal Financial Institutions Examination Council's Appraisal Subcommittee the appropriate roster fees at least annually.

Section 5. (1) The board shall delete from its roster the name of any licensed real property appraiser, certified residential real property appraiser, or certified general real property appraiser, who has been deleted from the roster maintained by the Federal Financial Institutions Examination Council's Appraisal Subcommittee.

(2) The board shall notify each licensed real property appraiser, certified residential real property appraiser, or certified general real property appraiser whose name it intends to delete from its roster of its intent, in writing, to the address on record with the board, at least fifteen (15) days before the board takes such action.

(3) Upon the written request of the licensed real property appraiser, certified residential real property appraiser, or certified general real property appraiser whose name the board intends to delete from the roster, the board of its designee shall conduct a hearing limited to the issue of whether the Federal Financial Institution Examination Council's Appraisal Subcommittee has in fact deleted said name from its federal roster.

DON PARIS, Chairman

APPROVED BY AGENCY: May 13, 1991

FILED WITH LRC: May 15, 1991 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 27, 1991 at 10 a.m. at the Auditorium, Ground Floor, Capital Plaza Office Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 22, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: John L. Ackman, Jr., Real Estate Appraiser Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John Ackman

(1) Type and number of entities affected: This agency is unaware of the exact number of real property appraisers in Kentucky. Our estimate is between 300 and 1,000.

(a) Direct and indirect costs or savings to

those affected: The roster fee is \$35 for each appraiser on the roster.

1. First year: The same will apply as set forth above.

2. Continuing costs or savings: The same will apply as set forth above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): It is anticipated that the same appraisers doing federally related appraisals will become certified or licensed to be on the roster; therefore, there should be no effect.

(b) Reporting and paperwork requirements: To become and remain on the roster, the licensed or certified appraiser must file an application and must renew annually.

(2) Effects on the promulgating administrative body: The agency must compile an accurate roster of licensed and certified appraisers and transmit it for the Appraisal Subcommittee as required in Title XI.

(a) Direct and indirect costs or savings: The roster fee the agency pays to the Appraisal Subcommittee is \$25 for each roster member annually.

1. First year: The same will apply as set forth above.

2. Continuing costs or savings: The same will apply as set forth above.

3. Additional factors increasing or decreasing costs: There are no additional factors.

(b) Reporting and paperwork requirements: The agency must compile the roster and transmit it to the Appraisal Subcommittee at least annually.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered. This program is federally mandated.

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

(a) Necessity of proposed regulation if in conflict: No conflicting laws are known.

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering is not appropriate.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 12 USC 3331 through 12 USC 3351 (Title XI).

2. State compliance standards. KRS Chapter 324A sets forth the state licensing and certification criteria. KRS 324A.035(2) requires that the state education and experience requirements not exceed federal minimum standards.

3. Minimum or uniform standards contained in the federal mandate. The requirements of Title XI are that states license and certify real property appraisers according to the standards adopted by the Appraisers Qualification Board of the Appraisal Foundation. The education, experience and testing standards of the Appraisal Qualification Board are included in

this regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The only change from the federal mandate is that the board will charge \$35 as a roster fee, and the cost the board pays to the Appraisal Subcommittee under Title XI is \$25.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The \$10 increase is to defray administrative costs.

GENERAL GOVERNMENT CABINET Kentucky Real Estate Appraisers Board

201 KAR 30:120. Temporary appraisal permits.

RELATES TO: KRS 324A.015, 324A.020, 324A.030, 324A.035, 324A.040, 324A.045, 324A.050, 324A.070, 324A.075

STATUTORY AUTHORITY: KRS 324A.020

NECESSITY AND FUNCTION: This regulation is necessary to comply with Title XI of the Financial Institution Reform, Recovery and Enforcement Act of 1989, (12 USC 3331 through 12 USC 3351), to set standards, and to protect the public.

Section 1. (1) The board shall grant temporary appraisal permits to those appraisers, licensed or certified by another state, and whose name appears on the federal roster of the Federal Financial Institutions Examination Council's Appraisal Subcommittee.

(2) Temporary appraisal permits shall be granted only to persons who are qualified under this administrative regulation and who apply to the board on a "Nonresident Application for Temporary Appraiser Permit", revised May, 1991. This application form is hereby incorporated by reference and may be obtained at the Real Estate Appraisers Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday from 8 a.m. to 4:30 p.m.

(3) Temporary appraisal permits shall be granted only to persons whose appraisal assignment in Kentucky is temporary in nature, not to exceed six (6) months.

(4) A temporary appraisal permit must be obtained for each appraisal assignment.

(5) The temporary appraisal permit shall be only for the appraiser classification designated on the federal roster of the appraisal subcommittee.

(6) The board shall collect a \$200 fee for each temporary appraisal permit, which shall be paid at the time of application and which shall be nonrefundable.

DON PARIS, Chairman

APPROVED BY AGENCY: May 13, 1991

FILED WITH LRC: May 15, 1991 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 27, 1991 at 10 a.m. at the Auditorium, Ground Floor, Capital Plaza Office Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 22, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the

hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: John L. Ackman, Jr., Real Estate Appraiser Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John Ackman

(1) Type and number of entities affected: The affected entities are non-Kentucky appraisers with appraisal assignment in Kentucky. The number is not calculable.

(a) Direct and indirect costs or savings to those affected: The cost is \$200 for each temporary permit.

1. First year: The same costs apply.

2. Continuing costs or savings: The same costs apply. No savings are known.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors.

(b) Reporting and paperwork requirements: Those affected must file an application for permit.

(2) Effects on the promulgating administrative body: Each applicant must be verified as licensed or certified from another state and be on the federal roster.

(a) Direct and indirect costs or savings: This agency must provide administrative support for the temporary permit process.

1. First year: The same as set forth above.

2. Continuing costs or savings: The same as set forth above.

3. Additional factors increasing or decreasing costs: There are no additional factors.

(b) Reporting and paperwork requirements: This agency must administer the temporary permit process.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered. This program is federally mandated.

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

(a) Necessity of proposed regulation if in conflict: There is no conflict.

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

(6) Any additional information or comments: No TIERING: Was tiering applied? No. Tiering is not appropriate.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 12 USC 3331 through 12 USC 3351 (Title XI).

2. State compliance standards. KRS Chapter 324A sets forth the state licensing and certification criteria. KRS 324A.035(2) requires that the state education and experience requirements not exceed federal minimum standards.

3. Minimum or uniform standards contained in the federal mandate. The requirements of Title XI are that states license and certify real property appraisers according to the standards adopted by the Appraisers Qualification Board of the Appraisal Foundation. The education, experience and testing standards of the Appraisal Qualification Board are included in this regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The only change from the federal mandate is that the board will charge \$35 as a roster fee, and the cost the board pays to the Appraisal Subcommittee under Title XI is \$25.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The \$10 increase is to defray administrative costs.

GENERAL GOVERNMENT CABINET Kentucky Real Estate Appraisers Board

201 KAR 30:130. Standards for education approval - fees.

RELATES TO: KRS 324A.015, 324A.020, 324A.030, 324A.035, 324A.040, 324A.045, 324A.050, 324A.070, 324A.075

STATUTORY AUTHORITY: KRS 324A.020

NECESSITY AND FUNCTION: This regulation is necessary to comply with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, (12 USC 3331 through 12 USC 3351), to set standards, and to protect the public.

Section 1. (1) All real estate appraisal education courses, offered after July 1, 1991, in order to qualify for education credit, or continuing education credit, shall be approved by the board in advance.

(2) Each education provider shall apply for approval on the "Application for Course Approval" revised May 1991. This application form is hereby incorporated by reference and may be obtained at the Real Estate Appraisers Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday from 8 a.m. to 4:30 p.m.

(3) Board approval shall be given to those education courses which the board finds will provide competent instruction in real estate appraisal so as to establish, maintain and increase the student's skill, knowledge and competency in real estate appraising.

(4) The board shall collect an annual fee from each education provider applying for board approval. The fee shall be \$100 for each sixteen (16) hour or less education course and fifty (50) dollars for each two (2) hour continuing education course, and the fee shall be nonrefundable.

DON PARIS, Chairman

APPROVED BY AGENCY: May 13, 1991

FILED WITH LRC: May 15, 1991 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 27, 1991 at 10 a.m. at the Auditorium, Ground Floor, Capital Plaza Office Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 22, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard 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 be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: John L. Ackman, Jr., Real Estate Appraiser Board, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John Ackman

(1) Type and number of entities affected: The known appraisal education and continuing education providers number: 16 colleges, 2 proprietary schools and 4 private associations.

(a) Direct and indirect costs or savings to those affected: The fee for application is: \$100 per education course and \$50 per continuing course.

1. First year: The same cost applies.

2. Continuing costs or savings: The same cost applies.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors.

(b) Reporting and paperwork requirements: Education providers must file an application.

(2) Effects on the promulgating administrative body: Education provider applications must be reviewed for compliance.

(a) Direct and indirect costs or savings: The agency must administer the education provider review.

1. First year: They are the same as set forth above.

2. Continuing costs or savings: They are the same as set forth above.

3. Additional factors increasing or decreasing costs: There are none.

(b) Reporting and paperwork requirements: The agency must administer the education provider review.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered. This program is federally mandated.

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

(a) Necessity of proposed regulation if in conflict: There are none.

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

with conflicting provisions: There are none.

(6) Any additional information or comments: There are none.

TIERING: Was tiering applied? No. Tiering is not appropriate.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 12 USC 3331 through 12 USC 3351 (Title XI).

2. State compliance standards. KRS Chapter 324A sets forth the state licensing and certification criteria. KRS 324A.035(2) requires that the state education and experience requirements not exceed federal minimum standards.

3. Minimum or uniform standards contained in the federal mandate. The requirements of Title XI are that states license and certify real property appraisers according to the standards adopted by the Appraisers Qualification Board of the Appraisal Foundation. The education, experience and testing standards of the Appraisal Qualification Board are included in this regulation.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The only change from the federal mandate is that the board will charge \$35 as a roster fee, and the cost the board pays to the Appraisal Subcommittee under Title XI is \$25.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The \$10 increase is to defray administrative costs.

PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND COMMISSION

415 KAR 1:010. Definitions for terms used in 415 KAR Chapter 1.

RELATES TO: KRS 224.810, 224.814 through 224.825

STATUTORY AUTHORITY: KRS 224.814, 224.815, 224.817, 224.819

NECESSITY AND FUNCTION: KRS 224.810 through 224.825 relate to the regulation of underground storage tanks. KRS 224.815 through 224.825 provide for the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum underground storage tanks under 401 KAR 42:090. KRS 224.819 requires the Petroleum Storage Tank Environmental Assurance Fund Commission to promulgate regulations to establish the policy, guidelines, and procedures to administer the petroleum storage tank environmental assurance fund. This chapter identifies requirements for owners and operators of petroleum storage tanks. This regulation establishes essential terms used in connection with the program to administer the petroleum storage tank environmental assurance fund.

Section 1. Definitions. For the purpose of this regulation, the words and terms shall have the same meaning as in KRS 224.816, with the following additions:

(1) "Applicant" means an eligible petroleum storage tank owner or operator that has

submitted an application for financial assistance to the Petroleum Storage Tank Environmental Assurance Fund Commission.

(2) "Application period" shall mean a period of time determined by the commission for review of applications. An application period shall occur at least four (4) times a year.

(3) "Assistance agreement" shall mean the contract between the eligible applicant and the commission executed after the commission has approved the application, which states the terms and conditions of financial assistance.

(4) "Cabinet" shall mean the Kentucky Natural Resources and Environmental Protection Cabinet.

(5) "Obligated balance" shall mean the total of the funds committed from complete applications received for reimbursement, the commission's operating budget as approved, and funds placed in reserve in Section 4 of 415 KAR 1:020.

(6) "State financial responsibility" means that level of financial responsibility which petroleum storage tank owners and operators shall maintain pursuant to KRS 224.817(a) and (b).

(7) "Unobligated balance" shall mean the total of the funds as reported by the Revenue Cabinet to the commission at the end of the most recent calendar quarter, less the obligated funds.

WILLIAM C. EDDINS, Chairman

APPROVED BY AGENCY: April 22, 1991

FILED WITH LRC: April 24, 1991 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991, at 10 a.m. at the Capital Plaza Tower Meeting Room G-2. Individuals interested in being heard at this hearing shall notify Morgan Kelly at the address noted below in writing by June 20, 1991 of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. Persons testifying at the hearing are required to provide the commission with a written copy of their testimony. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation to Mr. Kelly. Written comments must be received by Mr. Kelly no later than 4:30 p.m. on June 25, 1991. CONTACT PERSON: G. Morgan Kelly, Petroleum Storage Tank Environmental Assurance Fund Commission, 59 Fountain Place, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: G. Morgan Kelly

(1) Type and number of entities affected: The proposed regulation will affect approximately 12,000 facilities with underground storage tanks containing petroleum products.

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

1. First year: Tank owners or operators are financially responsible for \$10,000 or \$25,000, dependent upon the number of tanks, rather than \$1,000,000 of financial responsibility for clean-up of leaks from underground petroleum storage tanks.

2. Continuing costs or savings: Tank owners will continue to experience savings associated with payment of corrective action, and third

party liability expenses.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: Tank owners or operators will be required to complete, file, and maintain financial responsibility affidavits.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The Petroleum Storage Tank Environmental Assurance Fund Commission receives operating expenses from the petroleum storage tank environmental assurance fund. The commission is recently formed. Costs and savings are not yet established. The commission is in the process of hiring support staff to assist in administering the program.

2. Continuing costs or savings: The commission anticipates first year costs associated with staff and general operation of the program to continue.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The commission will be required to collect, review, and maintain financial responsibility affidavits. The commission will provide eligible entities with state certification of financial assurance.

(3) Assessment of anticipated effect on state and local revenues: See fiscal note on local government.

(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) HB 194, codified as KRS 224.814 through 224.825, created the petroleum storage tank environmental assurance fund by establishing a fee on each gallon of gasoline sold. This fund shall be administered by the Petroleum Storage Tank Environmental Assurance Fund Commission. The fund will fulfill two needs. It can provide the financial responsibility required by the Environmental Protection Agency as well as provide reimbursement to owners or operators for corrective action expenses and third party damages.

ALTERNATIVES: 1. Less stringent. The commission cannot be less stringent and maintain authorization to administer the program.

2. More stringent. The commission cannot be more stringent than state statutes.

3. Present proposal. The proposed regulation contains definitions for terms used in 415 KAR Chapter 1.

(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 in conflict with the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

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

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? Yes. This regulation applies to all owners or operators of petroleum underground storage tank systems. The

proposed regulation is tiered dependent upon the number of tanks owned or operated, and the level of financial responsibility required.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 40 CFR Part 280 Subpart H requires owners of petroleum storage tanks to demonstrate financial responsibility for taking corrective action, and for compensating third parties for bodily injury and property damage caused by accidental releases. 40 CFR 280.101 allows for a state fund to be created and administered which will fulfill the requirements of the demonstration.

2. State compliance standards. In response to the federal requirement of 40 CFR 280 Subpart H, the 1990 General Assembly enacted HB 194 which provides for the creation of a program to assist owners and operators in meeting the demonstration of financial responsibility. HB 194, codified as KRS 224.814 through 224.825, created the petroleum storage tank environmental assurance fund by establishing a fee on each gallon of gasoline sold. This fund shall be administered by the Petroleum Storage Environmental Assurance Fund Commission. The fund will fulfill two needs. It can provide the financial responsibility required by the Environmental Protection Agency as well as provide reimbursement to owners or operators for corrective action expenses and third party damages.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 40 CFR 280 Subpart H specify requirements for compliance dates for demonstrating financial responsibility in 40 CFR 280.91, the amount and scope of required financial responsibility in 40 CFR 280.93, and state funds or other state assurances in 40 CFR 280.101.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The administrative regulation will not impose stricter requirements than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no stricter 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. This regulation will affect any division of local government that owns or operates a petroleum storage tank. These units may include fiscal court, city government, local fire departments, city schools, and city or county garages.

3. State the aspect or service of local government to which this administrative regulation relates. 40 CFR 280 Subpart H requires owners of petroleum storage tanks to demonstrate financial responsibility for taking corrective action, and for compensating third parties for bodily injury and property damage

caused by accidental releases. KRS 224.814 through 224.825 provides for the creation of a program to assist owners and operators in meeting the demonstration of financial responsibility. The administrative regulation relates to any aspect of local government that owns or operates a petroleum storage tank.

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: Local governments, like any owner of a petroleum storage tank, will be required to demonstrate financial responsibility in the amount of \$10,000 or \$25,000 depending on the number of tanks owned. Once these tanks meet the requirements of 401 KAR Chapter 42 and are in substantial compliance, the petroleum underground storage tank assurance fund may be used to cover corrective action and third party liability expenses. Although there is a deductible, extensive savings will be realized by local government for corrective action and third party liability expenses.

PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND COMMISSION

415 KAR 1:020. General provisions for state financial responsibility.

RELATES TO: KRS 224.810, 224.814 through 224.825

STATUTORY AUTHORITY: KRS Chapter 13A, 224.815, 224.817, 224.819

NECESSITY AND FUNCTION: KRS 224.810 to 224.825 relate to the regulation of petroleum storage tanks. KRS 224.815 through 224.825 provide for the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum storage tanks under 401 KAR 42:090. KRS 224.819 requires the Petroleum Storage Tank Environmental Assurance Fund Commission to promulgate regulations to establish the policy, guidelines, and procedures to administer the petroleum storage tank environmental assurance fund. This regulation establishes the policies, guidelines, and procedures for eligibility for reimbursement from the fund, the procedure for filing a claim against the fund, and the procedures for appealing decisions and hearing complaints brought before the commission.

Section 1. General Eligibility Requirements.

(1) Any petroleum storage tank owner or operator shall be eligible for participation in the fund if the owner or operator certifies that the following requirements for substantial compliance have been maintained for each petroleum storage tank on the Substantial Compliance and State Financial Responsibility Affidavit form incorporated by reference in subsection (2) of this section:

(a) The owner or operator has met the technical requirements of 401 KAR Chapter 42; and, in the event of a release, has made proper notification to the cabinet as required in 401 KAR Chapter 42;

(b) The owner or operator has maintained current annual registration with the cabinet for each petroleum storage tank;

(c) The owner or operator has paid the thirty (30) dollar annual tank fee to the cabinet for each petroleum storage tank; and

(d) The owner or operator has certified state financial responsibility to the commission using one (1) or any combination of the options listed in subparagraphs 1 through 6 of this paragraph. This certification shall be provided to the commission on the Substantial Compliance and State Financial Responsibility Affidavit form dated April 1991, hereby incorporated by reference. This form may be copied and inspected at the Petroleum Storage Tank Environmental Assurance Fund Commission, 59 Fountain Place, Frankfort, Kentucky 40601, (502) 564-5981. The business hours of the commission are from 8 a.m. to 4:30 p.m. eastern time Monday through Friday.

1. Commercial or private insurance from a carrier with an A.M. Best rating of B+, or better, authorized to transact business in the Commonwealth of Kentucky.

2. A risk retention group qualified to do business in the Commonwealth and who shall furnish any financial reports as may be required by the commission.

3. A guarantor with a direct or indirect controlling interest in the owner or operator. The guarantor shall furnish proof as may be required by the commission in order to demonstrate state financial responsibility.

4. A surety bond from a surety company that is listed with the U.S. Treasury Department or the Kentucky Department of Insurance. Under the terms of the bond, the surety shall become liable under the bond when the owner or operator fails to perform.

5. An irrevocable standby letter of credit by an entity that has authority to issue letters of credit in Kentucky, and whose letter of credit operations are regulated and examined by a federal or a Kentucky agency. This letter of credit shall be drawn to cover "taking corrective action" and indemnification arising from owning or operating petroleum storage tanks.

6. The owner or operator may qualify as a self-insurer with prior approval by the commission if the owner or operator certified to the commission the following upon request:

a. The owner's or operator's annual year-end financial statements; and

b. The owner's or operator's net worth is at least equal to the amount of coverage required for corrective action and the third party indemnification required in 415 KAR 1:030, Section 2.

(2) Petroleum storage tank owners or operators shall maintain evidence of all state financial responsibility requirements used to demonstrate compliance with the requirements of this regulation until the owner or operator is released from the requirements of 401 KAR 42:090.

(3) Any change in eligibility requirements listed in this section shall be reported to the commission within ten (10) days of the occurrence.

(4) Loss of eligibility.

(a) If at any time the commission determines that an owner or operator has not maintained substantial compliance, the commission shall notify the owner or operator of the noncompliance. The owner or operator shall be deemed ineligible to receive reimbursement from

the fund in the event of a release, until the noncomplying site is in substantial compliance.

(b) If at the time of a discovery of a release, the commission determines that an owner or operator has failed to certify eligibility or has not maintained substantial compliance, corrective action costs and third-party damages associated with that release are not eligible for reimbursement by the fund.

(c) If the commission determines that an owner or operator has submitted fraudulent information, the owner or operator shall be deemed ineligible to receive reimbursement from the fund, and may be required to pay back any monies falsely received.

(5) Restoration of eligibility. The owner or operator shall have thirty (30) days from the date of receipt of the notice of ineligibility to produce evidence of complying with all eligibility requirements.

Section 2. Criteria for Reviewing Certifications. (1) The applicant shall be in compliance with KRS Chapter 224 and 401 KAR Chapter 42.

(2) The Substantial Compliance and State Financial Responsibility Affidavit form shall be properly completed and executed.

Section 3. Notification of Eligibility. The petroleum storage tank owner or operator shall receive a written notification of eligibility from the commission that the fund may be used as a demonstration of financial responsibility in support of 401 KAR 42:090.

Section 4. Fund Balance. (1) Except as provided under KRS 224.820(2) and (4), the unobligated balance of the fund shall never be less than \$1,500,000 to ensure a \$1,000,000 reserve balance adequate to meet federal financial responsibility requirements for participants in the fund, and a \$500,000 reserve balance for emergency abatement action by the cabinet resulting from a release from a petroleum storage tank. When funds are withdrawn for emergency abatement actions, the withdrawals shall be replaced immediately.

(2) When the unobligated balance of the fund is \$1,500,000 or less, or the payment of a claim shall cause the unobligated balance of the fund to be less than \$1,500,000, the commission shall immediately suspend the payment of claims until the unobligated balance is greater than \$1,500,000. Claims approved for payment by the commission at the time of suspension shall be paid in accordance with the date of final approval of the claims when the suspension is lifted.

WILLIAM C. EDDINS, Chairman

APPROVED BY AGENCY: April 22, 1991

FILED WITH LRC: April 24, 1991 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991, at 10 a.m. at the Capital Plaza Tower Meeting Room G-2. Individuals interested in being heard at this hearing shall notify Morgan Kelly at the address noted below in writing by June 20, 1991 of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. Persons testifying at the hearing are required to provide the commission with a written copy of their testimony. This hearing is

open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation to Mr. Kelly. Written comments must be received by Mr. Kelly no later than 4:30 p.m. on June 25, 1991. CONTACT PERSON: G. Morgan Kelly, Petroleum Storage Tank Environmental Assurance Fund Commission, 59 Fountain Place, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: G. Morgan Kelly

(1) Type and number of entities affected: The proposed regulation will affect approximately 12,000 facilities with underground storage tanks containing petroleum products.

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

1. First year: Tank owners or operators are financially responsible for \$10,000 or \$25,000, dependent upon the number of tanks, rather than \$1,000,000 of financial responsibility for clean-up of leaks from underground petroleum storage tanks.

2. Continuing costs or savings: Tank owners will continue to experience savings associated with payment of corrective action, and third party liability expenses.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: Tank owners or operators will be required to complete, file, and maintain financial responsibility affidavits.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The Petroleum Storage Tank Environmental Assurance Fund Commission receives operating expenses from the petroleum storage tank environmental assurance fund. The commission is recently formed. Costs and savings are not yet established. The commission is in the process of hiring support staff to assist in administering the program.

2. Continuing costs or savings: The commission anticipates first year costs associated with staff and general operation of the program to continue.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The commission will be required to collect, review, and maintain financial responsibility affidavits. The commission will provide eligible entities with state certification of financial assurance.

(3) Assessment of anticipated effect on state and local revenues: See fiscal note on local government.

(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) HB 194, codified as KRS 224.814 through 224.825, created the petroleum storage tank environmental assurance fund by establishing a fee on each gallon of gasoline sold. This fund shall be administered by the Petroleum Storage Tank Environmental Assurance Fund Commission. The fund will fulfill two needs. It can provide the

financial responsibility required by the Environmental Protection Agency as well as provide reimbursement to owners or operators for corrective action expenses and third party damages.

ALTERNATIVES: 1. Less stringent: The commission cannot be less stringent and maintain authorization to administer the program.

2. More stringent: The commission cannot be more stringent than state statutes.

3. Present proposal: The proposed regulation provides the mechanism for tank owners to demonstrate financial responsibility as required in 40 CFR 280 Subpart H.

(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 in conflict with the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

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

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? Yes. This regulation applies to all owners or operators of petroleum underground storage tank systems. The proposed regulation is tiered dependent upon the number of tanks owned or operated, and the level of financial responsibility required.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 40 CFR Part 280 Subpart H requires owners of petroleum storage tanks to demonstrate financial responsibility for taking corrective action, and for compensating third parties for bodily injury and property damage caused by accidental releases. 40 CFR 280.101 allows for a state fund to be created and administered which will fulfill the requirements of the demonstration.

2. State compliance standards. In response to the federal requirement of 40 CFR 280 Subpart H, the 1990 General Assembly enacted HB 194 which provides for the creation of a program to assist owners and operators in meeting the demonstration of financial responsibility. HB 194, codified at KRS 224.814 through 224.825, created the petroleum storage tank environmental assurance fund by establishing a fee on each gallon of gasoline sold. This fund shall be administered by the Petroleum Storage Tank Environmental Assurance Fund Commission. The fund will fulfill two needs. It can provide the financial responsibility required by the Environmental Protection Agency as well as provide reimbursement to owners or operators for corrective action expenses and third party damages.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 40 CFR 280 Subpart H specify requirements for compliance dates for demonstrating financial responsibility in 40 CFR 280.91, the amount and scope of required financial responsibility in 40 CFR 280.93, and state funds or other state assurances in 40 CFR 280.101.

4. Will this administrative regulation impose stricter requirements, or additional or

different responsibilities or requirements, than those required by the federal mandate? No. The administrative regulation will not impose stricter requirements than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no stricter 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. This regulation will affect any division of local government that owns or operates a petroleum storage tank. These units may include fiscal court, city government, local fire departments, city schools, and city or county garages.

3. State the aspect or service of local government to which this administrative regulation relates. 40 CFR 280 Subpart H requires owners of petroleum storage tanks to demonstrate financial responsibility for taking corrective action, and for compensating third parties for bodily injury and property damage caused by accidental releases. KRS 224.814 through 224.825 provides for the creation of a program to assist owners and operators in meeting the demonstration of financial responsibility. The administrative regulation relates to any aspect of local government that owns or operates a petroleum storage tank.

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: Local governments, like any owner of a petroleum storage tank, will be required to demonstrate financial responsibility in the amount of \$10,000 or \$25,000 depending on the number of tanks owned. Once these tanks meet the requirements of 401 KAR Chapter 42 and are in substantial compliance, the petroleum underground storage tank assurance fund may be used to cover corrective action and third party liability expenses. Although there is a deductible, extensive savings will be realized by local government for corrective action and third party liability expenses.

PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND COMMISSION

415 KAR 1:030. Guidelines for financial assistance applications.

RELATES TO: KRS 224.810, 224.814 through 224.825

STATUTORY AUTHORITY: KRS Chapter 13A, 224.815, 224.817, 224.819

NECESSITY AND FUNCTION: KRS 224.810 to 224.825 relate to the regulation of petroleum storage tanks. KRS 224.815 through 224.825 provide for

the creation of a program to assist owners and operators in meeting federal financial responsibility requirements for petroleum storage tanks under 401 KAR 42:090. KRS 224.819 requires the Petroleum Storage Tank Environmental Assurance Fund Commission to promulgate regulations to establish the policy, guidelines, and procedures to administer the petroleum storage tank environmental assurance fund. This regulation establishes the policies, guidelines, and procedures for eligibility for reimbursement from the fund, the procedure for filing an application for assistance against the fund, and the procedures for appealing decisions and hearing complaints brought before the commission.

Section 1. General Eligibility Requirements.

(1) Any petroleum storage tank owner or operator, who has complied with the requirements of 415 KAR 1:020, shall be eligible to apply for financial assistance from the petroleum storage tank environmental assurance fund.

(2) The applicant shall have a corrective action plan approved by the cabinet.

(3) A release shall have occurred or have been detected, with notification made to the cabinet in accordance with KRS 224.814(2), on or after April 9, 1990, in order for an owner or operator to be eligible for reimbursement from the fund.

(4) Eligible costs for corrective action shall include, but are not limited to, actually incurred, reasonable costs for the items listed below. The commission may request additional documentation if the reasonableness of a cost is questionable.

(a) Testing to determine tightness of tanks and lines;

(b) Removal, treatment, and disposal of petroleum products from petroleum storage tank system, liquids, and soil;

(c) Site checks and site investigation for site assessment of contamination caused by a release from a petroleum storage tank system;

(d) Preparation of corrective action plans;

(e) Environmental monitoring;

(f) Laboratory services;

(g) Restoration or replacement of a private or public potable water supply;

(h) Removal, treatment, and disposal of contaminated liquids and soils resulting from corrective action;

(i) Third party claims pursuant to Section 2 of this regulation;

(j) The cost of materials purchased. Examples include, but are not limited to, bailers, sample containers, and similar equipment; and

(k) Other costs requested by the applicant and approved by the commission.

(5) Ineligible costs for corrective action shall include, but not be limited to:

(a) Costs of replacement, repair, maintenance, retrofitting of affected tanks and associated piping, and any costs not integral to site corrective action.

(b) The cost of equipment purchased. Examples include, but are not limited to: drilling rigs, earth moving equipment, groundwater sampling pumps, and photoionization detectors.

(6) Emergency corrective action. A petroleum storage tank owner or operator may submit an application claim for reimbursement without completing a site investigation and without preparing a corrective action plan if the following apply:

(a) An emergency existed which made an investigation and development of a timely corrective action plan unfeasible; and

(b) The owner or operator acted in good faith in conducting the corrective action activities, did not intentionally avoid conducting the investigation, and conducted the activity in compliance with 401 KAR 42:060.

