

ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION FRANKFORT, KENTUCKY

VOLUME 19, NUMBER 12
TUESDAY, JUNE 1, 1993

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MEETING NOTICE: The Administrative Regulation Review Subcommittee is tentatively scheduled to meet on June 7, 1993. See tentative agenda on pages 2593-2595 in this Administrative Register.

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

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

ADMINISTRATIVE REGISTER OF KENTUCKY

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ADMINISTRATIVE REGISTER - 2593

**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - June 7, 1993 at 10 a.m.
Room 131, State Capitol Annex**

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Kentucky Loan Program

11 KAR 3:100. Administrative wage garnishment.

Work Study Program

11 KAR 6:010. KHEAA work study program.

Teacher Scholarship Loan Program

11 KAR 8:030. Teacher scholarships.

Kentucky Educational Savings Plan Trust

11 KAR 12:070. Benefits payable from the Kentucky educational savings plan trust program fund.

AGRICULTURAL EXPERIMENT STATION

Seed

- 12 KAR 1:005. Definitions. (Deferred from April)
- 12 KAR 1:010. Sampling, analyzing, testing, and tolerances. (Deferred from April)
- 12 KAR 1:025. Maximum weed seed content permitted. (Deferred from April)
- 12 KAR 1:055. Identification of seed or seedlings or finished plants not for sale. (Deferred from April)
- 12 KAR 1:060. Manner of labeling seed, seedlings, or finished plants. (Deferred from April)
- 12 KAR 1:065. Lawn, turf mixtures; labeling. (Deferred from April)
- 12 KAR 1:075. Types of labeling; tag label form. (Deferred from April)
- 12 KAR 1:080. Use of own tags; permit, report. (Deferred from April)
- 12 KAR 1:085. Illegal labeling and sales. (Deferred from April)
- 12 KAR 1:090. Stop sale orders. (Deferred from April)
- 12 KAR 1:095. Impound seed, tobacco seedlings or finished tobacco plants. (Deferred from April)
- 12 KAR 1:100. Records. (Deferred from April)
- 12 KAR 1:105. Schedule of charges. (Deferred from April)

**DEPARTMENT OF STATE
Registry of Election Finance**

Practice and Procedure

- 32 KAR 2:050. Conciliation.
- 32 KAR 2:060. Advisory opinions.
- 32 KAR 2:120. Permanent committees; disposition of unexpended funds upon termination.
- 32 KAR 2:130. Cash contributions, cashier's checks, and money orders.
- 32 KAR 2:140. Revocation of exemption forms, reversion rights; August filers.
- 32 KAR 2:150. Three judge panel; appointment; procedure.

**REVENUE CABINET
Department of Administrative Services**

Ad Valorem Tax; State Assessment

103 KAR 5:150 & E. Procedures for the removal of a property valuation administrator from office. (Public Hearing in April)

FINANCE AND ADMINISTRATION CABINET

Kentucky Infrastructure Authority

200 KAR 17:060. Guidelines for solid waste revolving fund.

Kentucky Workers Compensation Funding Commission

200 KAR 19:010. Payment of audit by taxpayer. (Deferred from April)

GENERAL GOVERNMENT CABINET

Board of Registration for Professional Engineers and Land Surveyors.

- 201 KAR 18:180 & E. Firm registration. (Deferred from February)
- 201 KAR 18:190 & E. Continuing education. (Deferred from February)

Kentucky Real Estate Appraisers Board

- 201 KAR 30:010. Definitions for 201 KAR Chapter 30. (Amended After Hearing) (Deferred from May)
- 201 KAR 30:020. Licensed nonfederal real property appraiser. (Amended After Hearing) (Deferred from May)
- 201 KAR 30:030. Types of appraisers required in federally related transactions; certification and licensure. (Amended After Hearing) (Deferred from May)
- 201 KAR 30:040. Standards of practice administrative regulations. (Amended After Hearing) (Deferred from May)
- 201 KAR 30:050. Examination, education and experience requirement. (Amended After Hearing) (Deferred from May)
- 201 KAR 30:060. Fees administrative regulation. (Amended After Hearing) (Deferred from May)
- 201 KAR 30:070. Prehearing procedure. (Amended After Hearing) (Deferred from May)
- 201 KAR 30:080. Hearings. (Amended After Hearing) (Deferred from May)
- 201 KAR 30:090. Repeal of administrative regulations. (Repeals 201 KAR 30:100) (Not Amended After Hearing) (Deferred from May)