Section 2. Petroleum Storage Tank Environmental Assurance Fund Limitations and Terms. (1) Applications for reimbursement from the fund shall be approved by the commission for those applicants who meet the requirements in Section 1 of this regulation.

(2) Third party claims for bodily injury and property damage shall be paid only to the extent specified in 401 KAR 42:090, or up to \$15,000 per occurrence, whichever is greater. To assert a claim for bodily injury or property damage, the applicant shall notify the commission of the allegations within seven (7) days of the filing of an action against the applicant by a third party so the commission may intervene in the action. Third party claims shall only be paid on the basis of a final and enforceable judgment.

Section 3. Application Submission Requirements and Review Process. (1) The petroleum storage tank environmental assurance fund application for assistance, dated April 1991, is hereby incorporated by reference into this section. Application forms may be copied and inspected at the Petroleum Storage Tank Environmental Assurance Fund Commission, 59 Fountain Place, Frankfort, Kentucky, 40601, (502) 564-5981. The business hours of the commission are from 8 a.m. to 4:30 p.m. eastern time Monday through Friday.

(2) The commission staff shall review all applications received for a particular application period. If the application is determined to be incomplete, the commission shall notify the applicant of the deficiencies which render the application incomplete. The applicant shall submit supplemental information to correct the identified deficiencies within fifteen (15) days after the applicant's receipt of the initial notice of incompleteness. If the commission determines that the application is still incomplete, the commission shall return the incomplete application to the applicant with written notification pursuant to KRS 224.821(7).

Section 4. Criteria for Reviewing Project Applications. (1) The commission staff shall review all applications during each application period in the order they are received.

(2) The criteria used by the commission to review project applications shall be as follows:

(a) The project complies with the approved corrective action plan;

(b) The proposed project cost estimates are reasonable and attainable given the geographic location of the project, current pricing trends, required professional services, and any other factors that may have a bearing on the project;

(c) The project design shall achieve the results intended;

(d) The applicant can assure continued operation and maintenance of the project;

(e) The application is properly completed and accurate;

(f) The completed application was received by the commission at least thirty (30) days prior to the commission meeting;

(g) The application was received within one (1) year from the date of the completed site work and certification of closure issued by the Department for Environmental Protection; and

(h) The application was properly executed.

(3) The commission staff, after reviewing all eligible applications using the above criteria specified in subsection (2) of this section, shall submit a list of all projects recommended for funding with all application information attached for the commission's approval.

(4) If the application or any portion thereof is denied, and a request for a panel review as set forth in subsection (5) of this section was not made, the initial determination shall be considered final.

(5) Panel review. If the applicant is aggrieved by the commission's initial determination, the applicant may, within twenty (20) days of receipt of the initial determination, ask to appear before a three (3) member panel of the commission to present additional documentation and supplemental information explaining the application. The panel shall be comprised of three (3) commission members appointed by the chairman of the commission with the consent of the commission. The panel may establish a fair and reasonable limit on time allowed for oral presentation. The panel shall make recommendations to the commission on the application.

(6) Final determination. The commission shall determine the amount of reimbursement based on those costs it finds are eligible, actually incurred, and reasonable. The final determination shall be made on the basis of the written record and, if applicable, panel recommendation. The applicant shall be notified, in writing, within fifteen (15) days of the commission's decision. If the commission rejects any portion of the request for reimbursement, a statement of the reasons for rejection shall be included with the notification.

(7) Right to appeal. A final determination by the commission shall be a final order or determination for the purpose of KRS 224.081.

WILLIAM C. EDDINS, Chairman

APPROVED BY AGENCY: April 22, 1991

FILED WITH LRC: April 24, 1991 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991, at 10 a.m. at the Capital Plaza Tower Meeting Room G-2. Individuals interested in being heard at this hearing shall notify Morgan Kelly at the address noted below in writing by June 20, 1991 of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. Persons testifying at the hearing are required to provide the commission with a written copy of their testimony. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation to Mr. Kelly. Written comments must be received by Mr. Kelly no later than 4:30 p.m. on June 25, 1991. CONTACT PERSON: G. Morgan Kelly, Petroleum Storage Tank Environmental Assurance Fund Commission, 59 Fountain Place, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: G. Morgan Kelly

(1) Type and number of entities affected: The proposed regulation will affect approximately 12,000 facilities with underground storage tanks containing petroleum products.

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

1. First year: Tank owners or operators are financially responsible for \$10,000 or \$25,000, dependent upon the number of tanks, rather than \$1,000,000 of financial responsibility for clean-up of leaks from underground petroleum storage tanks.

2. Continuing costs or savings: Tank owners will continue to experience savings associated with payment of corrective action, and third party liability expenses.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: Tank owners or operators will be required to complete, file, and maintain financial responsibility affidavits.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The Petroleum Storage Tank Environmental Assurance Fund Commission receives operating expenses from the Petroleum Storage Tank Environmental Assurance Fund. The commission is recently formed. Costs and savings are not yet established. The commission is in the process of hiring support staff to assist in administering the program.

2. Continuing costs or savings: The commission anticipates first year costs associated with staff and general operation of the program to continue.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: The commission will be required to collect, review, and maintain financial responsibility affidavits. The commission will provide eligible entities with state certification of financial assurance.

(3) Assessment of anticipated effect on state and local revenues: See fiscal note on local government.

(4) Assessment of alternative methods; reasons why alternatives were rejected: (a) HB 194, codified at KRS 224.814 through 224.825, created the Petroleum Storage Tank Environmental Assurance Fund by establishing a fee on each gallon of gasoline sold. This fund shall be administered by the Petroleum Storage Tank Environmental Assurance Fund Commission. The fund will fulfill two needs. It can provide the financial responsibility required by the Environmental Protection Agency as well as provide reimbursement to owners or operators for corrective action expenses and third party damages.

ALTERNATIVES: 1. Less stringent. The commission cannot be less stringent and maintain authorization to administer the program.

2. More stringent. The commission cannot be more stringent than state statutes.

3. Present proposal. The proposed regulation establishes general eligibility requirements for

financial assistance from the petroleum storage tank environmental assurance fund.

(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 in conflict with the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

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

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? Yes. This regulation applies to all owners or operators of petroleum underground storage tank systems. The proposed regulation is tiered dependent upon the number of tanks owned or operated, and the level of financial responsibility required.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 40 CFR Part 280 Subpart H requires owners of petroleum storage tanks to demonstrate financial responsibility for taking corrective action, and for compensating third parties for bodily injury and property damage caused by accidental releases. 40 CFR 280.101 allows for a state fund to be created and administered which will fulfill the requirements of the demonstration.

2. State compliance standards. In response to the federal requirement of 40 CFR 280 Subpart H, the 1990 General Assembly enacted HB 194 which proves for the creation of a program to assist owners and operators in meeting the demonstration of financial responsibility. HB 194, codified at KRS 224.814 through 224.825, created the Petroleum Storage Tank Environmental Assurance Fund by establishing a fee on each gallon of gasoline sold. This fund shall be administered by the Petroleum Storage Tank Environmental Assurance Fund Commission. The fund will fulfill two needs. It can provide the financial responsibility required by the Environmental Protection Agency as well as provide reimbursement to owners or operators for corrective action expenses and third party damages.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations at 40 CFR 280 Subpart H specify requirements for compliance dates for demonstrating financial responsibility in 40 CFR 280.91, the amount and scope of required financial responsibility in 40 CFR 280.93, and state funds or other state assurances in 40 CFR 280.101.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The administrative regulation will not impose stricter requirements than those required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no stricter 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. This regulation will affect any division of local government that owns or operates a petroleum storage tank. These units may include fiscal court, city government, local fire departments, city schools, and city or county garages.

3. State the aspect or service of local government to which this administrative regulation relates. 40 CFR 280 Subpart H requires owners of petroleum storage tanks to demonstrate financial responsibility for taking corrective action, and for compensating third parties for bodily injury and property damage caused by accidental releases. KRS 224.814 through 224.825 provides for the creation of a program to assist owners and operators in meeting the demonstration of financial responsibility. The administrative regulation relates to any aspect of local government that owns or operates a petroleum storage tank.

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: Local governments, like any owner of a petroleum storage tank, will be required to demonstrate financial responsibility in the amount of \$10,000 or \$25,000 depending on the number of tanks owned. Once these tanks meet the requirements of 401 KAR Chapter 42 and are in substantial compliance, the Petroleum Underground Storage Tank Assurance Fund may be used to cover corrective action and third party liability expenses. Although there is a deductible, extensive savings will be realized by local government for corrective action and third party liability expenses.

TRANSPORTATION CABINET
Motor Vehicle Commission

605 KAR 1:190. Motor vehicle advertising.

RELATES TO: KRS 190.010 through 190.990

STATUTORY AUTHORITY: KRS 190.015, 190.020, 190.030, 190.040, 190.058, 190.073

NECESSITY AND FUNCTION: KRS 190.040(1)(i) prohibits a motor vehicle dealer from engaging in "false or misleading advertising"; this is the only statutory or regulatory language which attempts to provide any guideline or standard for dealer advertising. The Motor Vehicle Commission has received numerous inquiries and complaints concerning advertising by licensees. It is the objective of this regulation to define certain conduct which constitutes "false or misleading advertising". KRS 190.073 authorizes the Motor Vehicle Commission to "promulgate appropriate and reasonable regulations for the purpose of carrying out the provisions of this chapter." The purpose of this regulation is to

provide for truthful and accurate advertising practices in the sale and lease of motor vehicles by licensed motor vehicle dealers.

Section 1. Definitions. In this section:

(1) "Advertising" means any oral, written or graphic statement which offers vehicles for sale or which indicates the availability of vehicles, including any statements or representation made in a newspaper, pamphlet or circular, other publication, or on radio or television, or contained in any notice, handbill, sign, billboard poster, bill catalog, letter or business card.

(2) "Clear and conspicuous" means a statement, representation or term differing from other statements, representations or terms being made so as to be readily noticeable to the person to whom it is being disclosed either by its size, sound, length of time, color, placement in the ad, or the like.

(3) "Rebuilt motor vehicle" means a motor vehicle which has at any point in its history been issued a salvage or like title in any state and has subsequently qualified for a regular title through any process legally available in any state.

(4) "Demonstrator, official or executive vehicles": the word "demonstrator" means a vehicle of the current or preceding model year which has never been the subject of a retail sale, and which has been used by dealership personnel for demonstrating performance ability. "Executive" and "official" vehicles when so advertised shall have been used exclusively by executives of the dealer's franchiser.

(5) "Bait advertising" means an alluring but insincere offer to sell a product, to obtain leads to persons interested in buying merchandise of the type advertised and to switch consumers from the advertised product to another product for a higher price or on a basis more advantageous to the dealer. Advertising a new motor vehicle at a price which does not include all equipment listed as standard equipment by the manufacturer without disclosing such fact, or failing to disclose any such equipment for the purpose of advertising a low price and "baiting" the customer into charges above the advertised price is prohibited. No practice shall be pursued by the advertiser which will discourage the sale of the advertised product with the intent and purpose of selling other merchandise instead.

Section 2. Licensees shall not use unfair, misleading or bait advertising.

Section 3. Advertisements for the sale of new and used vehicles offered for sale by a licensee shall clearly and conspicuously identify the dealership by including in the text of the advertisement either the word "dealer" or the business name as it appears on the dealer license.

Section 4. Where a specific new motor vehicle is advertised by a dealer as being for sale, that vehicle shall be in the possession of the dealer and shall be willingly shown and sold as advertised, illustrated or described at the advertised price and terms, at the advertised address, except that the advertising of a specific new motor vehicle for sale when the advertised vehicle is not in stock on the date

of the advertisement shall state "not in stock" or "order yours now" or other phrases of similar import which clearly indicate that the vehicle is not available for immediate delivery. Such advertisements shall disclose a reasonable estimate of the period of time in which delivery will be made. If an advertisement pertains to one (1) specific vehicle only, this fact shall be disclosed in the advertisement; listing a stock number is adequate disclosure.

Section 5. The following statements shall not be used in any advertising by any dealer, unless such statements are absolutely true with no qualifications:

(1) Statements such as "write your own deal", "name your own price", "name your own monthly payments", "appraise your own car" or statements with similar meaning.

(2) Statements such as "everybody financed", "no credit rejected", "we finance anyone", and other statements representing or implying that no prospective credit purchaser will be rejected because of his inability to qualify for credit.

(3) Statements representing that no other dealer grants greater allowances for trade-ins, however stated.

(4) Statements implying that because of its large sales volume a dealer is able to purchase vehicles for less than another dealer selling the same make of vehicles.

(5) Retail advertising shall not state or imply that the dealer is selling vehicles in a manner other than through normal retail channels and shall not imply that a dealer has a special relationship or connection to the manufacturer that other dealers do not have. Terms such as "wholesale", "factory sale", "factory discount", "factory outlet", "factory branch" and similar terms used in connection with the manufacturer's name are examples of terms that imply that a dealer has a special relationship or connection to a manufacturer that other dealers do not have.

(6) Claims such as "first", "largest", "biggest", shall be able to be qualified as to validity (using valid source data) and the time period of the claim. At the direction of the licensor, the dealer shall incorporate within the advertisement the terms of such qualification.

Section 6. Since the amount of trade-in allowance will vary depending on the condition, model and age of a buyer's vehicle, no specific trade-in amount or range of amounts shall be used in advertising.

Section 7. An asterisk (*) may be used to give additional information about a word or term; however, use of one (1) or more footnotes or asterisks which, alone or in combination, contradict, confuse, materially modify or unreasonably limit a principal message of the advertisement shall not be used.

Section 8. Any disclosure appearing in television advertisements shall clearly and conspicuously feature all necessary information in a manner that can be read and understood or which can be heard and understood. The minimum duration of printed language in a television advertisement shall be five (5) seconds for every three (3) lines.

Section 9. When a motor vehicle advertisement contains an offer of a discount on a new vehicle, the amount of such discount shall be stated by reference to the actual dollar figure of the manufacturer's suggested retail price of the vehicle plus the retail price of dealer-added options.

Section 10. The words "free", "gift" or words of similar import may be used in advertising only when the advertiser is offering an unconditional gift.

Section 11. The manufacturer's suggested retail price (MSRP) dollar figure of a new motor vehicle when advertised in local media by a manufacturer, distributor or regional advertisement council or association shall include all costs and charges for the vehicle advertised including destination charges when those charges are uniform regardless of destination throughout the state; destination charges subject to variance within the state and dealer preparation charges may be excluded from such price, provided that the advertisement conspicuously states that such costs and charges are excluded. When the price of a vehicle is advertised in local media by a licensee, the vehicle shall be fully identified as to year, make, model and if new or used. In addition, the stated price shall include all charges which the customer must pay for the vehicle, including, but not limited to, "freight" or "destination charges", "dealer preparation", "dealer handling", "additional dealer profit", "additional dealer margin", and "undercoating or rustproofing" if the vehicle is already so equipped. The advertised price at which the dealer is advertising a particular motor vehicle shall be the price before consideration for a down-payment, a trade-in allowance, or other similar allowances.

Section 12. Where the words "list" or "sticker" or words of similar import are used in a new motor vehicle advertisement, they shall only refer to the actual dollar figure of the manufacturer's suggested retail price (MSRP) plus the retail price of dealer-added options.

Section 13. Whenever any advertisement relates to a lease, the advertisement shall clearly and conspicuously disclose that the advertisement is for the lease of a vehicle.

Section 14. All advertising shall comply with Regulation Z of the Federal Truth in Lending Act and Federal Trade Commission Act.

Section 15. A dealer offering to sell a motor vehicle which he knows is a rebuilt motor vehicle shall clearly and conspicuously disclose that information to a prospective purchaser for use. A dealer offering to sell a demonstrator, program, official or executive vehicle shall clearly and conspicuously identify such former use. Demonstrators shall be offered for sale as such only by a dealer who holds a valid sales agreement or franchise for the sale of the same line make of motor vehicle. Vehicles advertised as official or executive vehicles shall not have been sold or leased to a retail customer prior to the appearance of the advertisement.

Section 16. No reduced interest rate on motor vehicle financing shall be advertised if the cost thereof would be directly or indirectly borne by the buyer unless the advertisement discloses that that rate will affect the negotiated price of the vehicle to the buyer.

Section 17. In any action under this section, truth shall be an absolute defense.

RAYMOND COTTRELL, SR., Chairman

APPROVED BY AGENCY: May 10, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this proposed new administrative regulation shall be held at 10 a.m. on June 27, 1991, at the office of the Kentucky Motor Vehicle Commission, 114 West Clinton Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 22, 1991, five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed new 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 new administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed new administrative regulation to: David Garnett, Executive Director, Kentucky Motor Vehicle Commission, 114 West Clinton Street, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: David Garnett

(1) Type and number of entities affected: The agency has licensed 3,226 motor vehicle dealers and 75 motor vehicle manufacturers and distributors thus far for calendar year 1991. All of these, as well as others who obtain a license during the remainder of the year, would be affected by the proposed regulation if they advertise for the sale of motor vehicles in any local media, which is any media in or by which licensees direct advertisements for the sale of motor vehicles specifically toward that segment of the consuming public which is made up of Kentucky residents.

(a) Direct and indirect costs or savings to those affected: It is not possible to determine a specific amount which would be incurred or saved by compliance with the regulation; those licensees who advertise for the sale of motor vehicles must only insure that the text of an advertisement conforms to the requirements of the regulation. If a licensee has to amend a current advertising campaign to comply with the regulation, some cost may be incurred. For instance, if a licensee has hired an outside firm to prepare and produce its advertising, then it may incur some cost to transmit the regulatory requirements to that outside firm and to have the advertising changed to conform to the regulation. Otherwise, the regulation does not set any fee structure, and the range of penalties which may be imposed for a violation of the regulation is currently provided for in KRS Chapter 190.

1. First year: A specific amount is not determinable for the reasons stated above; however, it can be stated that any costs associated with the implementation of the regulation would be incurred upon or soon after its implementation.

2. Continuing costs or savings: A specific estimate of continuing direct and indirect cost or savings to those affected after the first year is not determinable, other than as stated above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors which would increase or decrease costs. As to effects on competition, the proposed administrative regulation was drafted in such a manner that it applies to all licensees who advertise for the sale of motor vehicles to consumer residents of Kentucky; as the standards are uniform, the only effect on competition is to put everyone on a level playing field.

(b) Reporting and paperwork requirements: If the agency finds an offending advertisement, it may require the licensee in question to amend or add to that advertisement and to provide to the agency proof of compliance with the regulatory requirements.

(2) Effects on the promulgating administrative body: Adding such a significant set of requirements to a regulated class necessarily entails a corresponding degree of effort and some expense on the part of the agency. The agency would, through its field staff, routinely review advertisements placed by licensees in print and other media; it can also be expected that an offending advertisement would be referred to agency attention by various other sources, including consumers and other licensees.

(a) Direct and indirect costs or savings: Direct and indirect costs to the agency would be those incurred in reviewing advertisements, and making follow-up contacts with licensees when appropriate.

1. First year: No additional staff will be required during the first year to insure compliance with the proposed regulation, and other than routine administrative costs as specified in (2)(a) above, no additional agency expenditures will be incurred. A direct or indirect factor affecting agency revenues would be that in the event that an offending advertisement is identified and not corrected, the agency would impose appropriate sanctions, including the imposition of monetary fines, on offending licensees through a hearing process.

2. Continuing costs or savings: In the event that any large or significant number of licensees fail to comply with the requirements of the proposed regulation on a continuing basis, the agency may have to add additional personnel to monitor advertising throughout the state in order to secure compliance. However, one of the advantages of the proposed regulation is that it will provide objective standards by which licensees may define their advertising activities; it is anticipated that licensees will comply with these standards without any major enforcement role by the agency.

3. Additional factors increasing or decreasing costs: If improper advertisements are identified and hearings result, the agency will incur increased costs associated with those hearings. However, if violations are found, penalties in the form of monetary fines may be assessed by

the agency.

(b) Reporting and paperwork requirements: Agency field inspectors will have to make additional reports showing the results of their investigations upon finding an improper advertisement. If an improper advertisement is identified, the agency will impose appropriate sanctions on offending licensees through a hearing process, which is initiated by the issuance of an administrative citation by the agency.

(3) Assessment of anticipated effect on state and local revenues: It is not expected that state and local revenues will be affected as licensees now routinely advertise for the sale of motor vehicles; the implementation of this regulation is not expected to increase or decrease the number of licensees who engage in advertising. As outlined in (2)(a)2 above, a continuing large-scale failure to comply with the provisions of the proposed regulation may require additional personnel to secure compliance; however, continuing large-scale noncompliance is most unlikely.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of attempting to base advertising guidelines only upon the language of KRS 190.040(1)(i), "A license may be...revoked on the following grounds...false or misleading advertising" was considered and rejected as failing to provide any meaningful standard by which a licensee or the agency could determine if an advertisement was false or misleading. The agency decided that the most desirable way to provide for uniform mandatory guidelines, which would be in the best interests of both licensees and Kentucky consumers, was through the promulgation of this regulation.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: As stated earlier, KRS 190.040(1)(i) prohibits "false or misleading advertising"; the proposed regulation does not conflict with or duplicate that statute. It may overlap but only in the sense that it adds specific standards by which licensees, consumers and the agency may judge whether or not an advertisement is false or misleading.

(a) Necessity of proposed regulation if in conflict: The proposed regulation does not present any conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: The proposed regulation does not present any conflict.

(6) Any additional information or comments: There is no additional information or comments.

TIERING: Was tiering applied? No. The subject matter of the proposed regulation affects all licensees who advertise motor vehicles for sale in local media, which could be every licensee. Wholesale motor vehicle dealers, while restricted to sales to other motor vehicle dealers only, could conceivably advertise. While certain sections of the proposed regulation affect the advertisement for sale of new motor vehicles only (which is an activity confined to new motor vehicle dealers) and other sections apply to the sale or lease of all motor vehicles, all licensee classes are affected by the proposed regulation if they advertise the sale or lease of motor vehicles. The proposed regulation is intended to address the complaints

and concerns which have arisen from the advertising of all licensees, and not any one class in particular.

WORKFORCE DEVELOPMENT CABINET

Department for Adult and Technical Education

780 KAR 9:100. Provision of instruction for individuals sentenced by a court to participate in educational programs.

RELATES TO: KRS 151B.025, 151B.110, 533.200, 533.210

STATUTORY AUTHORITY: KRS 13A.100, 151B.025, 151B.110, 533.210

NECESSITY AND FUNCTION: KRS 533.200 and 533.210 allow a judge to sentence individuals without high school credentials who are convicted of a crime by a court to participate in a program designed to improve their reading, living, and employment skills. KRS 151B.025 and 151B.110 transfer adult education responsibility to the Department for Adult and Technical Education and to the State Board for Adult and Technical Education. This regulation describes programs of instruction to be offered for individuals sentenced by courts to educational programs and establishes qualifications for persons or organizations offering such instruction.

Section 1. Administration. (1) The Kentucky Department for Adult and Technical Education shall be responsible for administering the "Sentenced to Learn" program and shall work in conjunction with agencies within the Cabinet for Workforce Development, and as appropriate, other state agencies.

(2) The Office of Adult Education Services of the Kentucky Department for Adult and Technical Education shall designate "Sentenced to Learn" coordinators or appropriate programs on the local level and shall provide administrative services, curriculum design, and in-service training for providers of the "Sentenced to Learn" program.

Section 2. Instructional Program. (1) Educational programs for students ordered to attend as part of a sentence for a misdemeanor or felony conviction shall include instruction in reading, living, and employment skills appropriate to the educational level of the student.

(2) The cost for each individual's participation in one (1) segment of fifty (50) hours of instruction in the "Sentenced to Learn" program shall be determined on an annual basis by the Cabinet for Workforce Development and announced by July 1.

(3) Successful completion of a program must include at a minimum fifty (50) hours of instruction to be completed within a five (5) month period unless an extension is approved by the court or a passing score on the General Educational Development test is achieved.

Section 3. Program Providers. (1) Those qualified to provide instruction in educational programs designed to improve reading, living, and employment skills under the "Sentenced to Learn" program shall include adult learning centers, local adult education programs, and local adult literacy programs receiving state or

federal funds for their operation, and other public or private adult education programs authorized by the Kentucky Department for Adult and Technical Education to provide instruction in the "Sentenced to Learn" program. A listing of approved providers of "Sentenced to Learn" programs shall be disseminated among circuit and district judges.

(2) Those providing instruction in the "Sentenced to Learn" program shall either establish special classes for these students or shall provide individual instruction. Local providers may form partnerships for cooperative programming. Instructional components shall emphasize reading, living, and employment skills. Adult education programs in neighboring counties may collaborate to offer special classes for court-assigned students. Services shall be provided either by adult educators or by paraprofessionals or volunteers working under the direction of adult educators or literacy program coordinators.

(3) The Office of Adult Education Services of the Kentucky Department for Adult and Technical Education and the Kentucky Literacy Commission shall receive and review applications from other public or private programs seeking to offer instruction to adults sentenced by the court to educational programs. Applicants may be area vocational schools, technical institutes, or community colleges, other colleges, universities, other public or private agencies or institutions, or consortia of such agencies or institutions. Applicants shall be evaluated according to the following criteria:

(a) Ability to serve educationally disadvantaged youths and adults;

(b) The extent of the applicant's experience in the successful operation of adult literacy, basic education, and high school equivalency projects;

(c) Ability of the applicant to address the identified needs of adults sentenced to educational programs;

(d) Nonduplication and coordination of services with regular adult education programs receiving assistance from state and federal funds;

(e) Adequacy of staff; and

(f) Qualifications of administrators and staff members.

C. RICHARD WARNER, Chairman

APPROVED BY AGENCY: April 18, 1991

FILED WITH LRC: May 14, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.m. (EDT) in Room 2010, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 20, 1991, five days prior to 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: Audrey T. Carr, Secretary, State Board for Adult and Technical Education, 2013 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Lucie Nelson

(1) Type and number of entities affected:
Unknown number of parolees sentenced by courts,

and educational programs, both public and private, which apply and are accepted as providers.

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

1. First year: Students who are able will pay the costs for the Sentenced to Learn program. (Approximately \$200 depending on size of class.) Those unable to pay will receive the program through JTPA or basic skills state grant.

2. Continuing costs or savings: Same with inflationary increases.

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

(b) Reporting and paperwork requirements:
Minimal student data reporting.

(2) Effects on the promulgating administrative body: Start up, implementation and maintenance of a new program.

(a) Direct and indirect costs or savings:

1. First year: 1992 - \$216,000

2. Continuing costs or savings: 1993 - \$346,500

3. Additional factors increasing or decreasing costs: Cost of living, inflation, expansion of program; locations and recipients.

(b) Reporting and paperwork requirements:
Provision to the courts a list of providers of the "Sentenced to Learn" program.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A. Statutory mandated program.

(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

WORKFORCE DEVELOPEMENT CABINET

Department for Adult and Technical Education

780 KAR 9:110. Standards for successful completion of "Sentenced to Learn" program.

RELATES TO: KRS 151B.025, 151B.110, 533.200, 533.210

STATUTORY AUTHORITY: KRS 13A.110, 151B.025, 151B.110, 533.210

NECESSITY AND FUNCTION: KRS 533.200 and 533.210 allow a judge to sentence individuals without high school credentials who are convicted of a crime by a court to participate in a program designed to improve their reading, living, and employment skills. KRS 151B.025 and 151B.110 transfer adult education responsibility to the Kentucky Department for Adult and Technical Education and to the State Board for Adult and Technical Education. This regulation prescribes the standards for successful completion of the program.

Section 1. Definition. (1) "Coordinator" shall mean the person or program designated as the coordinator for the "Sentenced to Learn" program in the area where the individual who is being sentenced resides.

(2) "Satisfactory progress" shall mean regular

and appropriate participation in the educational program during the time specified by the court.

Section 2. Enrollment in program. (1) When the sentencing judge refers an individual for evaluation, the coordinator shall make arrangements for evaluation of the individual, and based on the evaluation, the coordinator shall determine the level of instruction for the individual.

(2) The coordinator shall arrange for any adult assigned by the court to the program in that county to enter the specified instructional program at the earliest possible date.

(3) The coordinator shall prepare an individual education program for each student sentenced by a court to a learning program and that program shall serve as a guide for the student's instruction.

Section 3. Attendance. (1) Students shall attend all class or tutorial sessions for which they are enrolled and shall participate in the appropriate manner. No absence shall be excused unless the student provides an explanation acceptable to the judge or his designee.

Section 4. Failure to complete program. (1) Failure of the student to attend the classes, participate in an appropriate manner, or make satisfactory progress shall be reported to the sentencing court or its designee.

(2) A determination as to where the failures are willful or whether the person is incapable of completing the program because of mental retardation or other reasons beyond his control shall be made by the court, and the coordinator shall be notified that the student will continue to participate or that the student is being withdrawn from the program.

C. RICHARD WARNER, Chairman

APPROVED BY AGENCY: April 18, 1991

FILED WITH LRC: May 14, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.m. (EDT) in Room 2010, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 20, 1991, five days prior to 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: Audrey T. Carr, Secretary, State Board for Adult and Technical Education, 2013 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Lucie Nelson

(1) Type and number of entities affected: Unknown number of parolees sentenced by courts, and educational programs, both private and public, which apply and are accepted as providers.

(a) Direct and indirect costs or savings to those affected: Regulation does not affect costs.

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 student information reporting.

(2) Effects on the promulgating administrative body: Minimal

(a) Direct and indirect costs or savings: Regulation does not affect costs.

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: N/A statutory mandate.

(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

WORKFORCE DEVELOPMENT CABINET

Department for Adult and Technical Education

780 KAR 9:120. Maintenance of records and reporting to courts for "Sentenced to Learn" program.

RELATES TO: KRS 151B.025, 151B.110, 533.200, 533.210

STATUTORY AUTHORITY: KRS 13A.110, 151B.025, 151B.110, 533.210

NECESSITY AND FUNCTION: KRS 533.200 and 533.210 allow a judge to sentence individuals without high school credentials who are convicted of a crime by a court to participate in a program designed to improve their reading, living, and employment skills. KRS 151B.025 and 151B.110 transfer adult education responsibility to the Kentucky Department for Adult and Technical Education. This regulation establishes procedures for maintaining records and reporting to the courts as to individuals convicted of misdemeanors or felonies and sentenced by the courts to educational programs.

Section 1. Definition. "Coordinator" shall mean the person or program designated as the coordinator for the "Sentenced to Learn" program in the area where the individual who is being sentenced resides.

Section 2. Reporting Requirements. (1) When a student sentenced by the court to an educational program attends the first class or tutorial session, the coordinator or his designee shall send written notification to the clerk of the court that the student is participating in an instructional program.

(2) Instructors or tutors shall maintain attendance records for all students sentenced to educational programs by a court.

(3) Providers of instruction under the program shall notify the sentencing court within ten (10) days of the student's successful program completion.

(4) Other records of student participation and progress in the program shall be maintained by the local providers who shall submit information upon request to the Office of Adult Education.

The office shall submit a quarterly report on the program to the State Board for Adult and Technical Education and to the Administrative Office of the Courts. This report shall include statistics on participation, student achievement, the numbers and types of sites providing "Sentenced to Learn" instruction, costs of providing services, and the amounts and sources of funds to meet these costs.

C. RICHARD WARNER, Chairman

APPROVED BY AGENCY: April 18, 1991

FILED WITH LRC: May 14, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 25, 1991 at 10 a.m. (EDT) in Room 2010, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 20, 1991, five days prior to 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: Audrey T. Carr, Secretary, State Board for Adult and Technical Education, 2013 Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Lucie Nelson

(1) Type and number of entities affected: Unknown number of parolees sentenced by courts, and educational programs, both public and private, which apply and are accepted as providers.

(a) Direct and indirect costs or savings to those affected: Regulation does not affect costs.

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 student information reporting.

(2) Effects on the promulgating administrative body: Minimal costs of recordkeeping.

(a) Direct and indirect costs or savings: Regulation does not affect costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Local program providers keep records on attendance participation, progress and completion, and, in turn, report to the individual sentencing court.

(3) Assessment of anticipated effect on state and local revenues: N/A

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Community Safety

902 KAR 55:075. Sale of seized and forfeited controlled substances.

RELATES TO: KRS Chapter 218A

STATUTORY AUTHORITY: KRS 194.050, 218A.250, 218A.420

NECESSITY AND FUNCTION: KRS 218A.420 directs the Cabinet for Human Resources to promulgate regulations to determine a proper buyer for controlled substances which are seized and forfeited under this chapter. The purpose of this regulation is to prevent the sale of controlled substances that may be adulterated or misbranded.

Section 1. Sale of Seized and Forfeited Controlled Substances. No person shall sell or purchase controlled substances which have been seized and forfeited under KRS Chapter 218A unless, prior to the sale:

(1) A written request for permission to sell or purchase such controlled substances is made to the Cabinet for Human Resources, Drug Control; and

(2) The controlled substances are inspected by a pharmacist of the Cabinet for Human Resources, Drug Control; and

(3) All terms and conditions required by the cabinet are met, which may include but are not limited to tests or assays, payment for which shall be the responsibility of the person who submitted the request; and

(4) Permission is granted, in writing, by the Cabinet for Human Resources.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 19, 1991

FILED WITH LRC: April 25, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1991 at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1991, 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: Edward Crews

(1) Type and number of entities affected: This regulation potentially affects all citizens of the Commonwealth.

(a) Direct and indirect costs or savings to those affected: Potential savings to the state or an individual if controlled substances which have been seized by law enforcement and forfeited to the state can be sold to a legitimate buyer instead of being destroyed. The amount of savings cannot be determined because of the number of factors affecting the amount of the sale.

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: Request for permission to sell or purchase such controlled substances must be made to the Cabinet for Human Resources.

(2) Effects on the promulgating administrative body: The Cabinet for Human Resources must evaluate the controlled substances which have been seized or forfeited to determine if such drugs can be dispensed without endangering the public health.

(a) Direct and indirect costs or savings: There is no additional cost or saving generated by this regulation.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: There is no additional reporting or paperwork required by this regulation.

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were rejected because the public health would be endangered if adulterated or misbranded drugs were allowed to be dispensed.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? No. Tiering was not applied because the standards which must be met by drug products are not differentiated according to seller or purchaser.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. There are no comparable statutes or regulations.

2. State compliance standards. This regulation requires that permission be granted by CHR prior to the sale of controlled substances which have been seized and forfeited. CHR may require testing and/or other conditions be met to insure that the drugs are not adulterated or misbranded and are therefore safe for use by citizens of the Commonwealth.

3. Minimum or uniform standards contained in the federal mandate. There are no federal standards.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This regulation requires that permission be granted by CHR prior to the sale of controlled substances which have been seized and forfeited. Federal regulations do not address the sale of such drugs.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This regulation is required by KRS 218A.420(2).

CABINET FOR HUMAN RESOURCES Department for Health Services Division of Community Safety

902 KAR 55:080. Written prescriptions to be signed by practitioner.

RELATES TO: KRS Chapter 218A

STATUTORY AUTHORITY: KRS 194.050, 218A.250

NECESSITY AND FUNCTION: KRS 218A.250 directs the Cabinet for Human Resources to adopt rules and regulations for carrying out the provisions of KRS Chapter 218A relating to controlled substances. The purpose of this regulation is to clarify who is authorized to sign a prescription for controlled substances and the form of the signature, which must be in accordance with federal regulation.

Section 1. A written prescription for a controlled substance shall be signed only by a practitioner who is authorized to prescribe controlled substances under the laws of the jurisdiction in which he is licensed to practice his profession.

Section 2. A written prescription for a controlled substance shall be written with ink, indelible pencil or typewriter and may be prepared by an agent for the practitioner's signature. The prescription shall be manually signed by the practitioner which may be in the same manner as he would sign a check or legal document.

C. HERNANDEZ, M.D., Commissioner

HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 19, 1991

FILED WITH LRC: April 25, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 21, 1991 at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 16, 1991, 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: Edward Crews

(1) Type and number of entities affected: 10,000 practitioners who are authorized to prescribe controlled substances.

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

1. First year: There are no direct or indirect costs or savings to practitioners because this administrative regulation parallels current federal requirements.

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: There is no reporting or paperwork requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There are no direct or indirect costs or savings to the administrative agency.

1. First year:

2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: There is no additional reporting or paperwork required by this regulation.

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were rejected because current federal law has the same requirements.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:
TIERING: Was tiering applied? No. Tiering was not applied because the requirements apply to all practitioners regardless of speciality, location or type of practice.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. The comparable federal regulation is 21 CFR 1306.05.

2. State compliance standards. This regulation requires that prescriptions for controlled substances be manually signed by the practitioner.

3. Minimum or uniform standards contained in the federal mandate. The federal regulation requires that prescriptions for controlled substances be manually signed by the practitioner.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The state regulation imposes no requirements or responsibilities different than federal law.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

CABINET FOR HUMAN RESOURCES Department for Social Services

905 KAR 1:320. Fair hearing.

RELATES TO: Social Security Act, Civil Rights Act, 45 CFR 210

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: Under Titles IV-B, IV-C, IV-E and Title XX of the Social Security Act, the single state agency responsible for the program shall be required by federal regulation, 45 CFR 205.10, to provide a hearing to applicant or recipient who is aggrieved by an agency action resulting in denial, suspension, reduction, discrimination, exclusion or termination of services. The Department for Social Services has assured various federal agencies that it shall comply with the provisions of the Civil Rights Act of 1964, as

amended, Section 504 Rehabilitation Act of 1973 as amended and with 45 CFR 205.10.

Section 1. Definitions. (1) "Local resolution process guidelines" means the local resolution conference consisting of an informal process that gives the complainant the opportunity to discuss his complaint and clarify issues and attempt to resolve those issues. The complainant shall be afforded the opportunity to decide whether he continues to desire a formal hearing following the local resolution process.

(2) "Timely" means that a notice is mailed at least ten (10) days before the date of the action, except that adequate written notice shall be given no later than the date of the action if staff determines that delaying the action endangers the health or well-being of the children or that the health or well-being of children may be endangered if prior notice is given.

Section 2. Right to a Fair Hearing. (1) The department shall not on the basis of race, color, national origin, sex, age, religion or handicap:

(a) Deny an individual aid, care, services or other benefits of the department, either directly or through contractual or other agreements.

(b) Provide aid, care, services, or other benefits to an individual which is different or is provided in a different manner from that provided to others.

(c) Subject an individual to segregation or separate treatment in a matter related to his receipt of aid, care, services or other benefits.

(d) Restrict an individual in the enjoyment of an advantage or privilege enjoyed by others receiving aid, care, services or other benefits.

(e) Treat an individual differently from others in determining whether he satisfies eligibility or other requirements or conditions which individuals shall meet to receive aid, care, services or other benefits.

(f) Deny an individual an opportunity to participate in the program through the provision of services or afford him an opportunity to do so which is different from that afforded others.

(2) A notice of the client's right to a hearing shall be displayed prominently in each Department for Social Services residential treatment facility, clinical programs, day treatment center, group home, and in each Department for Social Services office in a location easily accessible to clients. The notice of right to a hearing shall state:

(a) If you are dissatisfied with the action taken, you may request a fair hearing within thirty (30) days from the date of the action by filing a written request or a DSS-154, Request for Fair Hearing form, incorporated by reference herein, with the Quality Assurance Branch, Department for Social Services, 404 Ann Street, Frankfort, Kentucky 40601.

(b) You may be represented by an attorney or other spokesman.

(3) Staff of the Department for Social Services, shall have the responsibility of advising clients and subsidized adoptive parents in writing of their right to a fair hearing:

(a) During intake or at the initial treatment planning conference, using the DSS-154, Request for Fair Hearing form.

(b) During any action affecting services or

assistance:

1. Staff shall give the client or subsidized adoptive parent timely and adequate notice thereof and an opportunity to object, using the DSS-154A, Notice of Intended Action form, incorporated by reference herein.

2. If a request for a hearing is made within ten (10) days of the notice of an action affecting services, services shall be continued until a decision is rendered after a hearing, unless staff determines that continuation of the services or delay of the action endangers the health or well-being of a child; and

(c) Staff shall give new foster parents at the time of approval a written notice of their right to a fair hearing when:

1. A foster home is closed;
2. A child is removed from one (1) foster home to another foster home; and
3. When training provided by the department is denied.

(3) Hearing entitlement.

(a) A client or subsidized adoptive parent shall be entitled to a hearing on the following actions:

1. A denial, reduction, material modification, suspension, discontinuance, exclusion from or termination of a service;
2. Dissatisfaction with a service received, inappropriate or inadequate treatment, placement or visitation;
3. Failure of the department to act upon a request for service with reasonable promptness;
4. Failure of the department to take into account a client's choice of service or a determination that the individual shall participate in a service program against his wishes, except where required by law; or
5. Discrimination against a client by department staff on account of age, sex, race, national origin, handicap or religion.

(b) A foster parent shall be entitled to a hearing on the following decisions:

1. Removal of a foster child from one foster home to another foster home except if the child has been the subject of a substantiated report of abuse or neglect by the foster parents;
2. To deny foster parents foster parent training provided and scheduled by the department.
3. To close the foster home, except when:

a. Sexual abuse or exploitation by the foster parents is substantiated;

b. Substantiation of physical abuse of a child or spouse warranting the removal of the victim;

c. There is presence of a serious physical or mental illness which may impair or preclude adequate care of the child by the foster parents;

d. Foster parents are convicted of a felony offense; and

e. Foster parents have not had a placement within five (5) years of the approval date.

(c) Subsidized adoptive parents shall be entitled to a hearing on the decision to deny or reduce adoptive assistance for a special needs child.

(4) The following issues shall not be considered through the hearing procedure described herein:

(a) Complaints related to legal issues, i.e., actions involved in court cases or the interpretation of any statute or regulation;

(b) A complaint that has not been filed in writing with the Quality Assurance Branch;

(c) A complaint that has been abandoned by

failure of the complainant to furnish information requested by the hearing officer or to appear at a scheduled hearing;

(d) A complaint of a provider of services under contract or memorandum of agreement, e.g. private child care facilities or area development districts. Refer to 905 KAR 8:140, Hearing procedures for area agency on aging, contract selector actions, for formal complaint procedure for area agencies on aging.

(e) Discrimination practices in relation to departmental personnel policies and procedures. These grievances shall be handled per instructions in the personnel manual; and

(f) A report of child abuse or neglect and adult abuse or neglect.

Section 3. Request for Hearing. (1) The complainant or legal guardian shall sign the request and submit it to the Quality Assurance Branch. Upon request, departmental staff shall assist individuals in preparation and submission of a request for hearing. Staff shall not assume responsibility for mailing the request. Requests for hearing shall be in writing or filed on the DSS-154, Request for Hearing form and contain:

(a) Specific allegations or complaints;

(b) Name of the person, if known, responsible for the act or decision upon which the complaint is based;

(c) Circumstances under which the alleged act occurred; and

(d) Date and place of alleged act.

(2) Requests shall be filed within thirty (30) days after the alleged act or notice of a decision affecting services. If the notice is mailed, the date of the notice shall be the date mailed; otherwise it shall be the date of delivery. If the request is filed after the thirty (30) day period, a decision as to acceptance or denial of the complaint for action shall be made by the Commissioner of the Department for Social Services.

(a) Within five (5) working days of the receipt of the complaint, the Quality Assurance Branch shall notify the complainant of the receipt of the request and the department's policy of attempts at local resolution before a hearing is scheduled.

1. The appropriate family services district manager or designee shall also be notified of the receipt of the request and asked to set a meeting with the complainant to attempt to resolve the issues that led to the complaint.

2. The juvenile services specialist shall arrange a meeting with the complainant to attempt to resolve the issues that led to the complaint if received from youth in residential treatment facilities, clinical programs, group homes or day treatment programs.

(b) The local resolution facilitator contacts the complainant to:

1. Clarify the issues of the complaint; and

2. Determine if the complainant wishes to participate in the local resolution process;

3. Determine whether the complainant is a client or a person filing on behalf of a client. If the complainant is not a client, notify the Quality Assurance Branch Manager immediately.

(c) The complainant may refuse to participate in the local resolution efforts and shall sign an acknowledgement to be forwarded to the Quality Assurance Branch Manager and choose:

1. To request that the complaint be withdrawn; or

2. That the complaint be referred for a formal fair hearing.

(d) If the complainant chooses to be involved in the local resolution process, the local resolution facilitator shall solicit information from the involved parties in an attempt to resolve the complaint in a manner that is acceptable to the complainant. The solicitation of information may include:

1. Interviews with the complainant and named DSS staff;

2. Interviews with other involved parties; and

3. A review of relevant case materials.

(e) Other issues identified as a result of the local resolution conference shall be brought to the attention of appropriate management and supervisory staff.

(4) The family services district manager or his designee or the juvenile services specialist shall forward to the Quality Assurance Branch, in writing, the results of their efforts to achieve local resolution of the complaint not more than thirty (30) days after the filing of the request for hearing. The report shall contain:

(a) Nature of the complaint.

(b) Date of resolution conference.

(c) Persons present at the conference.

(d) The results of the conference.

(5) If the complaint is resolved, the complainant shall sign an acknowledgment to be attached to the report.

Section 4. Hearing Before the State Agency.

(1) If a complaint is not resolved within thirty (30) days after filing, it shall be referred to a hearing officer of the Quality Assurance Branch to conduct a hearing. The hearing shall be held within thirty (30) days after referral. If the complainant agrees to an extension of time, the time for final administrative action shall be correspondingly extended.

(2) The hearing shall be conducted at a reasonable location selected by the hearing officer.

(3) The complainant and representatives, as appropriate, the DSS staff named in the complaint and their representatives, and CHR Office of Counsel shall be given at least seven (7) working days written notice prior to the hearing. The following information shall be contained in the hearing officer's notice to the complainant and his representative:

(a) The specific allegations to be heard at the hearing. The complainant shall be asked to notify the hearing officer in writing within five (5) working days of the receipt of the notice if the allegations have not been correctly stated. The hearing officer shall then make a determination as to whether to modify the allegations.

(b) Individuals to be present at the hearing.

(c) The complainant's option of presenting his case himself or with the aid of an authorized representative, i.e., legal counsel, relative, friend or other spokesman.

(d) That the department shall not be responsible for any legal fees incurred by the complainant related to the hearing.

(e) The nature and conduct of the hearing, e.g., orderly but informal manner, opportunity to present witnesses and to cross examine opposing witnesses, etc.

(f) The complainant's right to examine the contents of his case file and all documents and

records to be used by the agency at the hearing at a reasonable time before the date of the hearing and instructions on how to access the material under the open records law.

(4) The following information shall be contained in the hearing officer's notice to staff named in the complaint:

(a) The specific allegations to be heard at the hearing.

(b) Individuals to be present at the hearing.

(c) The nature and conduct of the hearing, e.g., orderly but informal manner, opportunity to present witnesses and to cross examine opposing witnesses, etc.

(d) Staff's option of presenting the case themselves or with representative, or with the aid of an attorney from the office of counsel. Staff shall be responsible for making arrangements for representation at the hearing.

(5) Attendance at the hearing shall be limited to:

(a) The complainant and representatives;

(b) Staff named in the complaint and their representatives;

(c) The department's attorney;

(d) A representative of the department;

(e) A person to operate the recording equipment;

(f) Any witness called by either the complainant or staff; and

(g) The hearing officer.

(6) The hearing shall be conducted in an orderly but informal manner, following the rules of procedure applicable to administrative hearings. Facts relevant to the issue shall be received.

(a) The hearing officer shall open the hearing by:

1. Describing the purpose of the hearing;

2. Explaining the role of the hearing officer; and

3. Introducing parties to the hearing.

4. The hearing officer may direct or grant a continuance for good cause shown.

5. The hearing officer shall carefully clarify the allegations to be heard with the parties to the hearing. The allegations shall be the same as those in the written notification of the hearing.

(b) Before receipt of testimony, the hearing officer shall assemble all witnesses in the hearing room, and administer an oath pursuant to KRS 194.025.

(c) The hearing officer shall arrange for the separation of witnesses. Only the client and representatives; staff named in the complaint and their representatives; the department's attorney; a representative of the department; the hearing officer; and a person to operate the recording equipment are entitled to be in the hearing room throughout the entire hearing. The hearing officer may permit others to remain throughout the entire hearing if circumstances dictate.

(d) Each witness shall complete direct testimony and then shall answer questions on cross examination by the adverse party.

(e) The complainant shall have the burden of proof and shall testify first and may present pertinent evidence, including testimony of witnesses and documents.

(f) Upon completion of the case for the complainant, the respondents may testify and present other evidence including testimony of witnesses and documents.

(g) Upon completion of the case for the respondents, the complainant may present additional evidence in strict rebuttal of the evidence presented by respondents. Additional evidence may be presented by either complainant or respondents at the discretion of the hearing officer.

(h) The hearing officer may, if necessary to secure full information on the issue:

1. Postpone the hearing;
2. Examine each party who appears, and his witnesses; and
3. Take any additional evidence which he deems necessary including excerpts from the case record.

(i) After both parties to the hearing have been given ample opportunity to present their testimony and evidence, the hearing officer shall give each party an opportunity to summarize the salient points of their cases.

(j) The hearing officer shall advise the parties that a decision shall be rendered within twenty (20) days from the close of the hearing.

Section 5. Hearing Officer's Report and Decision. (1) Within ten (10) days after the close of the hearing, the hearing officer shall file a written report with the Quality Assurance Branch. The report shall contain:

- (a) Statement of the complaint;
- (b) Persons present at the hearing, including witness;

(c) Findings of Fact based solely on the evidence introduced at the hearing;

(d) Conclusions as to whether or not the findings support the complaint, citing appropriate policy and procedures; and

(e) Recommendations as to action to be taken, if any, on the complaint.

(2) Within ten (10) days after receipt of the hearing officer's report by the Quality Assurance Branch, the commissioner, or designee, shall render a written decision on the complaint. The written decision shall be sent to the complainant by certified mail, return receipt requested, and to the staff involved, and shall contain the following information:

- (a) Statement of the complaint;
- (b) Findings of fact and conclusion in regard to complaint; and
- (c) Decision and action to be taken based on findings of fact.

Section 6. Corrective Action. After reviewing the findings of fact and recommendations of the hearing officer, if the commissioner or the commissioner's designee feels that corrective action is warranted, a memorandum shall be forwarded to the appropriate assistant director for family services or residential services requesting that corrective action be initiated. Corrective actions deemed necessary shall be initiated within ten (10) days.

Section 7. Record. The transcript or recording of testimony and exhibits, or an official report containing the substance of the testimony introduced at the hearing, together with all exhibits, papers and requests filed in the proceeding, and the report of the hearing officer shall constitute the exclusive record and shall be available at the Frankfort office of the Quality Assurance Branch at any reasonable time in accordance with open records. The record of the fair hearing shall be

maintained in a locked file separate from the case record of the complainant.

Section 8. Contract Agencies. (1) Contract agencies of the department shall follow procedures outlined in this manual section when a client has a complaint related to civil rights, discrimination or service delivery. If the complainant is dissatisfied with the written decision rendered by the contract agency, the client has ten (10) days from the date of the agency's decision to appeal. The agency, if requested, shall assist the complainant in filing an appeal of the decision. An appeal is mailed to the office of the commissioner.

(2) The commissioner shall forward the appeal of the decision to the Quality Assurance Branch to be reviewed by a specialist. After reviewing the decision made by the contract agency, the specialist shall file a written report with the commissioner which shall contain:

(a) Conclusions as to whether the contract agency's finding support the complaint, citing appropriate policy and procedure; and

(b) Recommendations as to action to be taken on the complaint.

(3) After receipt of the quality assurance specialist's report, the commissioner or the commissioner's designee shall render a written decision on the complaint. The written decision shall be sent to the complainant by certified mail, return receipt requested, and shall contain the following:

- (a) Statement of the complaint; and
- (b) Decision and action to be taken.

Section 9. Material Incorporated by Reference. (1) Forms necessary for the implementation of the fair hearing process shall be incorporated effective January, 1991.

(2) Material incorporated by reference may be inspected and copied at the Department for Social Services, CHR Building, 6th Floor, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

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

APPROVED BY AGENCY: May 7, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 21, 1991 at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by June 16, 1991: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jim McClure

(1) Type and number of entities affected: Entities affected are foster parents and clients receiving services from the Department for Social Services since all have the right to request a fair hearing. The actual number cannot be determined, but during calendar year 1990, the Quality Assurance Branch received 201 complaints and conducted 23 fair hearings. The other 178 complaints were either resolved locally, dismissed by the client or ruled inappropriate requests.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs or savings to affected entities due to the fact the department absorbs all costs relating to fair hearings except client attorney fees.

1. First year: There are no direct or indirect costs or savings to affected entities due to the fact the department absorbs all costs relating to fair hearings except client attorney fees.

2. Continuing costs or savings: There are no direct or indirect costs or savings to affected entities due to the fact the department absorbs all costs relating to fair hearings except client attorney fees.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no other factors and no effect on competition.

(b) Reporting and paperwork requirements: The reporting and paperwork requirements for the client or foster parents to complete a service complaint form (DSS-154) addressing the issues they want addressed at the fair hearing.

(2) Effects on the promulgating administrative body: The department provides the hearing officer and covers expenses of the hearing, i.e., transportation of staff, recording equipment, etc.

(a) Direct and indirect costs or savings: The department absorbs the cost of conducting hearing and no savings in these costs are foreseen. The department may experience an increase in the number of hearings as a result of the Timothy S. decision regarding foster parents right to a fair hearing.

1. First year: No savings or increases in costs are foreseen as the department absorbs the costs of conducting hearings except for a potential increase in the number of hearings as explained in (a).

2. Continuing costs or savings: The department absorbs the costs of conducting hearings and no savings or increases in these costs are foreseen except for the potential increase in the number of hearings.

3. Additional factors increasing or decreasing costs: There are no foreseen factors that will increase or decrease costs of hearings.

(b) Reporting and paperwork requirements: Paperwork requirements currently include the processing of the complaint form. Reporting requirements are basically a written report on the findings of the hearing.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect (increase or decrease) on local and state revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative was considered due to the fair hearing process being a federal mandate.

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

(a) Necessity of proposed regulation if in conflict: There is no conflict in statute, regulation or policy.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: This does not apply as no conflict exists.

(6) Any additional information or comments: There is no additional information.

TIERING: Was tiering applied? No. This regulation is applicable to all offices of the Department for Social Services, and agencies with whom the department contracts and all clients of the department.

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

905 KAR 1:330. Child protective services.

RELATES TO: KRS 600.10, 605.130, 620.010 to 620.050, 620.990

STATUTORY AUTHORITY: KRS 194.050, 605.150, 620.180

NECESSITY AND FUNCTION: KRS 194.050 provides that the Secretary for the Cabinet for Human Resources shall adopt regulations necessary to operate programs and fulfill the responsibilities vested in the Cabinet for Human Resources. In compliance with KRS 605.150 and 620.180 the Department for Social Services has drafted procedures that shall enable provisions of KRS Chapter 620.010 to 620.050, concerning child protection investigations of abuse, neglect or dependency, to be implemented.

Section 1. Definitions. (1) "Child protective services" means preventive and corrective services directed toward:

(a) Strengthening family life;

(b) Improving the abilities of parents to carry out parental responsibilities;

(c) Assuring for each child a safe and nurturing home;

(d) Safeguarding the rights and welfare of abused, neglected or dependent children;

(e) Assisting parents or other persons responsible for the care of a child in recognizing and remedying conditions detrimental to the welfare of a child; and

(f) Identifying and correcting conditions in society which contribute to the neglect, abuse or dependency of a child.

(2) "Failure to locate" means identifying information about the family is insufficient for locating them or the family has moved and their new location is not known.

(3) "Found and substantiated" means a type of physical abuse, sexual abuse, neglect or dependency not originally reported by the referral source was found and substantiated during the investigation;

(4) "Prior involvement" means:

(a) Either the child or caretaker are currently registered DSS clients or have been registered clients within one (1) year of the reported fatality; or

(b) A protective service investigation was completed in regard to the child or caretaker, regardless of the status of the investigation, within one (1) calendar year preceding the reported fatality.

(5) "Some indication" means some indicators that abuse, neglect or dependency may exist or some circumstances or conditions are sufficient to arouse suspicion;

(6) "Substantiated" means an admission of abuse, neglect or dependency by the persons responsible or a judicial determination of abuse, neglect or dependency or strong circumstantial or other supportive indicators that abuse, neglect, or dependency by the persons responsible exist;

(7) "Unsubstantiated" means there is no evidence, indicators or justification for suspicion of abuse, neglect or dependency.

Section 2. Receiving a Report. (1) The Department for Social Services shall accept reports of child abuse, neglect or dependency as governed by KRS 620.030.

(a) The home telephone numbers of family services workers, family services office supervisors, and the child abuse hotline shall be made available to agencies in the community who may encounter child abuse, neglect or dependency for emergency reports after normal office hours.

(b) The intake worker shall attempt to elicit from the person reporting the suspected abuse, neglect or dependency as much information about the child's circumstances, as possible, including:

1. Specific information as to the nature and extent of abuse or neglect;
2. The causes of the abuse;
3. The location of the child and family;
4. Determine if there have been previous incidents;
5. Witnesses to the incident which caused the child's conditions;
6. Whether the reporting person or others have taken any action;
7. Present danger to child or staff; and
8. The reporting persons identity and relationship to the child assuring him that his identity shall not be revealed unless:
 - a. His testimony is vital in a court proceeding concerning the report; or
 - b. The court orders his name divulged.

(c) Anonymous reports which give sufficient information and report abuse, neglect or dependency by a caretaker shall be investigated.

(2) Acceptance criteria.

(a) The department shall receive and investigate reports of physical abuse when there are reported to be or have been observable marks on a child which were allegedly inflicted nonaccidentally by a caretaker. The department may accept a report of physical abuse or risk of physical injury when no observable marks are seen and when:

1. There are reports of a child being hit in critical areas of the body, i.e., head, face, neck, genitals, abdomen, and kidney areas;
2. There are reports of threats and physical injury; or
3. There are allegations of injuries to a child which are the result of altercations between the child and the custodian. The worker shall explore the precipitating factors, the degree of appropriateness of force used by the caretaker and the need for further services to assist in eliminating the violent behavior in the home.

(b) The department shall receive and investigate reports which allege neglect of a child by a caretaker which may result in harm to the well-being of the child in the following areas:

1. Hygiene neglect exists when:
 - a. A child has physical symptoms that require treatment due to poor care; or
 - b. The child's well-being is negatively affected;
2. Supervision neglect exists when the caller has reason to believe that the well-being of the child may be negatively affected by lack of

necessary and appropriate supervision;

3. Food neglect exists when a child shows symptoms of:

- a. Malnutrition;
- b. Dehydration;
- c. Food poisoning; or
- d. When a child has not been provided adequate food for a period of time that interferes with the health needs of the child based on age and other conditions;

4. Clothing neglect exists when a child suffers:

- a. Illness;
- b. Exposure;
- c. Frostbite due to inadequate clothing or the clothing is insufficient to protect the child from the elements; or
- d. The child's well-being is negatively restricted.

5. Environmental neglect exists when a serious health and safety hazard is present;

6. Educational neglect exists when the school system has exhausted their resources to correct the problem and the caretaker's negligence prevents the child from attending school or receiving appropriate education; and

7. Medical neglect exists when a child is not receiving medical assessment or treatment for an injury or illness or disability which if left untreated may:

- a. Be life-threatening;
- b. Result in permanent impairment;
- c. Interfere with normal functioning and worsen without treatment; or
- d. Be a serious threat to the child's health due to the outbreak of a vaccine preventable disease.

(c) The department shall receive and investigate reports which allege sexual abuse of a child is committed or allowed to be committed by a caretaker or the risk that an act of sexual abuse, sexual exploitation, or prostitution shall be committed on a child. Reports of sexual abuse shall include contacts and interactions in which a child is used to sexually stimulate or gratify another person. An investigation may be conducted without a specific allegation when a child over twelve (12) has a sexually transmitted disease and the child exhibits physical or behavioral indicators of abuse.

(d) The department may receive and investigate reports which allege risk of sexual abuse to a child, if there are factors which cause a person to believe that an act of sexual abuse may be committed on a child.

(e) The department shall receive and investigate reports which allege emotional injury or risk of emotional injury of a child by a caretaker as governed by KRS 600.020(20).

(f) The department shall receive and investigate reports which allege a child is dependent as governed by KRS 600.020(15).