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TOURISM CABINET Department of Fish and Wildlife Resources

Game

- 301 KAR 2:171. Deer hunting seasons. (Repeals 301 KAR 2:170.)
- 301 KAR 2:211. Deer control tags. (Repeals 301 KAR 2:210.)

Wildlife

- 301 KAR 4:100. Peabody Wildlife Management Area use requirements and restrictions.

ECONOMIC DEVELOPMENT CABINET

Kentucky Jobs Development Authority

- 307 KAR 2:010 & E. General operations.

Kentucky Industrial Revitalization Authority

- 307 KAR 3:010 & E. General operations.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET Department for Environmental Protection

Solid Waste Planning

- 401 KAR 49:210. Solid waste revolving fund.

Division for Air Quality

General Standards of Performance

- 401 KAR 63:035. Gasoline dispensing facilities, stage II. (Amended After Hearing) (Deferred from February)

DEPARTMENT OF CORRECTIONS

Kentucky Parole Board

- 501 KAR 1:040. Conducting parole revocation hearings. (Repeals 501 KAR 1:020) (Deferred from May)

Office of the Secretary

- 501 KAR 6:030. Kentucky State Reformatory.
- 501 KAR 6:040. Kentucky State Penitentiary.
- 501 KAR 6:070. Kentucky Correctional Institution for Women.
- 501 KAR 6:110 & E. Roederer Correctional Complex. (Deferred from May)

TRANSPORTATION CABINET Department of Highways

Traffic

- 603 KAR 5:050. Uniform traffic control devices.

EDUCATION, ARTS AND HUMANITIES CABINET Department of Education

Office of Chief State School Officer

- 701 KAR 5:070. Criteria for Commonwealth Institute for teachers.

Office of Learning Instruction

- 704 KAR 3:303. Required program of studies.

Office of Learning Support Services

- 704 KAR 4:020. Comprehensive school health.

Office of Learning Programs Development

- 704 KAR 7:120. Home or hospital instruction.

Education Professional Standards Board

- 704 KAR 20:198. Director of special education. (Public Hearing in April)

Office of Education for Exceptional Children: Exceptional and Handicapped Program

- 707 KAR 1:061. Repeal of existing regulations. (Repeals 707 KAR 1:041, 1:051, 1:052, 1:053, 1:054, 1:055, 1:056, 1:057, 1:058, 1:059, 1:059, 1:060, 1:070, 1:080.)
- 707 KAR 1:160. Free appropriate public education.
- 707 KAR 1:170. Identification of children and youth with disabilities.
- 707 KAR 1:180. Due process procedures.
- 707 KAR 1:190. Evaluation.
- 707 KAR 1:200. Eligibility of children and youth with disabilities.
- 707 KAR 1:210. Individual education programs.
- 707 KAR 1:220. Placement in the least restrictive environment.
- 707 KAR 1:230. Delivery of services.
- 707 KAR 1:240. Confidentiality of personally identifiable information.
- 707 KAR 1:250. Services in other programs.
- 707 KAR 1:260. Comprehensive system of personnel development.

WORKFORCE DEVELOPMENT CABINET Department for Adult and Technical Education

Personnel System for Certified and Equivalent Employees

- 780 KAR 3:040. Special appointments.

ADMINISTRATIVE REGISTER - 2595

Adult Education

780 KAR 9:020. High school equivalency diploma.

PUBLIC PROTECTION AND REGULATION CABINET Department of Insurance

Authorization of Insurance and General Requirements

806 KAR 3:150 & E. Standards for insurers deemed to be in hazardous financial condition.
806 KAR 3:180 & E. Instructions for insurer financial statements.