Section 3. The cabinet shall not investigate reports of abuse or neglect by a noncaretaker but shall comply with KRS 620.030(1).

(1) Staff shall keep a log of these referrals specifying the date received and date referred to the Commonwealth's or county attorney and local law enforcement.

(2) Staff may at the request of local law enforcement provide assistance in interviewing alleged child abuse victims.

(3) Staff may refer to other agencies referrals not requiring mandatory child

protection services investigations.

(4) The following criteria shall be used in identifying referrals not requiring investigation:

(a) The victim of the report is age eighteen (18) or over;

(b) Department is unable to locate the child after having exhausted all leads to locate the child;

(c) The problem described does not meet the statutory definitions of abuse, neglect or dependency;

(d) Reporter notifies the department that a child is injured, but the reporter does not allege injuries were the result of abuse or neglect;

(e) If the report concerns custody changes or custody related issues or lifestyles issues without allegations of abuse, neglect or dependency;

(f) Corporal punishment appropriate to the age of the child without injuries, marks or bruises or substantiated risk of harm. This type of corporal punishment by foster parents shall be reported;

(g) Allegations of abuse or neglect of a fetus;

(h) Allegations of spouse abuse to a married youth, under age eighteen (18). These reports shall be forwarded to the adult services worker.

(i) If the report concerns a specific incident previously investigated and no new information or change in the child's circumstances is communicated.

Section 4. Report of Suspected Child Abuse, Neglect, Dependency. Following the receipt of the report, the DSS-115, Report of Suspected Child Abuse, Neglect, Dependency, herein incorporated by reference, shall be completed and the report investigated. Investigations shall be conducted according to the following time frames as governed by KRS 620.040(1):

(1) If the report indicates the child is in imminent danger, the investigation shall be initiated within the hour.

(2) If the report indicates nonimminent danger of physical or sexual contact, effort shall be made to have personal contact with the child and family within twenty-four (24) hours, but contact shall be made within forty-eight (48) hours. Unsuccessful attempts to locate shall be documented in the investigative narrative.

(3) If the report indicates nonimminent danger, not involving physical or sexual contact, the investigation shall be initiated within twenty-four (24) hours. Efforts shall be made to have personal contact with the child and family within forty-eight (48) hours. Unsuccessful attempts to locate shall be documented in the investigative narrative.

(4) Reports of dependency when a child is not in imminent danger shall be investigated within forty-eight (48) hours.

Section 5. Reports of Abuse, Neglect, and Dependency. (1) When a report of alleged child abuse, neglect or dependency in an approved foster home or adoptive home is received, the supervisor shall immediately contact the family services district manager who shall designate a worker to conduct the investigation. If abuse or neglect or dependency is substantiated or there is some indication, a review of the home shall be completed. The decision to close or continue using the home shall be made by the family

services district manager based on pertinent available information.

(2) When a report of alleged child abuse or neglect in a licensed child care facility, private child care or a day care center is received the worker shall notify the Division of Licensing and Regulation. This notification shall be documented in the case and may be done by phone and followed up in writing. If possible, the investigation shall be coordinated and conducted jointly; however, if not possible within the designated time frame, the worker shall proceed with the investigation. In joint investigations the DSS worker shall with the Division of Licensing and Regulation staff:

(a) Conduct an entrance interview with the facility administrator or designee outlining the nature of the report without disclosing the name of the reporter; and

(b) Discuss their findings privately prior to conducting an exit interview.

(3) When a report of alleged child abuse or neglect in a Cabinet for Human Resources operated treatment facility is received the worker shall telephone the Office of Inspector General who shall investigate the report. Staff receiving a report shall immediately telephone the Office of Inspector General. The phone contact shall be followed by completing a DSS-115 and further action shall not be taken unless specifically requested by the Office of Inspector General.

(4) Reports of abuse or neglect involving school personnel.

(a) When allegations of child abuse or neglect have been made about a school employee, with the incident occurring during school time or other school related activities, the worker shall:

1. Complete the DSS-115 and forward copies to appropriate law enforcement and county or commonwealth attorney;

2. Interview child and natural parents or legal guardians. Conduct the interview away from school grounds, if possible;

3. Interview the alleged perpetrator away from the school grounds if possible.

(b) If the referral is unsubstantiated, further action shall not be taken. Information regarding the finding of the report may be shared with the alleged perpetrator and the custodial parent. Other information shall be requested through open records procedures.

(c) If the referral is substantiated or shows some indication of abuse or neglect: the worker shall notify the appropriate supervisor of the alleged perpetrator that an investigation has been conducted and of the results of the investigation.

Section 6. Prior Reports. Before investigating the referral regarding a child unknown to the local office, the district data center shall be contacted to determine the existence of prior reports or if there exists a closed case or case opened elsewhere in the state. This information shall be documented in the case record but failure to secure this information shall not delay the investigation within the stated time frames.

Section 7. Initial Investigation. Information necessary for determining the validity of the report, and if valid, the existence of imminent danger and risk to the child shall be obtained during the investigation. Investigations shall

entail face-to-face contact with the alleged victim, if of appropriate age, and if possible, parents or caretakers, appropriate household and family members, and alleged perpetrators shall be interviewed.

(1) When determining if the child or parent or caretaker is interviewed first, consideration shall be given:

- (a) To the nature of the referral;
- (b) Current location of the child;
- (c) Indicated risk to the child; and
- (d) Known violence on the part of the parent.

(2) A child shall not be interviewed in the presence of alleged perpetrators or others who may put pressure on the child.

(3) If the worker is unable to contact the parents or caretaker, he shall notify the supervisor and document the case record.

(4) Collateral contacts shall be interviewed if the validity or severity of the report cannot be determined from the interviews. Collateral sources may include:

- (a) Officers of the court;
- (b) School personnel;
- (c) Neighbors;
- (d) Medical personnel;
- (e) Law enforcement officers; and
- (f) Personnel of other agencies.

(5) Medical and psychological examinations may be required if the report alleges that the child has suffered sufficient physical harm of a serious nature, emotional harm or emotional injury. The worker, if possible, shall obtain a copy of the report.

(6) The worker shall cooperate with law enforcement agencies when a criminal complaint is filed; however, the worker's primary responsibility shall be the protection of the child.

(7) To prevent a child from experiencing multiple interviews a videotaped interview may be appropriate.

Section 8. Alleged Perpetrators Age Twelve (12) or Older. Reports involving perpetrators in a caretaking role under the age of twelve (12), shall be investigated. However, the child shall not be identified as the alleged perpetrator on the DSS-150, Initial Results of Child Abuse, Neglect, Dependency Investigation, herein incorporated by reference.

Section 9. Interviewing Children in Schools. Worker's shall have the authority to investigate child abuse, neglect or dependency reports at school without parental consent. The worker shall inform appropriate school personnel of the need to interview a child regarding a referral. Details of the allegation and investigation may be given to school personnel with a legitimate interest in the case.

Section 10. Notice of Results of Investigation. The worker shall complete the DSS-116, Notification of Initial Results of Child Abuse, Neglect, Dependency Investigation, herein incorporated by reference, and forwarded to law enforcement and the county or commonwealth attorney within forty-eight (48) hours of receipt of the report, exclusive of weekends and holidays as governed by KRS 620.040(1).

Section 11. Medical Neglect of Disabled Infants. (1) The department shall be notified of

known or suspected instances of the withholding of medically indicated treatment of disabled infants with life threatening conditions in hospitals or health care facilities. All federally funded hospitals and health care facilities have been given the department's toll-free child abuse hotline number.

(2) When a report is received, hotline staff shall notify a child protective services specialist in central office if received during working hours or a designated person at home if received outside working hours.

(3) Central office staff shall contact one (1) of the department's medical consultants who shall investigate the report.

Section 12. Denied Entry to a Home for a Protective Service Investigation. (1) When investigating a report, the worker shall not enter a home if an adult is not present in the home. If there is reason to believe the child is in imminent danger, law enforcement shall be contacted for assistance.

(2) If the parents or caretakers of a child refuse the worker entry to the child's home or refuse to allow the child to be interviewed, the worker with approval of the supervisor may request an order from the court.

(a) If the court issues a search warrant the worker may accompany law enforcement officers when the warrant is served.

(b) With the exception of removal of a committed child, the worker shall not remove a child from the home without a court order to remove;

(c) If the court refuses to issue a search warrant, the family service worker shall document the attempts to secure one in the narrative.

Section 13. Risk Assessment. When child abuse and neglect is investigated, the worker shall assess the strengths of the family and risk to the child by completing the DSS-897. Child Protective Services Risk Assessment Guidelines, herein incorporated by reference. The worker shall complete the DSS-897 except in the following situations:

- (1) When a child is found dependent;
- (2) When the alleged perpetrator is not the child's primary caretaker;
- (3) When the investigation determines the referral to be unsubstantiated; and
- (4) When investigating a child fatality and there are no surviving children in the home.

Section 14. Child Fatality Investigations. (1) Reports that a child fatality has occurred due to abuse or neglect by a parent, guardian or other person exercising custodial control or supervision of the child shall be investigated by the department.

(2) If the alleged perpetrator was not a parent or in a caretaker role, the reports shall be forwarded as governed by KRS 620.030.

(3) If it is determined that the department has prior involvement, the commissioner, the Office of Communications and the general counsel of the cabinet shall be notified of the situation immediately through the established channels of communication. The notification shall include:

- (a) Name and age of victim;
- (b) Known circumstances around the death;
- (c) Description of physical injuries or

medical condition of the child;

(d) Names, ages and location of other children in the family;

(e) Brief description of the department's history with the family caretaker;

(f) Actions taken by the department to date and future actions to be taken; and

(g) Involvement of other professionals in the case.

(4) It may be advisable that staff who have had prior direct involvement with the case not be assigned to conduct the investigation.

(a) The assigned investigator, if feasible, shall consult with social workers who have direct involvement with the case prior to investigating.

(b) A joint investigation with law enforcement shall be conducted if possible. The designated investigator shall be cooperative, but not usurp the roles of law enforcement or the coroner or interfere with their respective investigations. The investigator shall contact appropriate law enforcement and coroner to clarify roles and establish a common channel of communication, particularly if the intake information indicates other children are present in the household.

(c) Worker safety in a potentially dangerous setting shall be considered during the course of the investigation. Collateral contacts with medical personnel, the coroner and other appropriate persons may be made to assess potential danger to staff.

(5) The worker shall determine the safety of any surviving children through immediate assessment to assure their safety. The risk assessment guidelines shall be completed if there are surviving children in the home, unless the family services office supervisor deems the use of the risk assessment guidelines inappropriate and the reason is documented in the case record. This assessment includes:

(a) Arranging for physical examinations to check for injuries to the surviving children, if indicated;

(b) Determining whether there has been any history of prior abuse, neglect to the children or other family members by the alleged perpetrator;

(c) Interviewing the children to assess present emotional condition and to determine to what extent they may have witnessed family violence;

(d) Interviewing the parent or caretaker to observe interaction with children and to discuss parent or family history of the caretaker;

(e) Making collateral contacts with neighbors, schools and extended family;

(f) Determining whether the surviving children were present during the time the deceased child received injuries and witnessed what occurred; and

(g) Initiating mental health counseling immediately, if appropriate, for the emotional stability of the children;

(6) If parental rights have been terminated and there has been ongoing contact or other special circumstances, the decision to notify biological parents shall be made by the manager or designee. The Department of Public Advocacy, Protection and Advocacy Division, shall be notified if a child, identified as a protection and advocacy client, dies as a result of abuse or neglect and the perpetrator is in a caretaker role.

(7) In the case of the death of a youthful

offender, the sentencing circuit court and the Parole Board shall be notified.

(8) If a fatality occurs in either a foster home, Cabinet for Human Resources facility, psychiatric unit or hospital or private child care facility, and parental rights are intact, efforts shall be made to immediately notify the parents. The judge of the committing court and the guardian ad litem for the deceased child shall be informed of the fatality in writing within three (3) working days after receipt of the report.

(9) The following procedures apply to staff in a Cabinet for Human Resources facility if a death occurs:

(a) Emergency medical services and police shall be contacted immediately. Location and phone number shall be posted by the telephone in each program;

(b) The program director, branch manager, and division director through normal chain of command are to be notified immediately. The division director shall notify the Commissioner for Social Services;

(c) Staff on duty shall not disturb the body or the immediate area beyond any action necessary to provide emergency resuscitation techniques, or to check for vital signs;

(d) Notification shall be given to the local office of the coroner in compliance with KRS 72.020;

(e) Notification to the family and community worker shall be delivered, after direction by the program director, who shall select the individual to present the information in a therapeutic manner to the person;

(f) Detailed documentation shall be entered in the case record by staff describing the event, including:

(1) The time the coroner was notified;

(2) The time pronouncement of death was given;

(3) Names of all staff involved; and

(4) Notification of parents and guardians. All pertinent notifications and significant facts related to the death shall be fully documented.

(g) A final report shall be prepared by the program director to be submitted to the Commissioner for Social Services through established channels.

(h) The record of the juvenile shall be maintained at the facility until a final report of the coroner is entered into the record. A copy of this report shall be sent to the Commissioner for Social Services through established channels.

(10) Funeral arrangements shall remain the responsibility of the natural parents unless parental rights have been terminated.

(a) Staff shall explore with the natural parents their ability to accept financial responsibility for the funeral. All personal and family resources, including trust fund and insurance in the name of the child, shall be exhausted prior to approval of department funds for funeral and burial expenses. All costs shall have prior approval by the appropriate level of supervision.

(b) The selection of a funeral home, mortician, casket, and burial lot shall be based on estimates of cost which are reasonable and on consideration of the choice of the natural parents.

(c) Clothing for burial may be provided by the natural family, foster family, or may be purchased by the department staff.

(d) Flowers may be selected by the department staff and billed to the department.

(e) Arrangements for religious services may be made with a clergyman of the faith of the natural parents. If the faith of the natural parents is unknown, a clergyman of the faith of the foster parents may conduct services.

Section 15. Determining the Validity of the Report. After the interviews and the necessary information is gathered, the social worker shall determine the validity of the report and submit the DSS-150, within thirty (30) working days of the receipt of the report from the reporting person, unless there are extenuating circumstances which are documented in the narrative. The family services office supervisor or designee shall review, sign and date the original DSS-150.

Section 16. Central Registry. (1) Reports of alleged abuse, neglect, or dependency are computerized for the purposes of compiling statistical information, aiding in diagnostic treatment, and providing management with a means for program evaluation.

(2) Reports that are found to be unsubstantiated or unable to locate shall capture:

- (a) Child demographics;
- (b) The type of report alleged;
- (c) Source of report; and
- (d) Status of case.

(3) Reports that are found to be substantiated, and some indication shall capture:

- (a) Both child and alleged perpetrator demographics;
- (b) Specific characteristics relating to the report;
- (c) Type of report; and
- (d) Status and relationship of alleged perpetrator to child involved.

(4) The only information that shall be released from the child abuse, neglect, or dependency central registry is statistical information. Social agencies demonstrating a legitimate interest may be told if a case exists in the registry, but all requests for details related to that case shall go through open records process.

(5) The central registry shall not be utilized for employment related checks.

Section 17. Photographs. Photographs may be taken of a child during a protective service investigation without parental consent. If it appears that photographs of abused or neglected children are necessary for proof of abuse or neglect, it is advised that law enforcement take the photographs. If a family services worker takes the photographs, there shall be a witness and documentation made of the subject, date, and witnesses to the photograph.

Section 18. Treatment Planning. (1) When a case is to be opened, a maximum of fifteen (15) working days shall be allowed to open the case, complete the treatment plan and submit the case to the family services office supervisor for approval and signature.

(a) Priority for opening cases shall be given to cases in which the child is at greatest risk for harm.

(b) Within ten (10) working days of the decision to open a case, the family services

office supervisor shall assign or transfer the case for treatment.

(2) The treatment plan shall be based on assessment and goal formation. It shall include a limited number of attainable, specific objectives agreed upon between the social worker and the family, and shall be reviewed and approved by the supervisor. The treatment plan shall take into account the following:

(a) The assets and strengths of the family unit and its members;

(b) The options, priorities and needs of the family unit and its members;

(c) The clarification and definition in behavior-specific terms of what needs to change and what new skills need to be learned;

(d) The identification and impact of community forces over which the family may have little or no control;

(e) The opinions of expert consultants regarding medical, mental health, legal and other factors;

(f) The input from referring agencies; and

(g) The resources available within the agency and the community and delineation of roles and functions to bring about the specified changes.

(3) The social worker shall develop a treatment plan designed to provide a safe environment for the child and engage the commitment and cooperation of the family. Family members and children of appropriate age shall be encouraged to participate in the development and updating of treatment plans.

(4) A copy of the treatment plan shall be given to the parent or caretaker. The treatment plan shall be reviewed by the family, worker and supervisor, to include case closure assessment no less frequently than every six (6) months.

(5) A DSS-154 shall be given to the family advising them of the right to a fair hearing in compliance with 905 KAR 1:320.

(6) If termination of parental rights becomes the goal, treatment planning and service delivery shall continue until the judgment order is received.

Section 19. Service Delivery. Service delivery is to be provided as outlined and stated in the treatment plan. Service delivery shall encompass identified expectations of the family, staff and the implementation of resources in the community. All service recordings shall be completed within thirty (30) days of the contact and shall reflect progress toward treatment goals. Recordings shall be signed and dated by the worker.

Section 20. Case Closure. (1) The decision to close a case which has received services shall be based on evidence that the original factors resulting in the abuse, neglect or dependency have been resolved to the extent that the family can protect the child and can, at least minimally, meet the needs of the child. A child protective services case shall not be closed if withdrawal of services places the child in danger. The case closure and assessment form shall be completed before the case is closed. Consideration for closure of a child protective service case may occur if the following conditions are met:

(a) The child is no longer in need of protection;

(b) The goals have been achieved; and

(c) The client is not making progress toward

treatment goals and there are no legal grounds for intervention.

(2) The closing summary of the child protective services case shall be included in the case closure assessment form. A brief narrative regarding the case and the reasons for closure shall be entered. The summary may include:

(a) Number of months of child protective services;

(b) Agencies still involved in the case;

(c) Assessment of family functioning and of conditions that have changed to make closure possible;

(d) Reason and date of closure.

(3) The form shall be signed and dated by the worker. Notification to client of closure with a 154-A shall be documented in the case as required by 905 KAR 1:320.

Section 21. Material Incorporated by Reference. (1) Forms necessary for the implementation of child protective services are being incorporated effective January, 1991.

(2) Material incorporated by reference may be inspected and copied at the Department for Social Services, CHR Building, 6th Floor, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

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

APPROVED BY AGENCY: May 7, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 21, 1991 at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by June 16, 1991: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nancy Rawlings

(1) Type and number of entities affected: Entities affected are those 47,385 children and their families served by the Department for Social Services as a result of 29,560 reports of abuse, neglect or dependency received during FY 1990.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs or savings to affected entities as a result of this proposed regulation.

1. First year: There are no direct or indirect costs or savings to the affected entities.

2. Continuing costs or savings: Proposed regulation will not result in direct or indirect costs or savings to the affected entities.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no other factors nor will this proposed regulation effect competition.

(b) Reporting and paperwork requirements: The proposed regulation will not increase or decrease existing paperwork requirements.

(2) Effects on the promulgating administrative body: The effect on the promulgating agency is that existing policy and procedures regarding child protective services are drafted into regulation in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: This proposed regulation will not result in direct or indirect costs or savings to the Department for Social Services.

1. First year: This proposed regulation will not result in increased costs or savings to the Department for Social Services.

2. Continuing costs or savings: This proposed regulation will not result in increased cost or savings to the Department for Social Services.

3. Additional factors increasing or decreasing costs: There are no anticipated factors that would increase or decrease cost of child protective services.

(b) Reporting and paperwork requirements: The proposed regulation will not increase or decrease existing paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect increase or decrease on local or state revenues as a result of this proposed regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were not considered as statutes require the cabinet to provide child protective services.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or policy in conflict with this proposed administrative regulation.

(a) Necessity of proposed regulation if in conflict: There were no statutes, regulation or policy in conflict with this proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There were no statutes, regulation or policy identified in conflict with this proposed regulation.

(6) Any additional information or comments: There is no additional information or comments.

TIERING: Was tiering applied? No. This proposed administrative regulation is applicable to all offices of the Department for Social Services, Division of Family Services and children and families receiving child protective services statewide.

CABINET FOR HUMAN RESOURCES Department for Social Services

905 KAR 5:070. Adult protective services.

RELATES TO: KRS Chapters 202A, 202B, 209.010 to 209.160, 403.715 to 403.785

STATUTORY AUTHORITY: KRS 194.050, 209.030(1)

NECESSITY AND FUNCTION: KRS 194.050 provides that the Secretary for the Cabinet for Human Resources shall adopt regulations necessary to operate the programs and fulfill the responsibilities vested in the Cabinet for Human Resources. In compliance with KRS 209.030(1) the Department for Social Services has drafted procedures that shall enable provisions of KRS 209.010 to 209.160, concerning the protection of adults who may be suffering from or at risk of abuse, neglect or exploitation, to be implemented.

Section 1. Central Office Register. (1) A statewide central register of adult abuse, neglect, exploitation and spouse abuse reports shall be maintained by the cabinet.

(2) This information shall be obtained from

the DSS-292, Adult Protective Services Investigation, herein incorporated by reference. The purpose of this register shall be to:

- (a) Gather and correlate data on incidence and characteristics of adult abuse, neglect, exploitation and spouse abuse;
- (b) Correlate and cross reference adult and child protection reports;
- (c) Identify previous reports on an alleged victim;
- (d) Serve as a resource for defining problem areas in adult protective services and identify training needs; and
- (e) Serve as a source of information in the development of policy, planning and budgeting.

Section 2. Receiving the Report. (1) When receiving a report of suspected adult abuse, neglect, exploitation or spouse abuse the worker shall make every effort to obtain the information to comply with KRS 209.030(3) and other information that may assist in determining if the adult may be in a state of emergency and in immediate need of protective services. It may be necessary for the worker to:

(a) Advise the reporting source that additional information is necessary to conduct an investigation if he refuses or is unable to give sufficient information to locate or identify the adult;

(b) Contact other agencies or individuals for the purpose of securing additional information which may be relevant in conducting the investigation.

(2) When the report is received and required information secured, the worker shall prepare a written intake report (DSS-115, see child protective services, 905 KAR 1:330) concerning the adult alleged to be abused, neglected or exploited and submit it to the family services office supervisor or designee, who shall assign the written intake report to staff for investigation. A copy of the DSS-115 shall be sent to the appropriate law enforcement agency in compliance with KRS 209.030(4).

Section 3. Adult Protective Service Investigations. (1) The Department for Social Services or its designee shall conduct an investigation of a report of alleged abuse, neglect or exploitation of an adult. The investigation shall include contact with the alleged victim and may include contact with the alleged perpetrator and collaterals. The purpose of conducting an investigation shall be to:

(a) Determine through personal contact if an adult has been abused, neglected or exploited;

(b) Assess the need for protective services;

(c) Provide protective services, upon request;

(d) Initiate court action in the circuit or district court if the client needs emergency protective services but lacks the capacity to consent or refuse service; and

(e) Ascertain if there are other alleged victims of abuse, neglect or exploitation in the household or facility and report the allegation in compliance with KRS 209.030 and 620.030.

(2) Confidentiality in investigations shall comply with KRS 209.140.

(a) Requests for written information, except for court ordered releases, shall be handled through the open records process. Court orders for records may be responded to at the local office unless the worker has reason to question or contest the order. Requests for open records

made by someone other than those listed in KRS 209.140 shall be accompanied with a release of information from the alleged victim or the alleged perpetrator.

(b) Prior to releasing verbal information, the worker shall determine the legitimacy of the individual or agency's interest in the case. If staff are in contact with persons who shall not have legal access to the records, the only information which may be shared is that which is deemed necessary to carry out their statutory responsibility to protect the client and complete the investigation. If the reporting source or other interested parties permitted by statute request follow up information, the worker may:

1. Provide information of a general nature as to whether the investigation is complete;

2. Offer an explanation as to the type of services the department may offer in these situations; and

3. Explain the department's policy as relates to the client's right to accept or refuse services.

(3) Guidelines for conducting investigations.

(a) The investigations of a report of adult abuse, neglect, exploitation or spouse abuse shall be initiated by the assigned family services worker within:

1. One (1) hour of receipt if the reporting source claims that the adult is in a state of emergency which presents a substantial risk of death or immediate and serious physical harm to himself or others;

2. Twenty-four (24) hours of receipt if the information indicates the adult is not in a state of emergency.

(b) An adult protective services investigation shall include a personal interview with the alleged victim and may include face-to-face contact. In alternate care situations, the worker shall inform the administrator, operator or designee that an investigation is being conducted. The alleged victim and others shall be interviewed in private if possible. If the alleged victim has a guardian, an interview with the guardian to explain the worker's role as investigator is appropriate.

(c) Mental and physical health records necessary to complete the investigation shall be reviewed by the worker and copies obtained, if possible, to be included in the investigative report.

(d) Police records, mental inquest, disability, probate records and legal documents may be reviewed when appropriate to the conduct of the investigation.

(e) Financial records including savings and checking account statements, financial eligibility and assistance records, disability or retirement income records and property valuation records, may be reviewed by the worker in cases of financial exploitation of adults. A release of information may be used in accessing records. If the worker experiences difficulty, the office of the counsel may be consulted with supervisory approval.

(f) It may be appropriate to take photographs of the alleged victims injuries, but pictures shall not be taken by Department for Social Services staff if the alleged victim refuses permission.

(g) A voluntary statement regarding the incident may be obtained if it is apparent that abuse or neglect has occurred and the alleged

victim, witness, or perpetrator is willing. The persons providing the statement shall be advised that it may be shared with law enforcement officials and they may be required to testify in court.

(h) When conducting a spouse abuse investigation, the worker shall:

1. Attempt to arrange a face-to-face interview with the alleged victim to conduct the investigation and offer protective services. Efforts to contact the alleged victim shall be documented in the investigative report. If a spouse abuse report indicates that the alleged victim does not want to be contacted supervisory discretion shall be exercised in determining the appropriate plan of action based on the nature of the report.

2. Not disclose the location of a spouse abuse shelter, if confidential.

3. Discuss the services of the area spouse abuse shelter with the alleged victim during the investigative interview. If the alleged victim requests assistance in securing shelter in the area spouse abuse shelter, the DSS worker shall assist in making the necessary arrangements.

(i) When conducting investigations involving a licensed health care facility or complaints received on alternate intermediate services for mentally retarded and developmentally disabled programs, the worker shall contact, via telephone, the Division of Licensing and Regulation regional office to coordinate the investigation and shall send a DSS-284, Complaint Report, herein incorporated by reference.

(j) When DSS receives a report involving alleged abuse, neglect or exploitation in a CHR facility, the worker shall immediately contact, via phone, the Division of Licensing and Regulation regional office and report the incident. The phone call is followed by completing the DSS-284 and mailing the original to the Division of Licensing and Regulation. If the worker receives the initial complaint, the worker shall notify the appropriate local law enforcement agency in compliance with KRS 209.030(4)(a) using the DSS-115.

(k) When investigating reports of alleged abuse or neglect resulting in death, the worker shall examine the coroner's or doctor's report and if possible obtain a copy of the death certificate for the case record. The worker shall notify appropriate supervisory staff and:

1. If the findings of an investigation suggest an adult in the community died allegedly as a result of abuse or neglect, consult law enforcement for assistance in completing the investigation.

2. If the findings of an investigation suggest an adult in an alternate care facility died allegedly as a result of abuse or neglect, determine, in consultation with Licensing and Regulation, if other residents in the facility are at risk of abuse, neglect, or exploitation.

Section 4. Failure to Gain Entry. If an adult, a caretaker or a facility does not consent to an investigation and refuses to allow entry, the worker shall inform them of the cabinet's statutory authority to investigate. If entry is still denied, the worker shall notify DSS supervisory staff and determine if probable cause exists to pursue a search warrant or other legal remedy. An employee of the cabinet shall not attempt to serve a search warrant.

Section 5. Results of the Investigation. (1) The worker, as appropriate, shall address the following when determining the results of the investigation:

(a) The alleged victim's account of the situation;

(b) The alleged perpetrator's account of the situation;

(c) The information supplied by collateral contact;

(d) Records and documents;

(e) The assessment information;

(f) Previous reports involving the alleged victim or alleged perpetrator; and

(g) Other factors depending upon the type of report.

(2) The findings of the protective services investigation shall be documented on the DSS-292 and a written record shall be maintained by the worker to include:

(a) DSS-115, Confidential Report of Abuse, Neglect, Dependency or Exploitation;

(b) DSS-292, Adult Protective Services Investigation;

(c) A narrative documenting the investigation; and

(d) Voluntary statements and photographs, if available, documenting the findings of the adult services investigations.

(3) An assessment shall be done by the worker during investigations of adult abuse, neglect, exploitation, spouse abuse or when the worker is considering opening a general services case.

Section 6. Opening a Case. (1) A case may be opened with a goal of protective services as a result of a protection investigation or when an adult is identified through a general adult services assessment as being at risk of abuse, neglect, or exploitation. The decision to open a case shall be based on:

(a) The voluntary request for, acceptance of, or nonrefusal of services by an adult who needs adult protection or general adult services; or

(b) The need for involuntary emergency protective services.

(2) There shall be a treatment plan developed with the client and appropriate others in each adult service case. Within two (2) weeks of the decision to open a case, the treatment plan is initiated with the client and submitted to the family services office supervisor for approval. A copy of the plan shall be given to the client and appropriate others with a copy of the DSS-154, see Fair hearing section, 905 KAR 1:320.

Section 7. Referrals for Criminal Prosecution. Substantiated reports of abuse, neglect, or exploitation may be referred for consideration for criminal prosecution to the Commonwealth's attorney or the county attorney.

Section 8. Involuntary Emergency Protective Services. The need for involuntary protective services shall be assessed by the worker when an adult is living in conditions which present a substantial risk of death or immediate and serious physical harm to himself or others. If an adult lacks the capacity to consent to receive emergency protective services, the cabinet may seek a court order authorizing the provision of these services on an emergency basis in compliance with KRS 209.100-130. The cabinet may either seek an ex parte order, or file a petition for an emergency protective

service order, depending upon the adult's situation.

Section 9. Restraining Order or Injunctive Relief. In compliance with KRS 209.040 a court may issue a restraining order or injunctive relief upon proper application of the cabinet. Staff shall contact the office of counsel for advice and assistance in obtaining restraining orders or other forms of injunctive relief.

Section 10. Guardianship or Conservatorship of Disabled Persons. (1) The DSS worker shall assess the need for guardianship when an individual is identified who appears unable to manage personal affairs or carry out the activities of daily living. The worker may assist in protective service situations in seeking out family, friends, or other interested and qualified individuals who are willing to become guardians.

(2) A worker's decision to file a disability petition shall be based on the following conditions:

(a) There is no one else willing to bring the petition;

(b) There is an urgent and bona fide need to initiate the action;

(c) There is assurance that filing the petition is in the best interest of the client; and

(d) The employee has discussed with and received approval of the district manager or designee.

Section 11. Involuntary Hospitalization. (1) If the worker believes a client may be in need of hospitalization for mental health reasons, the worker shall encourage the client to secure mental health treatment.

(2) If a client refuses and all other resources are unavailable, a worker may file a petition for involuntary hospitalization in compliance with KRS 202A. Prior approval, if possible, shall be obtained from the district manager or designee.

Section 12. Domestic Violence and Abuse. Staff may assist individuals in petitioning the court for an order of protection in compliance with KRS 403.715 to 403.785. Reports received from law enforcement per KRS 403.785(1) that do not meet the criteria of KRS Chapter 209 may be assigned for assessment and services based on supervisory discretion.

Section 13. Material Incorporated by Reference. (1) Forms necessary for the implementation of adult protective services shall be incorporated effective January, 1991.

(2) Material incorporated by reference may be inspected and copied at the Department for Social Services, CHR Building, 6th Floor, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

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

APPROVED BY AGENCY: May 7, 1991

FILED WITH LRC: May 15, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation will be held on June 21, 1991 at 9 a.m. in the Department for Employment Services Conference Room, 2nd Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. Those

interested in attending this hearing shall notify in writing the following office by June 16, 1991: Ryan Halloran, General Counsel, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Nancy Rawlings

(1) Type and number of entities affected: The entities affected are those adults in need of protection or at risk of abuse, neglect or exploitation. During FY '90 the department estimates in excess of 18,000 adults were affected including 17,088 adult protection investigative reports.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs or savings to affected entities as a result of this proposed regulation.

1. First year: There are no direct or indirect costs or savings to the affected entities.

2. Continuing costs or savings: Proposed regulation will not result in direct or indirect costs or savings to the affected entities.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no other factors nor will this proposed regulation effect competition.

(b) Reporting and paperwork requirements: The proposed regulation will not increase or decrease existing paperwork requirements.

(2) Effects on the promulgating administrative body: The effect on the promulgating agency is that existing policy and procedures regarding adult protective services are drafted into regulation in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: This proposed regulation will not result in direct or indirect costs or savings to the Department for Social Services.

1. First year: This proposed regulation will not result in increased costs or savings to the Department for Social Services.

2. Continuing costs or savings: This proposed regulation will not result in increased cost or savings to the Department for Social Services.

3. Additional factors increasing or decreasing costs: There are no anticipated factors that would increase or decrease cost of adult protective services.

(b) Reporting and paperwork requirements: The proposed regulation will not increase or decrease existing paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated increase or decrease on local or state revenues as a result of this proposed regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were not considered as statutes require the cabinet to provide adult protective services.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There are no statutes, administrative regulations or policy in conflict with this proposed administrative regulation.

(a) Necessity of proposed regulation if in conflict: There were no statutes, regulation or policy in conflict with this proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There were no statutes, regulation or policy identified in

conflict with this proposed regulation.

(6) Any additional information or comments: There is no additional information or comments.

TIERING: Was tiering applied? No. This proposed administrative regulation is applicable to all offices of the Department for Social Services, Division of Family Services and adults receiving adult protective services statewide.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:476. Incorporation by reference of the advanced registered nurse practitioner manual.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 447.200, 42 USC 1396a, 1396c, 1396d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medical Assistance Program. The cabinet, by regulation, is empowered to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the advanced registered nurse practitioner component of the Medical Assistance Program. In the event of a conflict between manual materials incorporated by reference in this regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail.

Section 1. Incorporation by Reference. The cabinet incorporates by reference the advanced registered nurse practitioner manual, effective April 1, 1991, used in the implementation of this component of the Kentucky Medical Assistance Program. This manual contains the policies and procedures issued by the cabinet for the implementation of this program element including benefit descriptions and operating instructions used by agency staff and participating providers.

Section 2. This manual incorporated by reference may be reviewed Monday through Friday between the hours of 8 a.m. and 4:30 p.m., eastern time, in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky. Copies may be obtained from that office upon payment of an appropriate fee which shall not exceed approximate cost.

ROY BUTLER, Commissioner
HARRY J. COWHERD, M.D., Secretary

APPROVED BY AGENCY: April 18, 1991

FILED WITH LRC: April 25, 1991 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1991 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 June 16, 1991, 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 providers of advanced registered nurse practitioner services are potentially affected.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: There is no direct or indirect cost or savings to affected entities because this administrative regulation adopts manual materials incorporated by reference that outline procedures and operating instructions for agency staff and participating providers. Any direct or indirect cost or savings would be addressed in the primary component administrative regulation.

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the May 6 and 7, 1991 Meeting

The May meeting of the Administrative Regulation Review Subcommittee was held on Monday, May 6, 1991 at 2 p.m. in Room 327 of the Capitol and on Tuesday, May 7, 1991 at 10 a.m. in Room 327 of the Capitol. Chairman Tom Kerr called the meeting to order, and the secretary called the roll. The minutes of the April 1 and 2, 1991 meeting were approved.

Present on May 6 and 7, 1991 were:

Members: Representative Tom Kerr, Chairman; Senators Gene Huff, Pat McCuiston and Bill Quinlan; Representatives Woody Allen, Jim Bruce and James Yates.

Guests: George Russell, Rosemary F. Center, Carla Arnold, State Board of Elections; Pam Johnson, William P. Hanes, Steve Gagel, Kentucky Retirement Systems; Lisa Payne, John Merchant, Finance and Administration Cabinet; Jack A. Wilson, James Webb, Kay Harker, Division of Water; Larry Grascch, Jim Villines, Ronald Mills, Department for Surface Mining; Jack Damron, Corrections Cabinet; John Thorpe, Gary Brunner, State Police; Sandra G. Pullen, Transportation Cabinet; Reginald L. Thomas, Kentucky State University; Judith Walden, Housing, Buildings and Construction; Barbara Coleman, David Crane, Eric Friedlander, Ralph Von Derau, Dudley Conner, Cindy Schweickart, Cabinet for Human Resources; William V. Faris, Physicians Consulting & Review Service, Inc.; Phil Williams, Williams & Wagoner, Attorneys; James M. Honaker, Kenton, Campbell, and Boone County Water Districts; Robert E. Klinglesmith, Don R. Chasteen, Brian Brezovsky, Kentucky Medical Association; Robert W. Riley, United Behavioral Clinics; Michael W. Wooden, Humana Inc.; Sarah S. Nicholson, Kentucky Hospital Association; Tom V. Ellis, Health Insurance Association of America; Dr. Sheila A. Schuster, Kentucky Psychological Association.

LRC Staff: Greg Karambellas, Joe Hood, Susan Wunderlich, Peggy Jones, Donna Pierce, and Susan Eastman.

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

Finance and Administration Cabinet: Kentucky Agricultural Finance Corporation

200 KAR 18:010 (Guidelines for FmHA loan program.) This administrative regulation was amended to comply with the drafting requirements KRS 13A.222. In addition, various sections were rewritten to delete vague language. Chairman Kerr asked agency personnel to explain why the fees for servicing the loan by banks were increased to 2 percent. Agency personnel explained that, because of the amount of paperwork and administrative work required, the initial fees were not sufficient incentives for state banks to participate. In response to questions from members of the Subcommittee, agency personnel explained the amount of the appropriation, and the purpose of the program.

Natural Resources and Environmental Protection Cabinet: Department for Surface Mining Reclamation and Enforcement: Permits

The following two regulations were amended to incorporate by reference the forms required to be submitted by applicants.

405 KAR 8:030 (Surface coal mining permits.)

405 KAR 8:040 (Underground coal mining permits.)

Corrections Cabinet: Office of the Secretary

The agency was notified that the incorporation of policies incorrectly referenced the edition date. The agency was informed that the date of a policy refers to the edition of that policy, and not to the date of incorporation. The Subcommittee suggested that the agency correct this reference when it amended each regulation in which it appeared. The agency agreed.

501 KAR 6:020 (Corrections policies and procedures.) Policy CPP 7.3, relating to hazardous waste, was deleted in order to provide the agency sufficient time to make necessary revisions. This administrative regulation was also amended to comply with suggestions made by the initial reviewer relating to policy CPP 9.8 (Search Policy), CPP 25.6 and CPP 27-19-01. These policies were amended to comply with the drafting requirements of KRS 13A.222.

501 KAR 6:080 (Corrections cabinet manuals.) The Corrections Classification Manual in this administrative regulation was amended to conform to the drafting requirements of KRS 13A.222.

501 KAR 6:150 (Eastern Kentucky Correctional Complex.) Policy EKCC 13-02-01, Minimum Staff Training relating to First Aid, was amended to clarify what courses had to be completed. Policy EKCC 13-07-01 was amended to include local and state police as persons who shall be notified following the death of an inmate. In addition, Section 1 of this regulation was amended to clarify that the date specified is the date of the edition of the material. This was done by deleting the statement that the material was incorporated by reference on that date.

Transportation Cabinet: Department of Highways: Traffic

603 KAR 5:230 (Bridge weight limits on the extended weight coal or coal by-products haul road system.) On motion by Senator Huff, and approval by the Subcommittee and promulgating agency, this regulation was amended to add to Jefferson County the following route description: "Baxter Avenue (Louisville) from Liberty Street to US 60 (Main Street)".

Kentucky State University

The following five regulations were amended as follows: In the "NECESSITY AND FUNCTION" paragraph, the word "per" was deleted and the words "in accordance with" were inserted in lieu thereof. Also, the last sentence which set out an implementation date of July 1, 1991, was deleted.

745 KAR 1:015 (Fund acquisition and disbursement.)

745 KAR 1:025 (Institutional audit.)

745 KAR 1:035 (Procurement procedures.)

745 KAR 1:045 (Bond issue.)

745 KAR 1:055 (Fund for excellence.)

Public Protection and Regulation Cabinet: Department of Housing, Buildings and Construction: Kentucky Building Code

815 KAR 7:013 (Kentucky building code plan review fees.) This regulation was amended to

correct a statutory reference in the STATUTORY AUTHORITY line.

Cabinet for Human Resources: Office of Inspector General: Office of Inspector General

906 KAR 1:080 (Standards for utilization review.) Robert W. Riley, United Behavioral Clinics, objected to Section 5(1)(a) and (2)(a). He stated that the utilization review, reconsideration and other appeals were restricted to licensed physicians. This would preclude a qualified specialist, or other professional such as a psychologist. Mr. Riley also questioned whether Section 5(2)(a) required that the utilization review agent utilize a person certified in the appropriate specialty. Agency personnel stated that this was the agency interpretation. Further discussion raised doubts as to whether the Cabinet was required, upon patient or provider request, to utilize those certified in an appropriate specialty.

Dr. Sheila A. Schuster, Kentucky Psychological Association, supported the objections made by Riley. She added that certain professionals, such as licensed psychologists, are licensed by the state, authorized to perform professional duties, and to make determinations. The regulation, as written, would restrict their utilization. It would require the utilization of professionals to make a decision on a subject matter in which they were not certified specialists. A regulation should not restrict the authority, or the performance of a certified specialist.

Sarah Nicholson, Kentucky Hospital Association, stated that the current regulation was a compromise. She stated that she had initially expressed the same concerns brought before the Subcommittee. She illustrated her concern with an example of a case in which a recommendation for surgery by an OBGYN was denied by an osteopath. Agency personnel stated that, had the initial steps of the procedure been restricted to specific professionals or specialists, the procedure would be very expensive. Chairman Kerr and Representative Yates pointed out that the procedure seemed to ensure that many appeals would be required because of the failure to use the appropriate certified professional. They added that this would appear to be more expensive, and could be avoided by having a qualified specialist make the initial determination or review under reconsideration. Chairman Kerr asked about the effect this regulation would have on professions such as chiropractors or the dental profession.

Additional objections were raised concerning the definition of "qualified personnel". It was pointed out that the last clause did not include other professionals, and that it was very vague as to whom it did include. Brian Brezosky, Kentucky Medical Association, stated that the last clause appeared to refer to clerical personnel. He added that, by statute, the decisions under this regulation were, and should be, restricted to licensed physicians. Phil Williams, an attorney with Williams & Wagoner, questioned whether the procedure would interfere with the jurisdiction of the Workers' Compensation Board and awards granted under KRS Chapter 342. William V. Faris, Physicians Consulting & Review Service, Inc., reiterated concern over jurisdiction of the Workers' Compensation Board. Agency personnel stated that it was not the intention of the

regulation to interfere with the statutory jurisdiction of any other administrative body. It was pointed out that, since it appeared to be unclear, unless it was clarified in the regulation questions would be raised concerning the coverage of the regulation and the statutes under which it was promulgated.

Section 2 was amended to exclude medical payments under the jurisdiction of the Workers' Compensation Board under KRS Chapter 342.

Section 5(2)(a) was amended as follows: If a case involved a medical or surgical specialty, and if a reconsideration denial was made without the use of a physician certified in that specialty, the utilization review agent shall utilize a physician certified in that specialty upon request of a patient or provider.

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

State Board of Elections: Voting

31 KAR 5:010 (Absentee voting.)

Kentucky Employees' Retirement System: General Rules

105 KAR 1:010 (Contributions and interest rates.)

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection: Division of Water: Sanitary Engineering

401 KAR 6:310 (Water well construction practices and standards.)

Natural Resources and Environmental Protection Cabinet: Department for Surface Mining Reclamation and Enforcement: General Provisions

405 KAR 7:020 (Definitions and abbreviations.)

Permits

405 KAR 8:010 (General provisions for permits.)

Inspection and Enforcement

405 KAR 12:020 (Enforcement.)

Corrections Cabinet: Office of the Secretary

501 KAR 6:070 (Kentucky Correctional Institution for Women.)

501 KAR 6:140 (Bell County Forestry Camp.)

Justice Cabinet: Department of State Police

502 KAR 45:080 (Oral interview.)

502 KAR 45:100 (Psychological assessment.)

502 KAR 45:110 (Register.)

Transportation Cabinet: Property Acquisition and Uniform Relocation

600 KAR 3:010 (Relocation assistance payments of the Transportation Cabinet.)

Department of Vehicle Regulation: Division of Motor Carriers

601 KAR 1:005 (Safety regulations.)

Department of Highways: Traffic

603 KAR 5:066 (Weight limits for trucks.)

Cabinet for Human Resources: Department for Health Services: Health Services and Facilities

902 KAR 20:136 (Certificate of need expenditure minimums.)

The following regulations were deferred at the promulgating agency's request:

Cabinet for Human Resources: Department for Health Services: Sanitation
902 KAR 10:030 (Sanitarians.)

The Subcommittee had no objections to emergency regulations which had been filed.

The Subcommittee adjourned at 10:30 a.m. until June 3, 1991 at 2 p.m. in Room 327 of the Capitol

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
AGRICULTURE AND NATURAL RESOURCES
Meeting of April 24, 1991

The Interim Joint Committee on Agriculture and Natural Resources met April 24, 1991, and submits this report:

The committee determined that administrative regulations 405 KAR 10:040 & E, Department for Surface Mining Reclamation and Enforcement, comply with KRS Chapter 13A.

The committee adjourned at 1:50 p.m., April 24, 1991.

INTERIM JOINT COMMITTEE ON
APPROPRIATIONS AND REVENUE
Meeting of April 25, 1991

The Interim Joint Committee on Appropriations and Revenue, on April 25, 1991, approved two administrative regulations referred in the April 1-2, 1991 meeting of the Legislative Research Commission. The two approved regulations were: 1 KAR 6:010 & E, promulgated by the Capital Planning Advisory Board, and 40 KAR 4:010, promulgated by the Office of the Attorney General.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates.....	L2
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LOCATOR INDEX -- EFFECTIVE DATES

NOTE: Emergency regulations expire 120 days from publication or upon replacement or repeal.

VOLUME 16

Emergency Regulation	16 Ky.R. Page No.	Effective Date	Regulation	16 Ky.R. Page No.	Effective Date
902 KAR 17:020E Replaced	2646	4-17-90 9-13-90	201 KAR 22:053 201 KAR 22:101 Amended	2616	(See 17 Ky.R.)
			201 KAR 22:110 Amended	2441	8-17-90
Regulation	16 Ky.R. Page No.	Effective Date	808 KAR 12:020 810 KAR 1:003 Amended	2443 2811	8-17-90 10-14-90
201 KAR 2:074 Amended	1713 2150	(See 17 Ky.R.)	810 KAR 1:006 Amended	2744	8-17-90
201 KAR 22:052 Amended	2440	8-17-90		2748	8-17-90

VOLUME 17

Emergency Regulation	17 Ky.R. Page No.	Effective Date	Emergency Regulation	17 Ky.R. Page No.	Effective Date
1 KAR 6:010E	2599	2-7-91	31 KAR 5:010E	2931	3-14-91
Replaced	3103	4-25-91	101 KAR 2:035E	878	8-3-90
11 KAR 5:030E	5	5-21-90	Replaced	2171	12-6-90
Replaced	256	9-13-90	101 KAR 2:045E	881	8-3-90
11 KAR 5:130E	7	5-21-90	Replaced	1968	12-6-90
Replaced		8-9-90	101 KAR 2:055E	885	8-3-90
11 KAR 5:140E	7	5-21-90	Replaced	1971	12-6-90
Replaced		8-9-90	101 KAR 2:065E	886	8-3-90
Resubmitted	3353	5-15-91	Replaced	1243	12-6-90
11 KAR 5:160E	9	5-21-90	101 KAR 2:075E	887	8-3-90
Replaced		8-9-90	Replaced	1245	12-6-90
11 KAR 6:010E	11	5-21-90	101 KAR 2:095E	888	8-3-90
Replaced		8-9-90	Replaced	1972	12-6-90
11 KAR 8:010E	13	5-21-90	101 KAR 3:045E	889	8-3-90
Replaced		8-9-90	Replaced	2173	12-6-90
11 KAR 8:020E	14	5-21-90	103 KAR 30:095E	183	6-20-90
Replaced		8-9-90	Replaced	581	9-27-90
11 KAR 8:030E	16	5-21-90	103 KAR 44:040E	1321	9-14-90
Replaced		8-9-90	Replaced	1632	11-21-90
11 KAR 8:040E	18	5-21-90	105 KAR 1:010E	891	8-1-90
Replaced		8-9-90	Replaced	276	10-10-90
11 KAR 11:010E	20	5-21-90	105 KAR 1:040E	184	6-28-90
Replaced		8-9-90	Replaced	99	9-12-90
11 KAR 11:020E	20	5-21-90	200 KAR 17:030E	3085	4-15-91
Replaced		8-9-90	200 KAR 17:040E	3088	4-15-91
11 KAR 11:030E	21	5-21-90	200 KAR 17:050E	3090	4-15-91
Replaced		8-9-90	200 KAR 18:010E	2932	2-22-91
Resubmitted	3355	5-15-91	201 KAR 2:111E	2144	12-11-90
11 KAR 11:040E	23	5-21-90	Replaced	2293	4-11-91
Replaced		8-9-90	201 KAR 2:116E	2144	12-11-90
11 KAR 11:050E	23	5-21-90	Replaced	2725	4-5-91
Replaced		8-9-90	201 KAR 14:100E	893	7-23-90
30 KAR 2:010E	24	6-13-90	Replaced	1139	11-29-90
Replaced	155	9-13-90	201 KAR 14:130E	893	7-23-90
31 KAR 4:010E	870	7-26-90	Replaced	1139	11-29-90
Replaced	1229	12-7-90	201 KAR 14:140E	894	7-23-90
31 KAR 4:020E	871	7-26-90	Replaced	1140	11-29-90
Replaced	1229	12-7-90	201 KAR 20:390E	1954	10-29-90
31 KAR 4:030E	871	7-26-90	Replaced	2428	2-7-91
Replaced	1230	12-7-90	301 KAR 2:044E	1322	8-23-90
31 KAR 4:040E	877	7-26-90	Replaced	1531	11-15-90
Replaced	1231	12-7-90	301 KAR 2:220E	1955	10-18-90
31 KAR 4:050E	877	7-26-90	Replaced	1800	12-19-90
Replaced	1232	12-7-90	302 KAR 1:055E	894	7-27-90
31 KAR 4:060E	2600	2-6-91	Replaced	157	8-22-90
Replaced	3103	4-5-91			

ADMINISTRATIVE REGISTER - L3

Emergency Regulation	17 Ky.R. Page No.	Effective Date	Emergency Regulation	17 Ky.R. Page No.	Effective Date
302 KAR 1:070E	896	7-27-90	500 KAR 9:030E	945	7-19-90
Replaced	1060	8-22-90	Replaced	164	9-13-90
302 KAR 20:220E	2145	11-21-90	500 KAR 9:040E	946	7-19-90
Replaced	2087	2-7-91	Replaced	1062	9-13-90
401 KAR 6:320E	898	7-20-90	500 KAR 9:050E	946	8-7-90
Replaced	1421	11-15-90	Expired		10-9-90
401 KAR 8:010E	899	7-19-90	500 KAR 9:060E	947	8-7-90
Replaced	1422	11-15-90	Expired		10-9-90
401 KAR 8:020E	902	7-19-90	501 KAR 6:020E	947	7-19-90
Replaced	1425	11-15-90	Replaced	410	10-14-90
401 KAR 8:030E	906	7-19-90	Resubmitted	2377	12-18-90
Replaced	1428	11-15-90	Replaced	2221	3-13-91
401 KAR 8:040E	909	7-19-90	Resubmitted	3093	3-22-91
Replaced	1432	11-15-90	501 KAR 6:030E	1666	9-20-90
401 KAR 8:050E	911	7-19-90	Replaced	1536	12-9-90
Replaced	599	11-15-90	501 KAR 6:060E	949	7-19-90
401 KAR 8:060E	912	7-19-90	Replaced	413	10-14-90
Replaced	601	11-15-90	501 KAR 6:070E	1964	10-18-90
401 KAR 8:070E	914	7-19-90	Replaced	1811	1-6-91
Replaced	1433	11-15-90	501 KAR 6:080E	950	7-19-90
401 KAR 8:100E	918	7-19-90	Replaced	415	10-14-90
Replaced	1977	11-15-90	Resubmitted	3094	3-22-91
401 KAR 8:150E	920	7-19-90	501 KAR 6:090E	951	7-19-90
Replaced	1717	11-15-90	Replaced	415	10-14-90
401 KAR 8:200E	921	7-19-90	501 KAR 6:120E	952	7-19-90
Replaced	1440	11-15-90	Replaced	417	10-14-90
401 KAR 8:250E	924	7-19-90	501 KAR 6:130E	2379	12-18-90
Replaced	619	11-15-90	Withdrawn		2-14-91
401 KAR 8:300E	926	7-19-90	Resubmitted	2934	2-20-91
Replaced	622	11-15-90	Replaced	2832	5-3-91
401 KAR 8:350E	928	7-19-90	501 KAR 6:150E	25	5-18-90
Replaced	1443	11-15-90	Replaced		8-9-90
401 KAR 8:400E	929	7-19-90	501 KAR 6:160E	1668	9-20-90
Replaced	626	11-15-90	Replaced	1648	12-9-90
401 KAR 8:420E	930	7-19-90	501 KAR 9:025E	2147	11-20-90
Replaced	628	11-15-90	Replaced	2095	2-7-91
401 KAR 8:440E	934	7-19-90	501 KAR 11:010E	954	7-19-90
Replaced	633	11-15-90	Replaced	690	10-14-90
401 KAR 8:500E	935	7-19-90	502 KAR 45:050E	1965	11-8-90
Replaced	635	11-15-90	Replaced	2441	2-7-91
401 KAR 8:550E	938	7-19-90	601 KAR 1:005E	2655	1-24-91
Replaced	639	11-15-90	601 KAR 1:029E	26	6-14-90
401 KAR 8:600E	939	7-19-90	Replaced	1062	9-4-90
Replaced	641	11-15-90	601 KAR 1:160E	27	6-14-90
401 KAR 8:650E	940	7-19-90	Replaced	1063	9-4-90
Replaced	643	11-15-90	601 KAR 11:010E	2657	1-24-91
401 KAR 8:700E	941	7-19-90	Replaced	2566	4-5-91
Replaced	645	11-15-90	601 KAR 11:040E	2658	1-24-91
401 KAR 47:132E	1960	10-19-90	Replaced	2570	4-5-91
Expired		3-31-91	601 KAR 13:070E	1323	8-28-90
401 KAR 47:134E	1962	10-19-90	Replaced	1991	12-4-90
Expired		2-27-91	603 KAR 5:110E	954	8-2-90
401 KAR 47:136E	1963	10-19-90	Replaced	1736	12-4-90
Replaced	2448	3-13-91	603 KAR 5:111E	956	8-2-90
405 KAR 7:020E	2600	1-29-91	Replaced	1737	12-4-90
405 KAR 8:010E	2609	1-29-91	603 KAR 5:112E	1668	10-1-90
405 KAR 8:030E	2623	1-29-91	Replaced	2203	2-7-91
405 KAR 8:040E	2636	1-29-91	603 KAR 5:230E	958	7-31-90
405 KAR 10:040E	2649	1-22-91	Replaced	1739	12-4-90
Replaced	2499	4-24-91	603 KAR 5:240E	995	7-19-90
405 KAR 12:020E	2651	1-29-91	Replaced	1352	10-2-90
415 KAR 1:010E	3356	4-25-91	702 KAR 1:130E	996	7-19-90
415 KAR 1:020E	3357	4-25-91	Replaced	692	10-14-90
415 KAR 1:030E	3358	4-25-91	704 KAR 3:304E	996	7-19-90
500 KAR 6:210E	942	7-18-90	Replaced	458	10-14-90
Replaced	1262	12-7-90	704 KAR 7:100E	997	7-19-90
500 KAR 6:220E	944	7-18-90	Replaced	705	10-14-90
Replaced	1264	12-7-90	750 KAR 1:010E	2935	2-15-91
500 KAR 9:010E	944	7-19-90	Replaced	2875	5-3-91
Replaced	162	9-13-90	781 KAR 1:010E	186	7-3-90
500 KAR 9:020E	945	7-19-90	Expired		12-1-90
Replaced	1061	9-13-90	781 KAR 1:020E	188	7-3-90
			Expired		12-1-90

ADMINISTRATIVE REGISTER - L4

Emergency Regulation	17 Ky.R. Page No.	Effective Date	Emergency Regulation	17 Ky.R. Page No.	Effective Date
781 KAR 1:030E	192	7-3-90	902 KAR 45:005E	207	7-11-90
Expired		12-1-90	Replaced	1395	9-19-90
781 KAR 1:040E	194	7-3-90	902 KAR 45:110E	31	5-16-90
Replaced	789	10-14-90	Replaced	222	7-11-90
781 KAR 1:050E	195	7-3-90	Resubmitted	222	7-11-90
Replaced	791	10-14-90	Replaced	526	9-19-90
781 KAR 1:060E	198	7-3-90	902 KAR 45:120E	32	5-16-90
Replaced	794	10-14-90	Replaced	222	7-11-90
781 KAR 1:070E	199	7-3-90	Resubmitted	222	7-11-90
Replaced	796	10-14-90	Replaced	528	9-19-90
781 KAR 2:010E	200	7-3-90	902 KAR 55:010E	32	5-30-90
Expired		12-1-90	Replaced	136	9-13-90
781 KAR 2:020E	202	7-3-90	902 KAR 55:020E	3095	4-12-91
Expired		12-1-90	902 KAR 55:025E	3096	4-12-91
806 KAR 11:020E	2149	11-21-90	903 KAR 1:010E	223	6-21-90
Replaced	2311	3-13-91	Replaced	137	9-13-90
806 KAR 12:092E	998	7-17-90	903 KAR 5:270E	224	6-21-90
Replaced	1503	11-15-90	Replaced	138	9-13-90
806 KAR 12:094E	1000	7-17-90	903 KAR 5:290E	3097	4-3-91
Replaced	1505	11-15-90	904 KAR 2:006E	1325	9-14-90
806 KAR 17:066E	1004	7-17-90	Replaced	1608	12-9-90
Replaced	1298	10-14-90	Resubmitted	2401	1-2-91
806 KAR 18:040E	2380	12-14-90	Replaced	2520	3-12-91
Replaced	2950	4-5-91	904 KAR 2:015E	1035	8-2-90
900 KAR 4:010E	3360	4-16-91	Replaced	1731	12-7-90
901 KAR 5:050E	28	6-12-90	Resubmitted	2408	1-4-91
Replaced	121	9-13-90	Replaced	2527	3-12-91
902 KAR 10:021E	28	5-16-90	904 KAR 2:016E	1331	9-14-90
Replaced		7-18-90	Replaced	1616	12-9-90
902 KAR 10:030E	29	5-16-90	Resubmitted	2661	2-11-91
Replaced		7-18-90	Replaced	3132	5-3-91
902 KAR 10:040E	1016	7-19-90	Resubmitted	3372	5-15-91
Replaced	1372	9-19-90	904 KAR 2:035E	1040	7-19-90
902 KAR 10:060E	30	5-16-90	Replaced	532	9-19-90
Replaced		7-18-90	904 KAR 2:050E	1041	7-19-90
902 KAR 10:121E	30	5-16-90	Replaced	1412	9-19-90
Replaced		7-18-90	904 KAR 2:110E	1688	10-4-90
902 KAR 10:130E	30	5-16-90	Replaced	1864	12-19-90
Replaced		7-18-90	904 KAR 2:116E	2167	12-6-90
902 KAR 11:010E	204	6-21-90	Replaced	2955	4-4-91
Replaced	129	9-13-90	904 KAR 3:035E	1690	10-9-90
902 KAR 15:010E	1021	7-19-90	Replaced	1867	12-18-90
Replaced	1392	9-19-90	905 KAR 2:010E	225	6-21-90
902 KAR 15:020E	1024	7-19-90	Replaced	140	9-13-90
Replaced	500	9-19-90	907 KAR 1:004E	1042	7-19-90
902 KAR 17:010E	1670	10-4-90	Replaced	535	9-19-90
Expired*		12-6-90	Resubmitted	2670	1-17-91
Resubmitted	2382	12-18-90	Replaced	2990	5-3-91
Replaced	2278	3-12-91	907 KAR 1:006E	1052	7-19-90
902 KAR 20:006E	1028	7-19-90	Replaced	546	9-19-90
Replaced	1724	12-7-90	907 KAR 1:010E	232	7-11-90
902 KAR 20:008E	205	6-21-90	Replaced	1518	12-7-90
Replaced	133	9-13-90	907 KAR 1:011E	1053	7-19-90
902 KAR 20:116E	1966	10-15-90	Replaced	549	9-19-90
Expired*		12-6-90	Resubmitted	2681	1-17-91
902 KAR 20:133E	1035	7-19-90	Replaced	2543	3-12-91
Replaced	834	9-19-90	907 KAR 1:013E	234	7-11-90
902 KAR 20:135E	207	6-21-90	Replaced	1520	12-7-90
Replaced	135	9-13-90	Resubmitted	2686	2-6-91
902 KAR 20:290E	3363	5-7-91	Expired		4-18-91
902 KAR 20:300E	1670	10-5-90	Resubmitted	3382	4-18-91
Expired*		12-6-90	907 KAR 1:014E	237	7-11-90
Resubmitted	2383	12-18-90	Replaced	557	9-19-90
Replaced	3121	5-3-91	907 KAR 1:015E	238	7-11-90
902 KAR 20:310E	1681	10-5-90	Replaced	1944	12-7-90
Expired*		12-6-90	907 KAR 1:016E	238	7-11-90
Resubmitted	2394	12-18-90	Replaced	559	9-19-90
Replaced	2741	5-3-91	907 KAR 1:017E	1058	8-7-90
902 KAR 20:320E	2150	11-19-90	Replaced	1295	12-7-90
Replaced	2452	3-12-91	Resubmitted	3098	3-28-91
902 KAR 20:330E	2163	11-19-90	907 KAR 1:019E	1694	10-9-90
Replaced	2123	3-12-91	Replaced	1871	12-18-90
			Resubmitted	3385	4-18-91