Health Insurance Contracts

806 KAR 17:090. Preauthorization requirements for coverage of temporomandibular joint disorder and evaluation of medical necessity for treatment of craniomandibular jaw disorder. (Not Amended After Hearing)

Kentucky Racing Commission

Thoroughbred Racing

810 KAR 1:009. Jockeys and apprentices.

Harness Racing

811 KAR 1:070. Licensing; owners, drivers, trainers, grooms, and agents.

Department of Housing, Buildings and Construction

Plumbing

815 KAR 20:020. Parts or materials list.
815 KAR 20:120. Water supply and distribution. (Deferred from April)

Local Fire Departments

815 KAR 45:100. Volunteer fire department loan fund.

CABINET FOR HUMAN RESOURCES Department for Health Services

Health Services and Facilities

902 KAR 20:016. Hospitals operation and services.
902 KAR 20:073. Clinics: ambulatory care. (Not Amended After Hearing) (Deferred from May)

Department for Medicaid Services

Medicaid Services

907 KAR 1:013 & E. Payments for hospital inpatient services.
907 KAR 1:016 & E. Psychiatric hospital services. (Not Amended After Hearing)
907 KAR 1:505 & E. Psychiatric residential treatment facility services. (Not Amended After Hearing)

Department for Mental Health and Mental Retardation Services

Substance Abuse

908 KAR 1:310. Administrative procedures for DUI facilities and programs. (Amended After Hearing)

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 to 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, repeal, or withdrawal)

STATEMENT OF EMERGENCY
302 KAR 20:040E

This emergency administrative regulation allows the Kentucky Department of Agriculture to suspend the 60-120 day quarantine and retest program for brucellosis. The Kentucky State Board of Agriculture at its regularly scheduled meeting on April 13 and 14, 1993 voted unanimously to suspend the quarantine and retest program because it was felt the cost to Kentucky cattlemen compared to the benefit was no longer effective. This suspension works concurrently with the Kentucky Department of Agriculture's efforts to achieve the status of a brucellosis free state. This suspension, filed pursuant to this emergency regulation, would be immediate and allows the Kentucky Department of Agriculture to further study the cost effectiveness and to comply with the mandate of the State Board of Agriculture. This emergency administrative regulation will not, at this time, be replaced by an ordinary administrative regulation.

BRERETON C. JONES, Governor
ED LOGSDON, Commissioner

GENERAL GOVERNMENT CABINET
Department of Agriculture
Division of Animal Health

302 KAR 20:040E. Entry into Kentucky.

RELATES TO: KRS Chapter 257

STATUTORY AUTHORITY: KRS 257.030

EFFECTIVE: April 30, 1993

NECESSITY AND FUNCTION: To specify health requirements for admission of all livestock and animals into Kentucky.

Section 1. General Provisions. (1) All animals, except as noted, shall be accompanied by an approved health certificate. Health certificates means a legible record covering the requirements of the state of destination accomplished on an official form of a standard size from the state of origin or an equivalent form of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, that is prepared and issued by a licensed, accredited veterinarian. An approved health certificate means an official health certificate approved by the chief livestock sanitary official of the state of origin.

(2) If animals are from tuberculosis accredited or brucellosis certified herds, health certificates shall show accreditation and certification number with date of last herd test for tuberculosis and brucellosis.

(3) Cattle entering Kentucky shall be vaccinated, tested, or branded as required in 302 KAR 20:055.

(4) Cattle may enter approved state-federal livestock markets in Kentucky without permits. Upon entry to the market these cattle shall comply with the specific provisions of this regulation for subsequent movement to a premise in Kentucky or shall comply with other state of destination requirements.

Section 2. Cattle. (1) Brucellosis.

(a) Negative results from an approved state-federal laboratory.

(b) Official vaccinate. A female bovine animal vaccinated with an approved reduced dosage Brucella vaccine while four (4) through ten (10) months of age permanently identified as a vaccinate. Date of

birth and date of vaccination shall be recorded on the health certificate.