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Emergency Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
907 KAR 1:020E	1695	10-9-90	11 KAR 11:030		
Expired*		12-6-90	Amended	3487	
Resubmitted		12-17-90	11 KAR 12:010	3568	
Withdrawn		12-28-90	11 KAR 12:020	3570	
Resubmitted	2412	12-28-90	11 KAR 12:030	3571	
Expired		4-3-91	11 KAR 12:040	3572	
Resubmitted	3100	4-3-91	11 KAR 12:050	3574	
907 KAR 1:022E	1697	10-5-90	11 KAR 12:060	3575	
Expired*		12-6-90	11 KAR 12:070	3576	
Resubmitted	2414	12-17-90	11 KAR 12:080	3578	
Replaced	2958	3-12-91	11 KAR 12:090	3580	
907 KAR 1:025E	1701	10-5-90	13 KAR 1:015		
Expired*		12-6-90	Repealed	2970	5-3-91
Resubmitted	2418	12-17-90	13 KAR 1:020	2552	
Replaced	2963	3-12-91	Amended	2970	5-3-91
907 KAR 1:027E	239	7-11-90	13 KAR 2:020		
Replaced	561	9-19-90	Amended	2466	
907 KAR 1:036E	241	7-11-90	Amended	2975	5-3-91
Withdrawn		9-10-90	13 KAR 2:040		
Resubmitted	1342	9-10-90	Repealed	2557	4-5-91
Replaced	1414	9-19-90	13 KAR 2:045	2557	4-5-91
907 KAR 1:039E	248	7-11-90	13 KAR 2:050		
Replaced	572	9-19-90	Amended	3213	
907 KAR 1:040E	249	7-11-90	30 KAR 1:040	3581	
Replaced	573	9-19-90	30 KAR 1:050	3582	
907 KAR 1:045E	250	7-11-90	30 KAR 2:010	155	9-13-90
Replaced	574	9-19-90	31 KAR 4:010	1229	12-7-90
907 KAR 1:061E	1708	10-5-90	31 KAR 4:020	1229	12-7-90
Replaced	1880	12-18-90	Amended	2470	4-5-91
907 KAR 1:102E	1710	10-9-90	31 KAR 4:030	1230	12-7-90
Expired*		12-6-90	31 KAR 4:040	1231	12-7-90
Resubmitted	2425	12-17-90	31 KAR 4:050	1232	12-7-90
Replaced	2365	5-3-91	31 KAR 4:060	2917	
907 KAR 1:104E	1711	10-9-90	As Amended	3103	4-5-91
Expired*		12-6-90	31 KAR 5:010	3050	
Resubmitted	2426	12-17-90	40 KAR 4:010	2917	4-25-91
Replaced	2366	5-3-91	101 KAR 1:325		
907 KAR 1:150E	2427	1-11-91	Amended	1114	11-14-90
Replaced	2550	5-3-91	Amended	2755	
907 KAR 1:280E	251	7-11-90	As Amended	3104	4-10-91
Replaced	579	9-19-90	101 KAR 1:335		
908 KAR 1:020E	252	6-21-90	Amended	95	9-12-90
Replaced	151	9-13-90	101 KAR 1:365		
908 KAR 1:160E	253	6-21-90	Amended	2756	4-10-91
Replaced	153	9-13-90	101 KAR 1:375		
*Emergency expired; ordinary regulation died because Statement of Consideration was not filed 15 days following public hearing. (KRS 13A.190(10)(b))			Amended	97	9-12-90
			101 KAR 1:400	156	9-12-90
			101 KAR 2:030		7-13-90
			Expired		
			101 KAR 2:035	1233	
			As amended	2171	12-6-90
			101 KAR 2:040		
			Expired		7-13-90
			101 KAR 2:045	1236	12-6-90
			As Amended	1968	
			101 KAR 2:050		7-13-90
			Expired		
			101 KAR 2:055	1241	
			As Amended	1971	12-6-90
			101 KAR 2:060		
			Expired		7-13-90
			101 KAR 2:065	1243	12-6-90
			101 KAR 2:070		
			Expired		7-13-90
			101 KAR 2:075	1245	12-6-90
			101 KAR 2:090		
			Expired		7-13-90
			101 KAR 2:095	1246	
			As Amended	1972	12-6-90
			101 KAR 2:100		
			Amended	1115	12-6-90
			101 KAR 3:010		
			Amended	1121	12-6-90
Regulation	17 Ky.R. Page No.	Effective Date			
1 KAR 6:010	2916				
As Amended	3103	4-25-91			
11 KAR 4:040					
Amended	3472				
11 KAR 5:030					
Amended	256	9-13-90			
Amended	3477				
11 KAR 5:130					
Amended	3479				
11 KAR 5:140					
Amended	3480				
11 KAR 7:010					
Amended	2007	2-7-91			
11 KAR 7:020					
Amended	2010	2-7-91			
11 KAR 8:030					
Amended	3483				
11 KAR 11:020					
Amended	3486				

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
101 KAR 3:040			103 KAR 8:030		
Expired		7-13-90	Expired		7-13-90
101 KAR 3:045	1248		103 KAR 8:070		
As Amended	2173	12-6-90	Expired		7-13-90
102 KAR 1:035			103 KAR 16:040		
Amended	2471	4-5-91	Expired		7-13-90
102 KAR 1:050			103 KAR 16:050		
Amended	2472	4-5-91	Expired		7-13-90
102 KAR 1:057			103 KAR 16:070		
Amended	2472	4-5-91	Expired		7-13-90
102 KAR 1:060			103 KAR 16:080		
Amended	2473	4-5-91	Expired		7-13-90
102 KAR 1:100			103 KAR 16:090		
Amended	2474	4-5-91	Expired		7-13-90
102 KAR 1:125			103 KAR 17:030		
Amended	2475	4-5-91	Expired		7-13-90
102 KAR 1:130			103 KAR 17:040		
Amended	2476	4-5-91	Expired		7-13-90
102 KAR 1:135			103 KAR 17:041	1250	11-21-90
Amended	2476	4-5-91	103 KAR 17:070		
102 KAR 1:140			Expired		7-13-90
Amended	2477	4-5-91	103 KAR 17:080		
102 KAR 1:153			Amended	2012	
Repealed	2562	4-5-91	Withdrawn		11-26-90
102 KAR 1:154	2562	4-5-91	Repealed	2293	2-20-91
102 KAR 1:160			103 KAR 17:081	2293	2-20-91
Amended	2478		103 KAR 18:100		
As Amended	2939	4-5-91	Amended	2209	
102 KAR 1:162			103 KAR 18:110		
Amended	2479		Amended	1524	11-21-90
Withdrawn		3-5-91	103 KAR 25:010		
102 KAR 1:165			Expired		7-13-90
Amended	2479		103 KAR 25:020		
As Amended	2939	4-5-91	Expired		7-13-90
102 KAR 1:175			103 KAR 25:030		
Amended	3214		Expired		7-13-90
102 KAR 1:180			103 KAR 25:040		
Amended	2480		Expired		7-13-90
As Amended	2940	4-5-91	103 KAR 25:080		
102 KAR 1:185			Expired		7-13-90
Amended	2481	4-5-91	103 KAR 25:081	1251	11-21-90
102 KAR 1:190			103 KAR 25:090		
Repealed	2562	4-5-91	Expired		7-13-90
102 KAR 1:195			103 KAR 25:091	1252	11-21-90
Amended	2483	4-5-91	103 KAR 25:100		
102 KAR 1:210			Expired		7-13-90
Amended	2484	4-5-91	103 KAR 26:040		
103 KAR 1:010			Expired		7-13-90
Amended	1126	11-21-90	103 KAR 26:070		
103 KAR 5:010			Amended	1128	11-21-90
Expired		7-13-90	103 KAR 27:010		
103 KAR 5:015			Expired		7-13-90
Expired		7-13-90	103 KAR 27:090		
103 KAR 5:020			Expired		7-13-90
Repealed	2081	2-7-91	103 KAR 27:100		
103 KAR 5:021	2081	2-7-91	Amended	1130	11-21-90
103 KAR 5:050			103 KAR 28:051		
Expired		7-13-90	Amended	1130	11-21-90
103 KAR 5:070			103 KAR 28:070		
Expired		7-13-90	Expired		7-13-90
103 KAR 5:080			103 KAR 28:100		
Repealed	2081	2-7-91	Expired		7-13-90
103 KAR 5:090			103 KAR 28:110		
Expired		7-13-90	Expired		7-13-90
103 KAR 5:110			103 KAR 28:120		
Expired		7-13-90	Expired		7-13-90
103 KAR 5:130			103 KAR 30:020		
Expired		7-13-90	Amended	2201	
103 KAR 5:140			103 KAR 30:090		
Expired		7-13-90	Expired		7-13-90
103 KAR 8:020			103 KAR 30:091	1254	11-21-90
Expired		7-13-90	As Amended	1973	9-27-90
			103 KAR 30:095	581	

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
103 KAR 30:130		7-13-90	201 KAR 1:068		
Expired		11-21-90	Amended	1525	
103 KAR 30:140	1134		As Amended	1975	11-29-90
103 KAR 30:200			201 KAR 1:100		
Amended	1136	11-21-90	Amended	1528	11-29-90
103 KAR 30:225			201 KAR 2:074		
Expired		7-13-90	As Amended	2175	12-14-90
103 KAR 31:010			201 KAR 2:110		
Expired		7-13-90	Repealed	2144	12-11-90
103 KAR 31:011	1256	11-21-90	201 KAR 2:111	2293	4-11-91
103 KAR 31:060			201 KAR 2:116		
Expired		7-13-90	Amended	2212	
103 KAR 31:080			Amended	2725	4-5-91
Amended	1137	11-21-90	201 KAR 5:010		
103 KAR 31:100			Amended	2485	
Expired		7-13-90	As Amended	2940	4-5-91
103 KAR 31:110			201 KAR 5:030		
Expired		7-13-90	Amended	2486	
103 KAR 31:111	1257	11-21-90	As Amended	2941	4-5-91
103 KAR 31:120			201 KAR 5:037		
Expired		7-13-90	Amended	2488	
103 KAR 31:140			As Amended	2943	4-5-91
Expired		7-13-90	201 KAR 5:040		
103 KAR 31:150			Amended	2490	
Expired		7-13-90	As Amended	2944	4-5-91
103 KAR 35:030			201 KAR 5:050		
Expired		7-13-90	Amended	2492	4-5-91
103 KAR 43:070			201 KAR 5:060	2563	
Expired		7-13-90	As Amended	2946	4-5-91
103 KAR 43:080			201 KAR 5:070	2564	4-5-91
Expired		7-13-90	201 KAR 5:080	2564	
103 KAR 43:130			As Amended	2946	4-5-91
Expired		7-13-90	201 KAR 5:090	2565	4-5-91
103 KAR 43:210			201 KAR 8:140		
Expired		7-13-90	Amended	1777	2-7-91
103 KAR 43:230			201 KAR 8:285		
Expired		7-13-90	Amended	1778	12-14-90
103 KAR 43:240			201 KAR 9:300	1633	
Expired		7-13-90	Withdrawn		11-5-90
103 KAR 43:250			201 KAR 9:305	1634	
Expired		7-13-90	Withdrawn		12-19-90
103 KAR 43:270			201 KAR 11:011	2294	
Expired		7-13-90	As Amended	2690	
103 KAR 43:290			201 KAR 11:095		
Expired		7-13-90	Amended	2213	
103 KAR 43:300			As Amended	2690	
Expired		7-13-90	201 KAR 11:105		
103 KAR 44:010			Amended	2214	
Expired		7-13-90	As Amended	2690	
103 KAR 44:040	1632	11-21-90	201 KAR 11:110		
105 KAR 1:010			Amended	2214	
Amended	276	10-10-90	Withdrawn		2-7-91
Amended	3004		201 KAR 11:115		
105 KAR 1:040			Amended	2215	
Amended	99	9-12-90	Withdrawn		2-7-91
106 KAR 1:080	3291		201 KAR 11:121	2295	
106 KAR 1:090	3306		As Amended	2691	
106 KAR 1:100	3311		As Amended	3105	4-12-91
106 KAR 1:110	3312		201 KAR 11:170		
106 KAR 1:120	3313		Amended	2216	
106 KAR 1:130	3314		As Amended	2691	3-8-91
200 KAR 14:010			201 KAR 11:175	2296	
Amended	3489		As Amended	2692	3-8-91
200 KAR 14:061	3583		201 KAR 11:210		
200 KAR 14:080			Amended	2217	
Amended	3491		As Amended	2692	3-8-91
200 KAR 14:090	3584		201 KAR 11:230	2297	
200 KAR 17:020	3316		As Amended	2693	3-8-91
200 KAR 17:030	3321		201 KAR 11:245	2299	
200 KAR 17:040	3324		As Amended	2695	3-8-91
200 KAR 17:050	3327		201 KAR 11:250	2300	
200 KAR 18:010	3050		As Amended	2696	3-8-91
As Amended	3387				

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
201 KAR 11:300	2301		301 KAR 1:056	1884	12-19-90
As Amended	2697	3-8-91	301 KAR 1:057		
201 KAR 14:100			Repealed	1884	12-19-90
Amended	1139	11-29-90	301 KAR 1:075		
201 KAR 14:130			Amended	1795	12-19-90
Amended	1139	11-29-90	301 KAR 1:085		
201 KAR 14:140			Amended	3216	
Amended	1140	11-29-90	301 KAR 1:122		
201 KAR 16:010			Amended	1796	12-19-90
Amended	3494		301 KAR 1:150		
201 KAR 18:140			Amended	1797	12-19-90
Amended	278		301 KAR 1:200		
Withdrawn		9-4-90	Amended	1799	12-19-90
201 KAR 19:005			301 KAR 2:044		
Amended	1779	12-14-90	Amended	1531	11-15-90
201 KAR 19:025			301 KAR 2:047		
Amended	1779		As Amended	35	6-27-90
As Amended	2177	12-14-90	Amended	2492	3-27-91
201 KAR 19:030			301 KAR 2:110		
Amended	1780		Amended	102	8-22-90
As Amended	2178	12-14-90	301 KAR 2:111		
201 KAR 19:035			Amended	3495	
Amended	1781		301 KAR 2:140		
As Amended	2178	12-14-90	Amended	1533	11-15-90
201 KAR 19:040			301 KAR 2:170		
Amended	1785	12-14-90	Amended	54	7-11-90
201 KAR 19:050			Amended	3218	
Amended	1786		301 KAR 2:180		
As Amended	2182	12-14-90	Repealed	1259	11-15-90
201 KAR 19:055			301 KAR 2:185	1259	11-15-90
Repealed	1884	12-14-90	301 KAR 2:210		
201 KAR 19:056	1884	12-14-90	Amended	3223	
201 KAR 19:060			301 KAR 2:220		
Amended	1787	12-14-90	Amended	1800	12-19-90
201 KAR 19:070			301 KAR 2:250		
Amended	1788	12-14-90	Amended	2497	
201 KAR 19:075			As Amended	2946	3-27-91
Repealed	1884	12-14-90	302 KAR 1:055	157	8-22-90
201 KAR 19:085			302 KAR 1:070	160	
Amended	1788		As Amended	1060	8-22-90
As Amended	2182	12-14-90	302 KAR 1:080	2084	2-7-91
201 KAR 19:095			302 KAR 15:010		
Amended	1790	12-14-90	Amended	1143	
201 KAR 19:100			As Amended	1712	11-15-90
Amended	1792	12-14-90	302 KAR 16:070	2302	3-13-91
201 KAR 19:105			302 KAR 20:220	2087	2-7-91
Amended	1793	12-14-90	302 KAR 38:010	1261	
201 KAR 20:161			As Amended	1715	11-15-90
Amended	2758	4-11-91	304 KAR 1:050	2090	
201 KAR 20:162			As Amended	2429	2-7-91
Amended	2760	4-11-91	400 KAR 1:040		
201 KAR 20:310			Amended	3006	
Amended	280	9-14-90	401 KAR 4:220	3054	
201 KAR 20:390	2082		Amended	3457	
As Amended	2428	2-7-91	401 KAR 5:085		
201 KAR 22:031			Expired		7-13-90
Amended	1141	11-29-90	401 KAR 6:015		
201 KAR 22:053			Expired		7-13-90
As Amended	34		401 KAR 6:020		
As Amended	1350	8-17-90	Repealed		7-19-90
201 KAR 24:030			401 KAR 6:040		
Recodified to 783 KAR 1:010		4-22-91	Expired		7-13-90
201 KAR 24:040			401 KAR 6:060		
Recodified to 783 KAR 1:020		4-22-91	Repealed		7-19-90
201 KAR 26:160			401 KAR 6:300		
Amended	101	8-17-90	Expired		7-13-90
201 KAR 29:010	2918	4-11-91	401 KAR 6:310		
201 KAR 30:100	3585		Amended	2762	
201 KAR 30:110	3589		Amended	3142	
201 KAR 30:120	3590		401 KAR 6:320	581	
201 KAR 30:130	3591		Amended	1421	11-15-90
301 KAR 1:015			401 KAR 8:010	584	
Amended	1793	12-19-90	Amended	1422	11-15-90

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
401 KAR 8:020	588		401 KAR 36:070		
Amended	1425	11-15-90	Amended	357	9-25-90
401 KAR 8:030	592		401 KAR 37:010		
Amended	1428	11-15-90	Amended	359	9-25-90
401 KAR 8:040	597		401 KAR 37:030		
Amended	1432	11-15-90	Amended	365	9-25-90
401 KAR 8:050	599	11-15-90	401 KAR 37:040		
401 KAR 8:060	601	11-15-90	Amended	367	9-25-90
401 KAR 8:070	604		401 KAR 37:050		
Amended	1433	11-15-90	Amended	370	9-25-90
401 KAR 8:100	609		401 KAR 37:110	656	9-25-90
Amended	1437		401 KAR 38:010		
As Amended	1715		Amended	372	9-25-90
As Amended	1977	11-15-90	401 KAR 38:040		
401 KAR 8:150	612		Amended	376	
Amended	1439		Amended	1453	
As Amended	1717	11-15-90	As Amended	1978	11-15-90
401 KAR 8:200	614		401 KAR 38:050		
Amended	1440	11-15-90	Amended	381	9-25-90
401 KAR 8:250	619	11-15-90	401 KAR 38:060		
401 KAR 8:300	622	11-15-90	Amended	385	9-25-90
401 KAR 8:350	624		401 KAR 38:070		
Amended	1443	11-15-90	Amended	391	9-25-90
401 KAR 8:400	626	11-15-90	401 KAR 38:090		
401 KAR 8:420	628	11-15-90	Amended	394	9-25-90
401 KAR 8:440	633	11-15-90	401 KAR 38:100		
401 KAR 8:500	635	11-15-90	Amended	399	9-25-90
401 KAR 8:550	639	11-15-90	401 KAR 38:230	658	
401 KAR 8:600	641	11-15-90	Amended	1456	11-15-90
401 KAR 8:650	643	11-15-90	401 KAR 38:500		
401 KAR 8:700	645	11-15-90	Amended	401	9-25-90
401 KAR 30:010			401 KAR 39:010		
Amended	3225		Expired		7-13-90
Withdrawn		5-6-91	401 KAR 39:020		
401 KAR 32:030			Expired		7-13-90
Amended	281		401 KAR 39:030		
Amended	1444	11-15-90	Expired		7-13-90
401 KAR 32:050			401 KAR 39:070		
Amended	284	9-25-90	Expired		7-13-90
401 KAR 34:020			401 KAR 42:010		
Amended	287	9-25-90	Repealed	1635	12-19-90
401 KAR 34:050			401 KAR 42:011	1635	12-19-90
Amended	292	9-25-90	401 KAR 42:020	1637	
401 KAR 34:060			Amended	1994	12-19-90
Amended	295	9-25-90	401 KAR 42:030	1638	12-19-90
401 KAR 34:070			401 KAR 42:040	1640	12-19-90
Amended	304	9-25-90	401 KAR 42:050	1641	12-19-90
401 KAR 34:090			401 KAR 42:060	1643	12-19-90
Amended	310	9-25-90	401 KAR 42:070	1645	
401 KAR 34:100			Amended	1994	12-19-90
Amended	319	9-25-90	401 KAR 42:090	1646	12-19-90
401 KAR 34:120			401 KAR 42:200	660	9-25-90
Amended	328		401 KAR 47:080		
Amended	1445	11-15-90	Amended	3239	
401 KAR 34:130			Withdrawn		5-6-91
Amended	333	9-25-90	401 KAR 47:110		
401 KAR 34:165			Amended	3244	
Amended	334	9-25-90	Withdrawn		5-6-91
401 KAR 34:250	646		401 KAR 47:134	2091	
Amended	1448	11-15-90	Amended	2447	
401 KAR 34:360	648	9-25-90	Withdrawn		2-27-91
401 KAR 35:010			401 KAR 47:136	2093	
Amended	337	9-25-90	Amended	2448	3-13-91
401 KAR 35:020			401 KAR 47:150		
Amended	340	9-25-90	Amended	3247	
401 KAR 35:120			Withdrawn		5-6-91
Amended	343		401 KAR 48:090		
Amended	1450	11-15-90	Amended	3249	
401 KAR 35:130			Withdrawn		5-6-91
Amended	347	9-25-90	401 KAR 48:210	3331	
401 KAR 35:190			Withdrawn		5-6-91
Amended	349	9-25-90	401 KAR 50:005		
			Recodified to 401 KAR 50:012		7-31-90

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
401 KAR 50:010			501 KAR 6:040		
Amended	403		Amended	412	10-14-90
Amended	1457	11-15-90	Amended	1538	12-9-90
401 KAR 50:012			Amended	3501	
Recodified from 401 KAR 50:005		7-31-90	501 KAR 6:060		
401 KAR 50:036			Amended	413	10-14-90
Expired		7-13-90	Amended	2831	
401 KAR 51:010			Amended	3502	
Amended	407	11-15-90	501 KAR 6:070		
401 KAR 59:021	662		Amended	1811	1-6-91
Amended	1460		Amended	3017	5-3-91
As Amended	1982	11-15-90	Amended	3504	
401 KAR 59:023	672		501 KAR 6:080		
Amended	1470		Amended	415	10-14-90
As Amended	2430	2-7-91	Amended	3018	
401 KAR 61:011	681		501 KAR 6:090		
Amended	1478	11-15-90	Amended	415	10-14-90
401 KAR 61:013	686		Amended	2225	3-13-91
Amended	1481		Amended	3253	
As Amended	2437	2-7-91	501 KAR 6:120		
405 KAR 7:020			Amended	417	10-14-90
Amended	2774		501 KAR 6:130		
Amended	3152		Amended	2226	
405 KAR 8:010			Amended	2832	5-3-91
Amended	2784		501 KAR 6:140		
Amended	3161		Amended	3019	
405 KAR 8:030			501 KAR 6:150		
Amended	2800		Amended	3021	
As Amended	3389		501 KAR 6:160	1648	12-9-90
405 KAR 8:040			501 KAR 9:020		
Amended	2812		Expired		7-13-90
As Amended	3401		501 KAR 9:025	2095	2-7-91
405 KAR 10:040			Amended	2834	
Amended	2499	4-24-91	As Amended	3105	5-3-91
405 KAR 10:050			501 KAR 11:010	690	10-14-90
Reprint	1654	12-13-88	502 KAR 45:050		
Amended	3013		Amended	2013	
405 KAR 12:020			As Amended	2441	2-7-91
Amended	2826		502 KAR 45:080		
415 KAR 1:010	3592		Amended	3023	
415 KAR 1:020	3594		502 KAR 45:100		
415 KAR 1:030	3597		Amended	3024	
500 KAR 6:210	1262	12-7-90	502 KAR 45:110		
500 KAR 6:220	1264	12-7-90	Amended	3025	
500 KAR 8:010	1885		600 KAR 1:050		
Amended	2203		Expired		7-13-90
As Amended	2440	2-7-91	600 KAR 2:010		
500 KAR 9:010	162	9-13-90	Amended	3025	
Amended	2218	4-5-91	Amended	3468	
500 KAR 9:015	2303	4-5-91	600 KAR 3:010		
500 KAR 9:020	163		Amended	1812	1-6-91
As Amended	1061	9-13-90	Amended	3026	
500 KAR 9:030	164	9-13-90	600 KAR 4:010		
500 KAR 9:040	165		Amended	1540	12-4-90
As Amended	1062	9-13-90	601 KAR 1:005		
Amended	2219		Amended	2504	
As Amended	2948	4-5-91	Amended	2978	
500 KAR 9:050	1265		601 KAR 1:025		
Withdrawn		10-9-90	Amended	105	9-4-90
500 KAR 9:060	1265		Amended	3505	
Withdrawn		10-9-90	601 KAR 1:029		
501 KAR 6:020			Amended	165	
Amended	410	10-14-90	As Amended	1062	9-4-90
Amended	1807	1-6-91	601 KAR 1:035		
Amended	2221	3-13-91	Expired		7-13-90
Amended	3015		601 KAR 1:150		
As Amended	3414		Expired		7-13-90
501 KAR 6:030			601 KAR 1:160	167	
Amended	103	9-13-90	As Amended	1063	9-4-90
Amended	1536	12-9-90	601 KAR 1:170	2306	3-13-91
Amended	1809	1-6-91	601 KAR 9:074		
Amended	2223	3-13-91	Amended	1146	11-12-90
Amended	3499				

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
601 KAR 9:125			702 KAR 1:071	3334	
Amended	419	10-2-90	702 KAR 1:080		
601 KAR 9:140			Amended	424	10-14-90
Amended	1150	11-12-90	702 KAR 1:100		
601 KAR 9:145	2307	3-13-91	Amended	425	10-14-90
601 KAR 11:010	2566	4-5-91	702 KAR 1:115		
601 KAR 11:020	2567	4-5-91	Amended	2017	2-7-91
601 KAR 11:030	2568	4-5-91	702 KAR 1:120		
601 KAR 11:040	2570	4-5-91	Repealed	2096	2-7-91
601 KAR 11:050	2573	4-5-91	702 KAR 1:121	2096	2-7-91
601 KAR 11:060	2574		702 KAR 1:130	692	10-14-90
As Amended	2949	4-5-91	702 KAR 3:010		
601 KAR 13:020			Amended	1544	12-9-90
Expired		7-13-90	702 KAR 3:020		
601 KAR 13:070	1649		Amended	1545	12-9-90
As Amended	1991	12-4-90	702 KAR 3:030		
601 KAR 14:010			Amended	426	
Amended	108	9-4-90	As Amended	1352	10-14-90
603 KAR 5:025			702 KAR 3:040		
Amended	1832	1-6-91	Amended	1547	12-9-90
603 KAR 5:066			702 KAR 3:045		
Amended	2835		Amended	1548	12-9-90
603 KAR 5:070			702 KAR 3:050		
Amended	1834	2-7-91	Amended	1548	12-9-90
603 KAR 5:071			702 KAR 3:060		
Amended	1838		Amended	1549	12-9-90
As Amended	2442	2-7-91	702 KAR 3:070		
603 KAR 5:075			Amended	1550	12-9-90
Amended	1839	1-6-91	702 KAR 3:075		
603 KAR 5:105	1266	11-12-90	Amended	1552	12-9-90
603 KAR 5:110			702 KAR 3:080		
Amended	1151		Amended	1552	12-9-90
Amended	1736	12-4-90	702 KAR 3:090		
603 KAR 5:111	1267		Amended	1553	12-9-90
Amended	1737	12-4-90	702 KAR 3:100		
603 KAR 5:112	1886		Amended	1554	
Amended	2203	2-7-91	As Amended	1993	12-9-90
603 KAR 5:230			702 KAR 3:110		
Amended	1153		Amended	1555	
Amended	1739	12-4-90	As Amended	1993	12-9-90
Amended	2838		702 KAR 3:120		
Amended	3175		Amended	427	10-14-90
As Amended	3415		702 KAR 3:130		
603 KAR 5:240	691		Amended	428	
As Amended	1352	10-2-90	As Amended	1353	10-14-90
603 KAR 5:250	3066		702 KAR 3:135		
Amended	3468		Amended	2019	2-7-91
605 KAR 1:180	2308		702 KAR 3:150		
Withdrawn		2-8-91	Amended	2020	2-7-91
605 KAR 1:190	2575		702 KAR 3:170		
Withdrawn		3-14-91	Amended	1556	12-9-90
Resubmitted	3600		702 KAR 3:190		
701 KAR 5:020			Amended	429	12-7-90
Amended	421	10-14-90	702 KAR 3:200		
701 KAR 5:050			Amended	109	
Amended	422	10-14-90	As Amended	1064	9-13-90
701 KAR 5:080	2311		702 KAR 3:210		
As Amended	2697	3-13-91	Repealed	169	9-13-90
702 KAR 1:005			702 KAR 3:211	169	9-13-90
Amended	2227		702 KAR 3:220	1651	
As Amended	2698	3-13-91	Amended	1994	1-6-91
702 KAR 1:010			702 KAR 3:230	1652	12-9-90
Amended	2014	2-7-91	702 KAR 3:240	2097	
702 KAR 1:025			As Amended	2704	3-13-91
Repealed	168	9-13-90	702 KAR 4:005		
702 KAR 1:026	168	9-13-90	Amended	2021	2-7-91
702 KAR 1:035			702 KAR 4:010		
Amended	423	10-14-90	Amended	2234	3-13-91
702 KAR 1:040			702 KAR 4:020		
Amended	2015	2-7-91	Amended	2235	3-13-91
702 KAR 1:070			702 KAR 4:030		
Amended	2017		Amended	2237	3-13-91
Withdrawn		1-4-91			

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
702 KAR 4:040			702 KAR 7:010		
Amended	2238	3-13-91	Amended	444	10-14-90
702 KAR 4:050			702 KAR 7:020	446	10-14-90
Amended	2022	2-7-91	Amended		
702 KAR 4:060			702 KAR 7:030	447	10-14-90
Amended	2024	2-7-91	Amended		
702 KAR 4:070			702 KAR 7:040	448	10-14-90
Amended	2026	2-7-91	Amended		
702 KAR 4:080			702 KAR 7:050	449	12-7-90
Amended	2028	2-7-91	Amended		
702 KAR 4:090			702 KAR 7:060	695	10-14-90
Amended	2029	2-7-91	Repealed	695	10-14-90
702 KAR 4:100			702 KAR 7:061		
Amended	2030	2-7-91	702 KAR 7:065		
702 KAR 4:110			Amended	451	
Amended	2031	2-7-91	Amended	1484	12-7-90
702 KAR 4:120			702 KAR 7:070		
Amended	2032	2-7-91	Expired		7-13-90
702 KAR 4:130			702 KAR 7:080		
Amended	2033	2-7-91	Amended	452	10-14-90
702 KAR 5:010			702 KAR 7:090		
Amended	431	10-14-90	Amended	453	10-14-90
Amended	2035	2-7-91	702 KAR 7:100	1269	12-7-90
702 KAR 5:020			704 KAR 3:035		
Amended	432	10-14-90	Amended	455	
702 KAR 5:030			Amended	1485	12-7-90
Amended	435		Amended	3254	
As Amended	1354	10-14-90	704 KAR 3:265		
Amended	2036	2-7-91	Repealed	2098	2-7-91
702 KAR 5:040			704 KAR 3:266	2098	
Amended	2037	2-7-91	704 KAR 3:285		
702 KAR 5:050			Amended	111	9-13-90
Amended	2038	2-7-91	704 KAR 3:292		
702 KAR 5:060			Amended	2047	2-7-91
Amended	436	10-14-90	704 KAR 3:304		
702 KAR 5:080			Amended	112	
Amended	2239	3-13-91	Withdrawn		7-12-90
702 KAR 5:090			Amended	458	10-14-90
Amended	437	10-14-90	704 KAR 3:305		
702 KAR 5:100			Amended	113	9-13-90
Amended	438	10-14-90	704 KAR 3:307		
702 KAR 5:110			Amended	2050	2-7-91
Amended	439		704 KAR 3:320		
As Amended	1355	10-14-90	Repealed	169	9-13-90
702 KAR 5:120			704 KAR 3:321	169	9-13-90
Amended	441	10-14-90	704 KAR 3:325		
702 KAR 5:130			Amended	114	9-13-90
Amended	442	10-14-90	704 KAR 3:335		
702 KAR 5:140			Amended	2051	2-7-91
Amended	443	10-14-90	704 KAR 3:340		
702 KAR 5:150			Amended	2243	3-13-91
702 KAR 6:010			704 KAR 3:345		
Amended	2040	2-7-91	Amended	116	9-13-90
702 KAR 6:020			704 KAR 3:355		
Amended	2040	2-7-91	Expired		7-13-90
702 KAR 6:030			704 KAR 3:360		
Amended	2041	2-7-91	Expired		7-13-90
702 KAR 6:040			704 KAR 3:365		
Amended	2042	2-7-91	Amended	2055	2-7-91
702 KAR 6:045			704 KAR 3:380	170	
Amended	2043	2-7-91	As Amended	1065	9-13-90
702 KAR 6:050			704 KAR 3:390	695	10-14-90
Amended	2044	2-7-91	704 KAR 3:400	698	10-14-90
702 KAR 6:060			704 KAR 3:410	701	
Amended	2045	2-7-91	Amended	1487	12-9-90
702 KAR 6:070			704 KAR 4:010		
Expired		7-13-90	Amended	2056	2-7-91
702 KAR 6:075			704 KAR 4:020		
As Amended	694		Amended	2245	3-13-91
702 KAR 6:090	1356	10-14-90	Amended	3257	
Amended	2046	3-13-91	704 KAR 5:050		
			Amended	119	9-13-90

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
704 KAR 5:060			705 KAR 5:080		
Amended	2057	2-7-91	Repealed	172	9-13-90
704 KAR 7:010			705 KAR 5:090		
Repealed	2099	2-7-91	Repealed	172	9-13-90
704 KAR 7:011	2099	2-7-91	705 KAR 5:100		
704 KAR 7:020			Repealed	172	9-13-90
Repealed	2099	2-7-91	705 KAR 5:110		
704 KAR 7:030			Repealed	172	9-13-90
Repealed	2099	2-7-91	705 KAR 5:130		
704 KAR 7:040			Repealed	172	9-13-90
Repealed	2099	2-7-91	705 KAR 5:140		
704 KAR 7:050			Repealed	172	9-13-90
Amended	2058	3-13-91	705 KAR 6:010		
704 KAR 7:055	2100	3-13-91	Repealed	172	9-13-90
704 KAR 7:070			705 KAR 11:010		
Amended	2059	2-7-91	Repealed	172	9-13-90
704 KAR 7:080			705 KAR 11:020		
Amended	2247	3-13-91	Repealed	172	9-13-90
704 KAR 7:090			705 KAR 11:030		
Amended	2061	2-7-91	Repealed	172	9-13-90
704 KAR 7:100	705	10-14-90	705 KAR 11:040		
704 KAR 10:050			Repealed	172	9-13-90
Amended	2063	2-7-91	706 KAR 1:001	706	10-14-90
704 KAR 15:015			706 KAR 1:010		
Amended	459	10-14-90	Repealed		1-12-90
704 KAR 20:005			706 KAR 1:020		
Amended	460	10-14-90	Repealed	706	10-14-90
704 KAR 20:580	3335		706 KAR 1:050		
705 KAR 1:001	172	9-13-90	Repealed		1-12-90
705 KAR 1:010			706 KAR 1:060		
Repealed	172	9-13-90	Repealed	706	10-14-90
705 KAR 1:020			706 KAR 1:070		
Repealed	172	9-13-90	Repealed	706	10-14-90
705 KAR 2:120			706 KAR 1:080		
Amended	2065	2-7-91	Repealed	706	10-14-90
705 KAR 3:010			706 KAR 1:090		
Repealed	172	9-13-90	Repealed	706	10-14-90
705 KAR 3:030			706 KAR 1:100		
Repealed	172	9-13-90	Repealed	706	10-14-90
705 KAR 3:040			706 KAR 1:110		
Repealed	172	9-13-90	Repealed	706	10-14-90
705 KAR 3:075			707 KAR 1:003		
Repealed	172	9-13-90	Repealed		8-9-90
705 KAR 3:080			707 KAR 1:041		
Repealed	172	9-13-90	Amended	1191	12-7-90
705 KAR 3:110			707 KAR 1:045		
Repealed	172	9-13-90	Amended	1192	12-7-90
705 KAR 3:120			707 KAR 1:051		
Repealed	172	9-13-90	Amended	1557	
705 KAR 3:140	2101	2-7-91	As Amended	2183	1-6-91
705 KAR 4:010			707 KAR 1:052		
Repealed	172	9-13-90	Amended	1195	12-7-90
705 KAR 4:040			707 KAR 1:053		
Amended	2066	2-7-91	Amended	1198	12-7-90
705 KAR 4:050			707 KAR 1:054		
Amended	2067	2-7-91	Amended	1200	12-7-90
705 KAR 4:080			707 KAR 1:055		
Amended	2068	2-7-91	Amended	1202	12-7-90
705 KAR 4:210			707 KAR 1:056		
Repealed	172	9-13-90	Amended	1204	12-7-90
705 KAR 4:220			707 KAR 1:057		
Repealed	172	9-13-90	Amended	1206	12-7-90
705 KAR 4:230	2103	2-7-91	707 KAR 1:058		
705 KAR 5:020			Amended	1209	12-7-90
Repealed	172	9-13-90	707 KAR 1:059		
705 KAR 5:040			Amended	1211	12-7-90
Repealed	172	9-13-90	707 KAR 1:060		
705 KAR 5:060			Amended	2069	2-7-91
Repealed	172	9-13-90	707 KAR 1:070		
705 KAR 5:070			Amended	1212	12-7-90
Repealed	172	9-13-90	707 KAR 1:080		
			Amended	1214	12-7-90

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Regulation	17 Ky.R. Page No.	Effective Date	Regulation	17 Ky.R. Page No.	Effective Date
707 KAR 1:090			723 KAR 1:005		
Amended	2070	2-7-91	Implied Repeal		6-30-86
707 KAR 1:100			723 KAR 1:010		
Amended	2071		Implied Repeal		6-30-86
Amended	2448	3-13-91	723 KAR 1:015		
707 KAR 1:110			Implied Repeal		6-30-86
Amended	2073	3-13-91	723 KAR 1:025		
707 KAR 1:120			Implied Repeal		6-30-86
Amended	2077	2-7-91	723 KAR 1:035		
707 KAR 1:130			Implied Repeal		6-30-86
Amended	2078	2-7-91	723 KAR 1:045		
707 KAR 1:140			Implied Repeal		6-30-86
Amended	1566		723 KAR 1:055		
Amended	1995	1-6-91	Implied Repeal		6-30-86
708 KAR 1:001	2104	2-7-91	725 KAR 1:060	2105	
708 KAR 1:010			Withdrawn		1-31-91
Repealed	2104	2-7-91	745 KAR 1:015	3069	
708 KAR 1:020			As Amended	3452	
Repealed	2104	2-7-91	745 KAR 1:025	3070	
708 KAR 1:030			As Amended	3453	
Repealed	2104	2-7-91	745 KAR 1:035	3070	
708 KAR 1:040			As Amended	3453	
Repealed	2104	2-7-91	745 KAR 1:045	3071	
708 KAR 1:050			As Amended	3453	
Repealed	2104	2-7-91	745 KAR 1:055	3072	
708 KAR 1:060			As Amended	3453	
Repealed	2104	2-7-91	750 KAR 1:010		
708 KAR 1:070			Amended	2875	5-3-91
Repealed	2104	2-7-91	765 KAR 1:010	708	10-14-90
708 KAR 1:080			765 KAR 1:020	709	10-14-90
Repealed	2104	2-7-91	765 KAR 1:030	709	10-14-90
708 KAR 1:090			765 KAR 1:040	710	10-14-90
Repealed	2104	2-7-91	765 KAR 1:050	711	10-14-90
708 KAR 1:100			765 KAR 1:060	712	10-14-90
Repealed	2104	2-7-91	765 KAR 1:070	712	10-14-90
708 KAR 1:110			775 KAR 1:010	1270	12-7-90
Repealed	2104	2-7-91	775 KAR 1:020	1271	12-7-90
709 KAR 1:001	707	10-14-90	775 KAR 1:030	1272	12-7-90
709 KAR 1:010			775 KAR 1:040	1273	12-7-90
Repealed	707	10-14-90	775 KAR 1:050	1274	12-7-90
709 KAR 1:020			775 KAR 1:060	1275	12-7-90
Repealed	707	10-14-90	780 KAR 1:010	713	10-14-90
709 KAR 1:030			Amended	3508	
Repealed	707	10-14-90	780 KAR 2:010	714	10-14-90
709 KAR 1:040			780 KAR 2:020	715	10-14-90
Repealed	707	10-14-90	780 KAR 2:030	716	10-14-90
709 KAR 1:060			780 KAR 2:040	717	10-14-90
Repealed	172	9-13-90	780 KAR 2:045	1888	
709 KAR 1:070			As Amended	2192	1-6-91
Repealed	172	9-13-90	780 KAR 2:050	718	10-14-90
709 KAR 1:090			780 KAR 2:060	719	10-14-90
Repealed	707	10-14-90	780 KAR 2:070	720	10-14-90
709 KAR 1:100			780 KAR 2:080	721	10-14-90
Repealed	707	10-14-90	780 KAR 2:090	722	10-14-90
709 KAR 1:110			Amended	3259	
Repealed	707	10-14-90	780 KAR 2:100	723	10-14-90
709 KAR 1:120			780 KAR 2:110	725	10-14-90
Repealed	707	10-14-90	780 KAR 2:120	726	10-14-90
709 KAR 1:130			780 KAR 2:130	727	10-14-90
Repealed	707	10-14-90	Amended	3260	
709 KAR 1:140			780 KAR 2:140	728	10-14-90
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780 KAR 3:130	748	10-14-90	Amended	1842	1-6-91
780 KAR 3:140	749	10-14-90	803 KAR 2:305		
780 KAR 3:150	750	10-14-90	Amended	1843	1-6-91
780 KAR 3:160	3337		803 KAR 2:306		
780 KAR 4:010	751	10-14-90	Amended	1845	1-6-91
780 KAR 4:020	754	10-14-90	803 KAR 2:307		
780 KAR 5:010	755	10-14-90	Amended	1847	1-6-91
780 KAR 5:020	755	10-14-90	803 KAR 2:309		
780 KAR 5:030	756	10-14-90	Amended	3509	
780 KAR 5:040	757	10-14-90	803 KAR 2:313		
780 KAR 5:050	757	10-14-90	Amended	1849	1-6-91
780 KAR 6:010	1276	12-9-90	803 KAR 2:316		
780 KAR 6:020	1277	12-9-90	Amended	1851	1-6-91
780 KAR 6:030	1278	12-9-90	803 KAR 2:317		
780 KAR 6:040	1279	12-9-90	Amended	1852	1-6-91
780 KAR 6:050	1279	12-9-90	803 KAR 2:318		
780 KAR 6:060	1280	12-9-90	Amended	1854	1-6-91
780 KAR 6:070	1285	12-9-90	803 KAR 2:320		
780 KAR 6:080	1286	12-9-90	Amended	1855	1-6-91
780 KAR 6:090	1287	12-9-90	Amended	3511	
780 KAR 6:100	1287	12-9-90	803 KAR 2:408		
780 KAR 7:010	758	10-14-90	Amended	3514	
780 KAR 7:020	760	10-14-90	803 KAR 2:411		
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780 KAR 7:060	763	10-14-90	803 KAR 2:413		
780 KAR 7:070	764	10-14-90	Amended	1858	1-6-91
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780 KAR 9:100	3603		Amended	1860	
780 KAR 9:110	3604		As Amended	2192	12-14-90
780 KAR 9:120	3605		804 KAR 4:110		
781 KAR 1:010	779		Amended	1569	11-29-90
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781 KAR 1:030	787		804 KAR 5:010		
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781 KAR 1:040	789	10-14-90	Amended	1861	12-14-90
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781 KAR 2:020	800		Amended	3264	
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782 KAR 1:010			Amended	3265	
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782 KAR 1:020			Amended	3267	
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782 KAR 1:030			Amended	3268	
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783 KAR 1:010			Amended	3272	
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805 KAR 4:165	3341		As Amended	3107	5-3-91
806 KAR 9:220	803	10-14-90	815 KAR 20:074		
806 KAR 11:020	2311	3-13-91	Amended	2888	5-3-91
806 KAR 12:090			815 KAR 20:075		
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806 KAR 12:092	806		815 KAR 20:076		
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806 KAR 12:094	809		815 KAR 20:077		
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806 KAR 12:130			815 KAR 20:100		
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806 KAR 12:131	2579		815 KAR 20:120		
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806 KAR 17:065			Amended	2269	3-13-91
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806 KAR 17:066	813		As Amended	1108	8-22-90
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806 KAR 18:040	2313		Amended	2895	5-3-91
Amended	2725		815 KAR 20:180		
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807 KAR 5:014	3072		815 KAR 25:010		
807 KAR 5:041			Amended	3523	
Amended	2507	4-4-91	815 KAR 25:020		
807 KAR 5:061			Amended	3530	
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807 KAR 5:058	1289		Expired		7-13-90
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808 KAR 1:050			Amended	2205	
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815 KAR 7:020			Amended	121	9-13-90
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815 KAR 7:025	827		Amended	122	9-13-90
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815 KAR 10:040			Expired		7-13-90
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815 KAR 20:010			902 KAR 2:160	2109	
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902 KAR 17:020			Amended	1215	12-7-90
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Amended	1998		Amended	2520	3-12-91
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902 KAR 20:048			Amended	1222	
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902 KAR 20:086			Amended	2901	
Amended	84	7-18-90	As Amended	3132	5-3-91
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Died*		12-6-90	Amended	1628	12-9-90
902 KAR 20:127			904 KAR 2:025		
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902 KAR 20:132			904 KAR 2:026	2129	1-23-91
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902 KAR 20:300	1894		As Amended	2955	4-4-91
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902 KAR 20:310	1905		905 KAR 1:050		
Died*		12-6-90	Amended	138	9-13-90
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902 KAR 20:320	2110		905 KAR 1:180		
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902 KAR 20:330	2123	3-12-91	905 KAR 1:300	835	
902 KAR 45:005			Died*		9-5-90
Amended	512		Resubmitted	1913	
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902 KAR 45:045			Resubmitted	2339	3-12-91
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902 KAR 45:110					
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Died*		9-5-90	Died*		12-6-90
Resubmitted	1925		Resubmitted	2358	
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Resubmitted	2351	3-12-91	As Amended	2963	3-12-91
905 KAR 1:320	3608		907 KAR 1:027		
905 KAR 1:330	3612		Amended	561	9-19-90
905 KAR 2:010			907 KAR 1:031		
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905 KAR 5:070	3618		As Amended	1414	9-19-90
905 KAR 6:050			Repealed	1701	10-5-90
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905 KAR 6:070	1932	12-18-90	Amended	572	9-19-90
905 KAR 8:140	854		907 KAR 1:040		
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907 KAR 1:004			Amended	574	9-19-90
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Amended	2532		Amended	1879	12-18-90
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907 KAR 1:011			Died*		12-6-90
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907 KAR 1:013			Died*		12-6-90
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Amended	2912		Amended	2550	5-3-91
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Amended	3285		Amended	2292	3-12-91
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Died*		12-6-90	908 KAR 1:160		
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Withdrawn		4-3-91	Amended	579	9-19-90
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907 KAR 1:022					
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139.300	103 KAR 31:111		301 KAR 1:075
139.310	103 KAR 26:070		301 KAR 1:085
	103 KAR 28:051		301 KAR 1:122
139.320	103 KAR 28:051		301 KAR 1:150
139.330	103 KAR 28:051		301 KAR 1:200
139.340	103 KAR 25:091		301 KAR 2:044
	103 KAR 26:070		301 KAR 2:047
	103 KAR 28:051		301 KAR 2:110
	103 KAR 31:011		301 KAR 2:111
139.360	103 KAR 25:091		301 KAR 2:140
139.380	103 KAR 25:091		301 KAR 2:170
139.400	103 KAR 31:111		301 KAR 2:210
139.410	103 KAR 30:200		301 KAR 2:220
	103 KAR 31:111		301 KAR 2:250
139.420	103 KAR 31:111	150.092	301 KAR 2:111
139.430	103 KAR 28:051		301 KAR 2:140
	103 KAR 31:111	150.105	301 KAR 2:210
139.440	103 KAR 31:111	150.110	301 KAR 1:085
139.470	103 KAR 30:091	150.120	301 KAR 1:056
	103 KAR 30:200		301 KAR 1:150
139.471	103 KAR 28:051	150.170	301 KAR 1:056
139.472	103 KAR 30:020		301 KAR 1:075
139.480	103 KAR 30:091		301 KAR 1:085
	103 KAR 30:095		301 KAR 1:150
	103 KAR 30:140		301 KAR 1:200
139.484	103 KAR 28:051		301 KAR 2:044
139.490	103 KAR 28:051		301 KAR 2:047
	103 KAR 30:095		301 KAR 2:111
139.532	103 KAR 28:051		301 KAR 2:140
139.550	103 KAR 31:011		301 KAR 2:170
139.560	103 KAR 26:070		301 KAR 2:210
	103 KAR 31:011		301 KAR 2:220
139.600	103 KAR 28:051		301 KAR 2:250
139.620	103 KAR 28:051	150.175	301 KAR 1:056
139.670	103 KAR 30:200		301 KAR 1:075
139.680	103 KAR 30:200		301 KAR 1:085
139.710	103 KAR 26:070		301 KAR 1:122
	103 KAR 31:011		301 KAR 1:150
139.720	103 KAR 31:011		301 KAR 1:200
139.730	103 KAR 26:070		301 KAR 2:047
139.760	103 KAR 1:010		301 KAR 2:111
	103 KAR 31:111		301 KAR 2:140
139.980	103 KAR 1:010		301 KAR 2:170
139.990	103 KAR 31:111		301 KAR 2:210
141.021	103 KAR 17:081		301 KAR 2:220
141.065	903 KAR 6:070		301 KAR 2:250
141.215	103 KAR 17:041	150.176	301 KAR 2:140
141.310	103 KAR 18:110	150.180	301 KAR 1:085
141.325	103 KAR 18:100		301 KAR 1:122
141.370	103 KAR 18:110		301 KAR 2:047
141.990	103 KAR 17:041		301 KAR 2:170
Chapter 148	304 KAR 1:050		301 KAR 2:250
150.010	301 KAR 1:015	150.190	301 KAR 1:085
	301 KAR 1:056		301 KAR 1:122
	301 KAR 1:075	150.235	301 KAR 1:075
	301 KAR 1:085		301 KAR 2:220
	301 KAR 1:122	150.240	301 KAR 2:220
	301 KAR 1:150	150.300	301 KAR 2:044
	301 KAR 1:200		301 KAR 2:047
	301 KAR 2:044		301 KAR 2:250
	301 KAR 2:047	150.305	301 KAR 2:044
	301 KAR 2:111		301 KAR 2:140
	301 KAR 2:140		301 KAR 2:170
	301 KAR 2:170		301 KAR 2:210
	301 KAR 2:185		301 KAR 2:111

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KRS Section	Regulation	KRS Section	Regulation
150.305 (cont'd)	301 KAR 2:220	150.525	301 KAR 1:085
	301 KAR 2:250	150.600	301 KAR 2:220
150.320	301 KAR 2:044	150.603	301 KAR 2:044
	301 KAR 2:140		301 KAR 2:220
150.330	301 KAR 2:044	150.620	301 KAR 1:015
	301 KAR 2:111	150.625	301 KAR 1:015
	301 KAR 2:140	150.630	301 KAR 2:220
	301 KAR 2:170	150.990	301 KAR 1:015
	301 KAR 2:210		301 KAR 1:056
	301 KAR 2:220		301 KAR 1:075
150.340	301 KAR 2:044		301 KAR 1:085
	301 KAR 2:047		301 KAR 1:122
	301 KAR 2:111		301 KAR 1:150
	301 KAR 2:170		301 KAR 1:200
	301 KAR 2:210		301 KAR 2:047
	301 KAR 2:220		301 KAR 2:111
	301 KAR 2:250		301 KAR 2:170
150.360	301 KAR 1:075		301 KAR 2:185
	301 KAR 2:044		301 KAR 2:210
	301 KAR 2:047		301 KAR 2:220
	301 KAR 2:110		301 KAR 2:250
	301 KAR 2:111	Chapter 151	401 KAR 4:220
	301 KAR 2:140	151.182	400 KAR 1:040
	301 KAR 2:170	151.297	400 KAR 1:040
	301 KAR 2:210	151.990	400 KAR 1:040
	301 KAR 2:220	151B.025	702 KAR 1:130
	301 KAR 2:250		705 KAR 3:140
150.365	301 KAR 2:110		705 KAR 4:040
	301 KAR 2:140		705 KAR 4:050
	301 KAR 2:250		705 KAR 4:080
150.370	301 KAR 2:047		705 KAR 4:230
	301 KAR 2:110		780 KAR 1:010
	301 KAR 2:111		780 KAR 2:010
	301 KAR 2:170		780 KAR 2:020
	301 KAR 2:210		780 KAR 2:030
	301 KAR 2:250		780 KAR 2:040
150.390	301 KAR 2:110		780 KAR 2:050
	301 KAR 2:111		780 KAR 2:060
	301 KAR 2:140		780 KAR 2:070
	301 KAR 2:170		780 KAR 2:080
	301 KAR 2:210		780 KAR 2:090
	301 KAR 2:250		780 KAR 2:100
150.395	301 KAR 2:111		780 KAR 2:110
	301 KAR 2:170		780 KAR 2:120
	301 KAR 2:210		780 KAR 2:130
150.399	301 KAR 2:047		780 KAR 2:140
	301 KAR 2:110		780 KAR 9:050
	301 KAR 2:250		780 KAR 9:060
150.400	301 KAR 2:047		780 KAR 9:070
	301 KAR 2:110		780 KAR 9:080
	301 KAR 2:170		780 KAR 9:090
	301 KAR 2:250		780 KAR 9:100
150.410	301 KAR 2:047		780 KAR 9:110
	301 KAR 2:110		780 KAR 9:120
	301 KAR 2:250	151B.030	780 KAR 2:010
150.4111	301 KAR 2:170		780 KAR 2:020
150.415	301 KAR 2:047	151B.035	780 KAR 3:010
	301 KAR 2:170		780 KAR 3:020
	301 KAR 2:250		780 KAR 3:030
150.416	301 KAR 2:047		780 KAR 3:040
	301 KAR 2:170		780 KAR 3:050
	301 KAR 2:250		780 KAR 3:060
150.417	301 KAR 2:047		780 KAR 3:070
	301 KAR 2:250		780 KAR 3:080
150.440	301 KAR 1:075		780 KAR 3:090
150.445	301 KAR 1:056		780 KAR 3:100
	301 KAR 1:075		780 KAR 3:110
	301 KAR 1:150		780 KAR 3:120
150.450	301 KAR 1:150		780 KAR 3:130
150.470	301 KAR 1:075		780 KAR 3:140
	301 KAR 1:200		780 KAR 3:150
150.510	301 KAR 1:085		780 KAR 3:160
150.520	301 KAR 1:085		780 KAR 6:010

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KRS Section	Regulation	KRS Section	Regulation
151B.035 (cont'd)	780 KAR 6:020	151B.150 (cont'd)	780 KAR 7:030
	780 KAR 6:030		780 KAR 7:040
	780 KAR 6:040		780 KAR 7:050
	780 KAR 6:050		780 KAR 7:060
	780 KAR 6:060		780 KAR 7:070
	780 KAR 6:070		780 KAR 8:010
	780 KAR 6:080		780 KAR 9:050
	780 KAR 6:090		780 KAR 9:060
	780 KAR 6:100	151B.165	780 KAR 2:045
151B.100	780 KAR 1:010		780 KAR 2:080
151B.110	780 KAR 2:010		780 KAR 2:140
	780 KAR 2:020	156.010	702 KAR 6:010
	780 KAR 2:030		702 KAR 6:030
	780 KAR 2:040		702 KAR 6:040
	780 KAR 2:045		702 KAR 6:075
	780 KAR 2:060		702 KAR 6:090
	780 KAR 2:080		704 KAR 3:292
	780 KAR 2:090		704 KAR 3:365
	780 KAR 2:100		704 KAR 7:011
	780 KAR 2:110	156.031	701 KAR 5:020
	780 KAR 2:120		701 KAR 5:050
	780 KAR 2:130		702 KAR 1:005
	780 KAR 2:140		702 KAR 1:010
	780 KAR 4:020		702 KAR 1:035
	780 KAR 5:010		702 KAR 1:040
	780 KAR 5:020		702 KAR 1:070
	780 KAR 5:030		702 KAR 1:080
	780 KAR 5:040		702 KAR 1:100
	780 KAR 5:050		702 KAR 1:115
	780 KAR 7:010		702 KAR 3:010
	780 KAR 7:020		702 KAR 3:020
	780 KAR 7:030		702 KAR 3:040
	780 KAR 7:050		702 KAR 3:045
	780 KAR 7:060		702 KAR 3:050
	780 KAR 7:070		702 KAR 3:060
	780 KAR 8:010		702 KAR 3:070
	780 KAR 9:010		702 KAR 3:075
	780 KAR 9:020		702 KAR 3:080
	780 KAR 9:030		702 KAR 3:090
	780 KAR 9:040		702 KAR 3:100
	780 KAR 9:070		702 KAR 3:110
	780 KAR 9:080		702 KAR 3:120
	780 KAR 9:090		702 KAR 3:130
	780 KAR 9:100		702 KAR 3:135
	780 KAR 9:110		702 KAR 3:150
	780 KAR 9:120		702 KAR 3:170
151B.120	780 KAR 2:080		702 KAR 3:200
151B.125	780 KAR 9:010		702 KAR 4:005
	780 KAR 9:020		702 KAR 4:010
151B.140	780 KAR 1:010		702 KAR 4:020
151B.145	780 KAR 1:010		702 KAR 4:030
	780 KAR 2:010		702 KAR 4:040
	780 KAR 2:100		702 KAR 4:080
	780 KAR 2:110		702 KAR 4:090
	780 KAR 2:130		702 KAR 4:100
	780 KAR 4:010		702 KAR 4:110
	780 KAR 7:040		702 KAR 4:120
	780 KAR 9:030		702 KAR 4:130
	780 KAR 9:040		702 KAR 5:010
	780 KAR 9:060		702 KAR 5:020
	780 KAR 9:070		702 KAR 5:030
	780 KAR 9:080		702 KAR 5:040
	780 KAR 9:090		702 KAR 5:050
151B.150	780 KAR 1:010		702 KAR 5:060
	780 KAR 2:130		702 KAR 5:080
	780 KAR 4:010		702 KAR 5:090
	780 KAR 5:010		702 KAR 5:100
	780 KAR 5:020		702 KAR 5:110
	780 KAR 5:030		702 KAR 5:120
	780 KAR 5:040		702 KAR 5:130
	780 KAR 5:050		702 KAR 5:140
	780 KAR 7:010		702 KAR 6:010
	780 KAR 7:020		702 KAR 6:020

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 702 KAR 7:030
 702 KAR 7:040
 702 KAR 7:050
 702 KAR 7:065
 702 KAR 7:080
 702 KAR 7:090
 704 KAR 3:266
 704 KAR 3:292
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 704 KAR 3:335
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 704 KAR 3:365
 704 KAR 4:010
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 704 KAR 5:060
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 704 KAR 10:050
 705 KAR 2:120
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 707 KAR 1:057
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 702 KAR 3:020
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 702 KAR 3:020
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 156.076
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KRS Section	Regulation	KRS Section	Regulation
156.230	702 KAR 1:070	157.370	702 KAR 5:010
	702 KAR 1:071		702 KAR 5:020
156.265	702 KAR 3:150		702 KAR 5:100
156.400-156.476	702 KAR 1:005		702 KAR 5:110
156.476	707 KAR 1:045		702 KAR 5:140
156.480	702 KAR 6:075	157.390	702 KAR 3:070
156.497	900 KAR 4:010		702 KAR 3:100
Chapter 157	750 KAR 1:010	157.420	702 KAR 1:010
157.060	702 KAR 3:110		702 KAR 3:010
157.100-157.190	702 KAR 1:005		702 KAR 3:100
157.200	704 KAR 3:285		702 KAR 4:010
	707 KAR 1:041	157.510-157.540	702 KAR 7:040
	707 KAR 1:051	157.605	704 KAR 7:080
	707 KAR 1:052	157.606	704 KAR 7:080
	707 KAR 1:053	157.620	702 KAR 4:110
	707 KAR 1:054		702 KAR 4:120
	707 KAR 1:056		702 KAR 4:130
	707 KAR 1:057	157.622	702 KAR 1:010
	707 KAR 1:058	158.030	702 KAR 7:050
	707 KAR 1:059		704 KAR 5:050
157.200-157.290	707 KAR 1:060	158.060	702 KAR 7:010
	707 KAR 1:080		702 KAR 7:020
157.220	707 KAR 1:041		702 KAR 7:061
	707 KAR 1:052	158.070	702 KAR 7:010
	707 KAR 1:053		702 KAR 7:020
	707 KAR 1:054		702 KAR 7:040
	707 KAR 1:055		704 KAR 3:035
	707 KAR 1:056		704 KAR 3:390
	707 KAR 1:057	158.148	704 KAR 7:050
	707 KAR 1:058		704 KAR 7:070
	707 KAR 1:059	158.240	702 KAR 7:050
157.224	704 KAR 3:285	158.360	900 KAR 4:010
	707 KAR 1:041	158.6451	704 KAR 3:304
	707 KAR 1:051		704 KAR 7:055
	707 KAR 1:052	158.750	704 KAR 3:321
	707 KAR 1:053	158.780	702 KAR 3:200
	707 KAR 1:054	158.785	702 KAR 3:200
	707 KAR 1:056	159.010	704 KAR 5:060
	707 KAR 1:057	159.020	704 KAR 5:060
	707 KAR 1:058	159.030	707 KAR 1:055
	707 KAR 1:059	159.035	702 KAR 7:050
157.226	702 KAR 5:150	159.051	704 KAR 7:100
157.230	704 KAR 3:285	159.170	702 KAR 7:030
	707 KAR 1:041	159.250	702 KAR 7:030
	707 KAR 1:051	160.041	702 KAR 1:100
	707 KAR 1:052	160.045	702 KAR 1:080
	707 KAR 1:053	160.105	702 KAR 3:030
	707 KAR 1:054	160.180	702 KAR 1:115
	707 KAR 1:056		702 KAR 1:121
	707 KAR 1:057	160.290	702 KAR 6:020
	707 KAR 1:058		704 KAR 3:304
	707 KAR 1:059	160.291	702 KAR 3:060
157.250	707 KAR 1:140	160.293	702 KAR 4:005
157.270	707 KAR 1:051	160.330	702 KAR 3:220
	707 KAR 1:055	160.340	702 KAR 3:150
157.280	702 KAR 5:120	160.345	701 KAR 5:080
	707 KAR 1:051		702 KAR 3:240
	707 KAR 1:070		900 KAR 4:010
157.285	707 KAR 1:051	160.380	702 KAR 6:020
157.3175	702 KAR 5:150		702 KAR 6:050
	704 KAR 3:410	160.450	702 KAR 3:060
157.320	702 KAR 3:070	160.550	702 KAR 3:050
	702 KAR 3:211	160.560	702 KAR 3:040
	702 KAR 7:050		702 KAR 3:080
	704 KAR 5:050	160.570	702 KAR 3:090
157.360	702 KAR 3:190	160.599	702 KAR 4:100
	702 KAR 7:050	161.010	702 KAR 7:090
	704 KAR 5:050	161.020	702 KAR 6:020
	704 KAR 7:011		704 KAR 15:010
	707 KAR 1:051		704 KAR 20:005
		161.025	704 KAR 15:015
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161.030	702 KAR 3:211	164.768	11 KAR 7:010
	704 KAR 5:050		11 KAR 7:020
	704 KAR 15:015	164.780	11 KAR 5:030
	704 KAR 20:005		11 KAR 5:130
161.044	702 KAR 7:090		11 KAR 5:140
161.120	704 KAR 20:580	164.785	11 KAR 5:030
161.140	702 KAR 6:050		11 KAR 5:130
161.152	707 KAR 1:120		11 KAR 5:140
161.154	707 KAR 1:120	164.945	13 KAR 1:020
161.158	702 KAR 1:035	164.946	13 KAR 1:020
161.159	702 KAR 1:026	164.947	13 KAR 1:020
161.180	702 KAR 7:090	164.992	13 KAR 1:020
161.200	702 KAR 7:050	164A.300-164A.380	11 KAR 12:010
161.210	702 KAR 3:060	164A.305	11 KAR 12:040
161.220	102 KAR 1:130	164A.310	11 KAR 12:020
161.430	102 KAR 1:154		11 KAR 12:070
	102 KAR 1:175	164A.325	11 KAR 12:020
	102 KAR 1:180		11 KAR 12:050
161.440	102 KAR 1:135		11 KAR 12:060
161.470	102 KAR 1:060	164A.330	11 KAR 12:030
161.507	102 KAR 1:057		11 KAR 12:040
161.515	102 KAR 1:050		11 KAR 12:050
161.520	102 KAR 1:165		11 KAR 12:070
161.555	102 KAR 1:130	164A.335	11 KAR 12:020
161.560	102 KAR 1:125		11 KAR 12:070
	102 KAR 1:195		11 KAR 12:080
161.580	102 KAR 1:210	164A.340	11 KAR 12:050
161.600	102 KAR 1:135	164A.345	11 KAR 12:060
161.605	102 KAR 1:162	164A.350	11 KAR 12:090
161.608	102 KAR 1:035	164A.375	11 KAR 12:020
161.620	102 KAR 1:185	164A.410	745 KAR 1:055
161.630	102 KAR 1:154		765 KAR 1:060
161.661	102 KAR 1:160		775 KAR 1:060
161.675	102 KAR 1:140	164A.560	745 KAR 1:015
161.705	102 KAR 1:100		765 KAR 1:010
	102 KAR 1:135		765 KAR 1:020
161.780	102 KAR 1:160		775 KAR 1:010
161.790	702 KAR 1:040		775 KAR 1:020
161.800	707 KAR 1:130	164A.565	745 KAR 1:015
162.010	707 KAR 1:130		765 KAR 1:010
162.060	702 KAR 4:050		765 KAR 1:020
	702 KAR 4:020		775 KAR 1:010
	702 KAR 4:040	164A.570	775 KAR 1:020
	702 KAR 4:050		745 KAR 1:025
	702 KAR 4:060		765 KAR 1:030
	702 KAR 4:070		775 KAR 1:030
	702 KAR 4:080	164A.575	745 KAR 1:035
	702 KAR 4:110		765 KAR 1:020
	702 KAR 4:120		765 KAR 1:040
	702 KAR 4:130		775 KAR 1:020
162.070	702 KAR 4:040		775 KAR 1:040
162.080-162.100	702 KAR 3:020	164A.580	765 KAR 1:020
162.120-162.290	702 KAR 3:020		765 KAR 1:040
162.300	702 KAR 3:020	164A.585	765 KAR 1:020
163.032	707 KAR 1:120		765 KAR 1:040
	707 KAR 1:130	164A.590	765 KAR 1:020
163.140	706 KAR 1:001		765 KAR 1:040
163.160	706 KAR 1:001	164A.595	765 KAR 1:020
164.020	13 KAR 2:020		765 KAR 1:040
	13 KAR 2:045	164A.600	765 KAR 1:020
	13 KAR 2:050		765 KAR 1:040
164.2871	103 KAR 17:081	164A.605	745 KAR 1:045
164.2893	201 KAR 20:310		765 KAR 1:050
164.740	11 KAR 4:040		775 KAR 1:050
164.740-164.764	11 KAR 5:030	164A.610	765 KAR 1:070
	11 KAR 5:130	164A.620	745 KAR 1:055
	11 KAR 5:140		765 KAR 1:020
164.744	11 KAR 11:020		765 KAR 1:060
	11 KAR 11:030		775 KAR 1:020
164.748	11 KAR 4:040		775 KAR 1:060
	11 KAR 8:030	167.015	707 KAR 1:120
164.753	11 KAR 8:030		707 KAR 1:130
	11 KAR 11:020		
	11 KAR 11:030		

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	707 KAR 1:100		501 KAR 6:070
	707 KAR 1:110		501 KAR 6:080
167.170	707 KAR 1:090		501 KAR 6:090
167.210	707 KAR 1:041		501 KAR 6:120
168.100	702 KAR 3:170		501 KAR 6:130
Chapter 171	725 KAR 1:060		501 KAR 6:140
Chapter 174	600 KAR 4:010		501 KAR 6:150
174.400-174.435	601 KAR 1:025		501 KAR 6:160
175.450	600 KAR 2:010	Chapter 198B	815 KAR 7:010
175.470	600 KAR 2:010		815 KAR 7:013
175.520	600 KAR 2:010		815 KAR 7:025
Chapter 176	600 KAR 4:010		815 KAR 10:040
Chapter 177	600 KAR 4:010		815 KAR 20:060
177.220	603 KAR 5:025	198B.040	815 KAR 20:100
177.230	603 KAR 5:025	198B.050	815 KAR 20:100
177.300	603 KAR 5:025	199.011	905 KAR 1:300
177.9771	603 KAR 5:230		905 KAR 1:310
Chapter 183	600 KAR 4:010	199.420-199.990	905 KAR 1:180
Chapter 186	601 KAR 9:125	199.555	905 KAR 1:050
	601 KAR 9:140	199.640	905 KAR 1:310
186.440	601 KAR 13:070	199.640-199.670	905 KAR 1:300
	704 KAR 7:100	199.650	905 KAR 1:310
186.450	601 KAR 13:070	199.660	905 KAR 1:310
186.470	601 KAR 13:070	199.670	905 KAR 1:310
186.560	601 KAR 13:070	199.890-199.896	905 KAR 2:010
186.565	500 KAR 8:010	200.080-200.120	905 KAR 1:180
186.1723	601 KAR 9:145	Chapter 202A	905 KAR 5:070
Chapter 186A	601 KAR 9:140		908 KAR 3:080
189.190	603 KAR 5:025		908 KAR 3:180
189.221	603 KAR 5:250	Chapter 202B	905 KAR 5:070
189.222	603 KAR 5:066		908 KAR 3:080
	603 KAR 5:070		908 KAR 3:180
	603 KAR 5:071	Chapter 205	904 KAR 2:022
	603 KAR 5:075	205.010	904 KAR 2:006
	603 KAR 5:250	205.200	904 KAR 2:006
189.230	603 KAR 5:230		904 KAR 2:016
189.265	603 KAR 5:071		904 KAR 2:035
189.270	603 KAR 5:075	205.201	905 KAR 8:140
	603 KAR 5:105	205.201-205.204	905 KAR 1:180
	603 KAR 5:110	205.204	905 KAR 8:140
	603 KAR 5:111	205.210	904 KAR 2:016
	603 KAR 5:112	205.220	904 KAR 2:050
189.285	601 KAR 14:010	205.245	904 KAR 2:015
189.340	603 KAR 5:025		904 KAR 2:035
189.540	702 KAR 5:010	205.455-205.465	905 KAR 1:180
	702 KAR 5:030	205.460-205.465	905 KAR 8:140
	702 KAR 5:040	205.520	904 KAR 2:035
	702 KAR 5:050		907 KAR 1:004
	702 KAR 5:080		907 KAR 1:005
	702 KAR 5:090		907 KAR 1:006
189.735	603 KAR 5:071		907 KAR 1:010
190.010-190.990	605 KAR 1:180		907 KAR 1:011
	605 KAR 1:190		907 KAR 1:013
194.050	904 KAR 2:110		907 KAR 1:014
	904 KAR 2:116		907 KAR 1:015
	904 KAR 3:035		907 KAR 1:016
194.060	905 KAR 1:180		907 KAR 1:017
Chapter 196	501 KAR 6:020		907 KAR 1:019
	501 KAR 6:030		907 KAR 1:020
	501 KAR 6:040		907 KAR 1:022
	501 KAR 6:060		907 KAR 1:025
	501 KAR 6:070		907 KAR 1:027
	501 KAR 6:080		907 KAR 1:031
	501 KAR 6:090		907 KAR 1:036
	501 KAR 6:120		907 KAR 1:039
	501 KAR 6:130		907 KAR 1:040
	501 KAR 6:140		907 KAR 1:045
	501 KAR 6:150		907 KAR 1:060
	501 KAR 6:160		907 KAR 1:061
Chapter 197	501 KAR 6:020		907 KAR 1:095
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	907 KAR 1:330		902 KAR 20:290
	907 KAR 1:382		902 KAR 20:300
	907 KAR 1:390		902 KAR 20:310
	907 KAR 1:400		902 KAR 20:320
	907 KAR 1:430		902 KAR 20:330
	907 KAR 1:470	Chapter 217	201 KAR 2:111
	907 KAR 1:476	217.005-217.215	902 KAR 45:005
205.560	907 KAR 1:010	217.025	902 KAR 45:110
205.575	907 KAR 1:020	217.035	902 KAR 45:110
205.715-205.800	907 KAR 1:013	217.037	902 KAR 45:110
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209.010-209.160	905 KAR 1:180	217.819	201 KAR 2:116
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	908 KAR 3:180		901 KAR 5:070
210.290	905 KAR 5:060	Chapter 218A	902 KAR 55:010
210.610-210.680	908 KAR 1:160		902 KAR 55:020
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211.060-211.968	902 KAR 13:050		902 KAR 55:075
211.170	902 KAR 8:030		902 KAR 55:080
211.180	902 KAR 2:140	218A.410	500 KAR 9:010
	902 KAR 2:150		500 KAR 9:030
	902 KAR 2:160	218A.435	40 KAR 4:010
	902 KAR 10:010		500 KAR 9:015
	902 KAR 10:040		500 KAR 9:020
	902 KAR 10:120		500 KAR 9:040
	902 KAR 45:150		500 KAR 9:050
211.461-211.466	906 KAR 1:080		500 KAR 9:060
211.842-211.852	902 KAR 100:058		501 KAR 11:010
211.960-211.968	902 KAR 13:080	218A.440	500 KAR 9:030
	902 KAR 13:120	219.031	902 KAR 45:120
211.990	902 KAR 10:120	219.041	902 KAR 45:120
	902 KAR 13:050	219.310-219.410	902 KAR 15:010
	902 KAR 13:080		902 KAR 15:020
	902 KAR 13:120	219.330	902 KAR 45:120
	902 KAR 100:058	219.350	902 KAR 45:120
	906 KAR 1:080	219.991	902 KAR 15:010
212.170	902 KAR 8:030		902 KAR 15:020
212.210	902 KAR 45:150	222.210	902 KAR 20:086
212.870	902 KAR 8:030	222.210-222.310	908 KAR 1:020
212.990	902 KAR 45:150	Chapter 223	401 KAR 8:010
214.020	902 KAR 2:150		401 KAR 8:020
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214.610	902 KAR 2:160	223.010-223.080	902 KAR 10:030
214.615	902 KAR 2:150	223.400-223.460	401 KAR 6:310
216.900-216.915	906 KAR 1:070	223.990	902 KAR 10:030
216B.010-216B.130	902 KAR 20:006	223.991	401 KAR 6:310
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	902 KAR 20:300		401 KAR 8:010
	902 KAR 20:310		401 KAR 8:020
	902 KAR 20:320		401 KAR 8:030
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216B.010-216B.131	902 KAR 20:026		401 KAR 8:050
	902 KAR 20:048		401 KAR 8:060
	902 KAR 20:051		401 KAR 8:070
	902 KAR 20:086		401 KAR 8:100
	902 KAR 20:133		401 KAR 8:150
	902 KAR 20:135		401 KAR 8:200
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216B.040	902 KAR 17:010		401 KAR 8:300
216B.990	902 KAR 20:006		401 KAR 8:350
	902 KAR 20:008		401 KAR 8:400
	902 KAR 20:026		401 KAR 8:420
	902 KAR 20:048		401 KAR 8:440
	902 KAR 20:051		401 KAR 8:500
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	401 KAR 47:134		401 KAR 34:050
	401 KAR 47:136		401 KAR 34:060
224.005-224.110	401 KAR 47:080		401 KAR 34:070
	401 KAR 47:110		401 KAR 34:090
	401 KAR 47:150		401 KAR 34:100
	401 KAR 48:090		401 KAR 34:120
	401 KAR 48:210		401 KAR 34:130
224.033	400 KAR 1:040		401 KAR 34:165
	401 KAR 30:010		401 KAR 34:250
	401 KAR 34:020		401 KAR 34:360
	401 KAR 34:050		401 KAR 35:120
	401 KAR 34:060		401 KAR 35:130
	401 KAR 34:070		401 KAR 37:010
	401 KAR 34:090		401 KAR 37:030
	401 KAR 34:100		401 KAR 37:040
	401 KAR 34:120		401 KAR 37:050
	401 KAR 34:130		401 KAR 37:110
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	401 KAR 34:250		401 KAR 38:040
	401 KAR 34:360		401 KAR 38:050
	401 KAR 35:010		401 KAR 38:060
	401 KAR 35:020		401 KAR 38:070
	401 KAR 35:120		401 KAR 38:090
	401 KAR 35:130		401 KAR 38:100
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	401 KAR 37:030	224.081	400 KAR 1:040
	401 KAR 37:040	224.083	400 KAR 1:040
	401 KAR 37:050	224.087	401 KAR 38:010
	401 KAR 37:110		401 KAR 38:040
	401 KAR 38:010		401 KAR 38:050
	401 KAR 38:040		401 KAR 38:060
	401 KAR 38:050		401 KAR 38:070
	401 KAR 38:060		401 KAR 38:090
	401 KAR 38:070		401 KAR 38:100
	401 KAR 38:090		401 KAR 38:230
	401 KAR 38:100		401 KAR 38:500
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	401 KAR 42:011		401 KAR 48:090
	401 KAR 42:020	224.2611-224.2637	401 KAR 47:080
	401 KAR 42:030		401 KAR 47:110
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	401 KAR 42:060		401 KAR 48:210
	401 KAR 42:070	224.320	401 KAR 50:010
	401 KAR 42:090		401 KAR 51:010
	401 KAR 42:200		401 KAR 59:021
224.036	401 KAR 38:010		401 KAR 59:023
	401 KAR 38:040		401 KAR 61:011
	401 KAR 38:050		401 KAR 61:013
	401 KAR 38:060	224.330	401 KAR 50:010
	401 KAR 38:070		401 KAR 51:010
	401 KAR 38:090		401 KAR 59:021
	401 KAR 38:100		401 KAR 59:023
	401 KAR 38:230		401 KAR 61:011
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224.060	401 KAR 34:020	224.340	401 KAR 50:010
	401 KAR 34:050		401 KAR 51:010
	401 KAR 34:060		401 KAR 59:021
	401 KAR 34:070		401 KAR 59:023
	401 KAR 34:250		401 KAR 61:011
	401 KAR 34:360		401 KAR 61:013
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	401 KAR 37:040		415 KAR 1:010
	401 KAR 37:050		415 KAR 1:020
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224.071	400 KAR 1:040	224.814	401 KAR 42:011
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	401 KAR 42:050		401 KAR 37:040
	401 KAR 42:060		401 KAR 37:050
	401 KAR 42:070		401 KAR 37:110
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	401 KAR 42:200		401 KAR 38:040
	815 KAR 30:060		401 KAR 38:050
224.814-224.825	415 KAR 1:010		401 KAR 38:060
	415 KAR 1:020		401 KAR 38:070
	415 KAR 1:030		401 KAR 38:090
224.820	815 KAR 30:060		401 KAR 38:100
224.830-224.877	401 KAR 32:030		401 KAR 38:230
	401 KAR 32:050		401 KAR 47:080
	401 KAR 34:020		401 KAR 47:110
	401 KAR 34:050		401 KAR 47:150
	401 KAR 34:060		401 KAR 48:090
	401 KAR 34:070	224.995	400 KAR 1:040
	401 KAR 34:090	Chapter 224A	200 KAR 17:020
	401 KAR 34:100		200 KAR 17:030
	401 KAR 34:120		200 KAR 17:040
	401 KAR 34:130		200 KAR 17:050
	401 KAR 34:165	Chapter 227	815 KAR 10:040
	401 KAR 34:250		815 KAR 35:015
	401 KAR 34:260	227.450-227.500	815 KAR 35:030
	401 KAR 35:010	227.550-227.660	815 KAR 25:010
	401 KAR 35:020		815 KAR 25:020
	401 KAR 35:120	227.990	815 KAR 25:010
	401 KAR 35:130	243.020	804 KAR 4:110
	401 KAR 35:190	243.030	804 KAR 4:015
	401 KAR 36:070		804 KAR 4:110
	401 KAR 37:010	243.040	804 KAR 4:015
	401 KAR 37:030		804 KAR 4:110
	401 KAR 37:040	243.090	804 KAR 4:110
	401 KAR 37:050	243.260	804 KAR 4:250
	401 KAR 37:110	243.290	804 KAR 4:250
	401 KAR 38:010	243.430	804 KAR 4:110
	401 KAR 38:040	244.080	804 KAR 5:040
	401 KAR 38:050	244.083	804 KAR 5:040
	401 KAR 38:060	244.085	804 KAR 5:040
	401 KAR 38:070	244.130	804 KAR 2:007
	401 KAR 38:090	247.220	302 KAR 15:010
	401 KAR 38:100	247.232	302 KAR 16:070
	401 KAR 38:230	247.5061	302 KAR 1:080
	401 KAR 38:500	247.940-247.994	302 KAR 18:010
224.830-224.888	401 KAR 30:010	Chapter 257	302 KAR 20:220
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	401 KAR 48:090	271B.15-060	30 KAR 1:040
	401 KAR 48:210	Chapter 272	30 KAR 1:050
224.866	400 KAR 1:040	Chapter 273	30 KAR 1:050
224.994	400 KAR 1:040	273.177	30 KAR 1:040
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	401 KAR 34:020	274.077	30 KAR 1:040
	401 KAR 34:050	Chapter 278	807 KAR 5:014
	401 KAR 34:060		807 KAR 5:041
	401 KAR 34:070		807 KAR 5:058
	401 KAR 34:090		807 KAR 5:061
	401 KAR 34:100	Chapter 279	30 KAR 1:050
	401 KAR 34:120	Chapter 281	601 KAR 1:029
	401 KAR 34:130		601 KAR 1:160
	401 KAR 34:165		601 KAR 1:005
	401 KAR 34:250	281.600	601 KAR 11:040
	401 KAR 34:360	281.605	601 KAR 1:170
	401 KAR 35:010	Chapter 281A	601 KAR 11:010
	401 KAR 35:020		601 KAR 11:030
	401 KAR 35:120		601 KAR 11:040
	401 KAR 35:130		601 KAR 11:050
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287.375	808 KAR 1:050		201 KAR 20:162
Chapter 289	30 KAR 1:050	314A.110	201 KAR 29:010
Chapter 290	30 KAR 1:050	317.410	201 KAR 14:100
290.070	808 KAR 3:020		201 KAR 14:130
Chapter 304	30 KAR 1:050	317.440	201 KAR 14:130
304.2-165	806 KAR 12:092		201 KAR 14:140
304.2-210	806 KAR 12:092	317.450	201 KAR 14:140
	806 KAR 12:094	Chapter 318	815 KAR 20:020
304.3-200	806 KAR 12:092		815 KAR 20:030
	806 KAR 12:094		815 KAR 20:050
304.9-295	806 KAR 9:220		815 KAR 20:055
304.11-030	806 KAR 11:020		815 KAR 20:060
304.11-045	806 KAR 11:020		815 KAR 20:072
304.12-010	806 KAR 12:092		815 KAR 20:073
	806 KAR 12:094		815 KAR 20:074
304.12-020	806 KAR 12:131		815 KAR 20:075
	806 KAR 17:066		815 KAR 20:077
304.12-220	806 KAR 12:092		815 KAR 20:100
	806 KAR 12:094		815 KAR 20:120
304.12-230	806 KAR 12:092		815 KAR 20:170
	806 KAR 12:094		815 KAR 20:180
304.12-235	806 KAR 12:092	318.170	815 KAR 20:040
	806 KAR 12:094	319.050	201 KAR 26:160
304.12-240	806 KAR 12:131	319.058	201 KAR 26:160
304.14-400	806 KAR 12:094	319.062	201 KAR 26:160
304.14-500-304.14-550	806 KAR 17:066	319.064	201 KAR 26:160
304.17-305	806 KAR 17:066	320.060	201 KAR 5:037
304.17-318	806 KAR 17:066	320.220	201 KAR 5:010
304.17-412	906 KAR 1:080	320.230	201 KAR 5:070
304.18-036	806 KAR 17:066	320.250	201 KAR 5:010
304.18-045	906 KAR 1:080	320.255	201 KAR 5:060
304.18-095	806 KAR 17:066	320.270	201 KAR 5:010
304.18-115	806 KAR 18:040	320.280	201 KAR 5:030
304.20-070	806 KAR 12:094		201 KAR 5:037
304.20-150-304.20-180	806 KAR 12:094	320.295	201 KAR 5:037
304.29-341	806 KAR 12:092	320.300	201 KAR 5:080
304.32-147	906 KAR 1:080	320.310	201 KAR 5:040
304.32-157	806 KAR 17:066		201 KAR 5:050
304.32-165	806 KAR 17:066	321.350	201 KAR 16:010
304.32-270	806 KAR 12:092	322.050	201 KAR 18:140
	806 KAR 17:066	322.180	201 KAR 18:140
304.32-330	906 KAR 1:080	322.190	201 KAR 18:140
304.38-193	806 KAR 17:066	322.200	201 KAR 18:140
304.38-196	806 KAR 17:066	322.290	201 KAR 18:140
304.38-200	806 KAR 12:092	322.350	201 KAR 18:140
	806 KAR 17:066	322.360	702 KAR 4:030
304.38-225	906 KAR 1:080	323.010	201 KAR 19:060
304.43-130	806 KAR 12:092	323.020	201 KAR 19:060
311.131-311.139	906 KAR 1:080		201 KAR 19:105
311.900	201 KAR 9:300	323.050	201 KAR 19:025
311.900-311.928	201 KAR 9:305		201 KAR 19:030
311.990	906 KAR 1:080		201 KAR 19:035
313.080	201 KAR 8:140		201 KAR 19:040
313.270	201 KAR 8:285	323.060	201 KAR 19:060
314.011	201 KAR 20:161	323.080	201 KAR 19:085
	201 KAR 20:162	323.090	201 KAR 19:050
314.025	201 KAR 20:390		201 KAR 19:085
314.026	201 KAR 20:390	323.095	201 KAR 19:095
314.027	201 KAR 20:390		201 KAR 19:100
314.031	201 KAR 20:161	323.100	201 KAR 19:070
	201 KAR 20:162	323.110	201 KAR 19:095
314.041	201 KAR 20:161	323.120	201 KAR 19:095
314.042	201 KAR 20:161	323.210	201 KAR 19:005
314.051	201 KAR 20:161		201 KAR 19:030
314.071	201 KAR 20:161		201 KAR 19:040
	201 KAR 20:162		201 KAR 19:050
314.073	201 KAR 20:161		201 KAR 19:056
314.091	201 KAR 20:161	323.215	201 KAR 19:040
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314.111	201 KAR 20:310		201 KAR 11:095
314.161	201 KAR 20:162		201 KAR 11:105
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	201 KAR 11:170	350.050	405 KAR 12:020
	201 KAR 11:175	350.055	405 KAR 8:010
	201 KAR 11:210	350.060	405 KAR 8:010
	201 KAR 11:230		405 KAR 8:030
	201 KAR 11:245		405 KAR 8:040
	201 KAR 11:250		405 KAR 10:040
	201 KAR 11:300		405 KAR 10:050
324A.015	201 KAR 30:100	350.064	405 KAR 10:040
	201 KAR 30:110		405 KAR 10:050
	201 KAR 30:120	350.070	400 KAR 1:040
	201 KAR 30:130		405 KAR 8:010
324A.020	201 KAR 30:100	350.085	400 KAR 1:040
	201 KAR 30:110		405 KAR 8:010
	201 KAR 30:120		405 KAR 12:020
	201 KAR 30:130	350.090	405 KAR 8:010
324A.030	201 KAR 30:100	350.093	400 KAR 1:040
	201 KAR 30:110		405 KAR 10:040
	201 KAR 30:120		405 KAR 10:050
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