(c) Import requirements for cattle originating in Class "C" states and areas:

1. Sexually intact heifers for feeding and/or grazing.

a. Prior entry permit required.

b. Heifers must be less than twelve (12) months of age.

(i) No long tailed heifers.

(ii) Must not weigh more than 500 pounds.

c. Heifers must be branded with the letter "F" on the right or left side of the tail head, or hip. If on the tail head, the brand must be placed between the fourth and seventh coccygeal vertebrae. The brand size must be a minimum of two (2) inches by three (3) inches in size.

d. The heifers must be individually identified on an official certificate of veterinary examination or "health certificate." The "F" brand alone will not suffice as the means of identification.

e. All "F" branded heifers will be quarantined on arrival on Kentucky premises approved by the state veterinarian for feeding purposes only. The "F" branded heifers may then move only to slaughter when accompanied by proper movement permits.

2. Sexually intact cattle for breeding and/or dairy purposes must comply with one (1) of the following:

a. Originate from a brucellosis certified free herd and be accompanied by an official certificate of veterinary examination or "health certificate" showing the date of the last herd test.

b. Originate from a nonbrucellosis quarantined herd that had a complete negative brucellosis herd test of all eligible cattle within the past twelve (12) months. The individual cattle being shipped must have had a negative brucellosis test within thirty (30) days of shipment.

c. A prior permit is also required and should be recorded on the certificate of veterinary examination or the "health certificate."

3. All sexually intact cattle for breeding and dairy purposes will be quarantined on arrival and retested for brucellosis sixty (60) to 120 days after arrival in Kentucky.

4. Prior permits may be obtained by calling 502/564-3956, 57, 58, 59 on weekdays from 8 a.m. to 4:30 p.m. and 502/564-3956, recording evenings and weekends.

(d) Import requirements for cattle originating in Class "B" states and areas.

1. Sexually intact heifers for feeding and/or grazing purposes.

a. Prior entry permit required.

b. Heifers must be less than twelve (12) months of age.

(i) No long tailed heifers.

(ii) Must not weigh more than 500 pounds.

c. Heifers must be branded with the letter "F" on the right or left side of the tail or hip. If on the tail head, the brand must be placed between the fourth and seventh coccygeal vertebrae. The brand size must be a minimum of two (2) inches by three (3) inches.

d. The heifers must be individually identified on an official certificate of veterinary examination or "health certificate." The "F" brand alone will not suffice as the means of identification.

e. All "F" branded heifers will be quarantined on arrival in Kentucky on premises approved by the state veterinarian for feeding purposes only. The "F" branded heifers may then move only to slaughter when accompanied by proper movement permits.

2. Sexually intact cattle for breeding and/or dairy purposes must comply with one (1) of the following:

a. Originate from a brucellosis certified free herd and be accom-

panied by an official certificate of veterinary examination or "health certificate" showing the date of the last herd test.

b. Originate from a nonbrucellosis quarantined herd that had a complete negative brucellosis herd test of all eligible cattle within the past twelve (12) months. The individual cattle being shipped must have had a negative brucellosis test within thirty (30) days of shipment.

c. A prior permit is also required and must be recorded on the certificate of veterinary examination or "health certificate."

3. All sexually intact cattle, except vaccinates from brucellosis certified free herds, will be quarantined on arrival and may be retested for brucellosis sixty (60) to 120 days after arriving in Kentucky if found necessary by the department.

4. Prior permits may be obtained by calling 502/564-3956, 57, 58, 59 on weekdays from 8 a.m. to 4:30 p.m. and 502/564-3956, recording evenings and weekends.

(e) Import requirements for cattle originating in Class "A" states or areas.

1. Sexually intact heifers for feeding and/or grazing purposes.

a. Prior entry permit required.

b. Heifers must be less than eighteen (18) months of age.

c. Heifers must be branded with the letter "F" on the right or left side of the tail head or hip. If on the tail head, the brand must be placed between the fourth and seventh coccygeal vertebrae. The brand size must be a minimum of two (2) inches by three (3) inches.

d. The heifers must be individually identified on an official certificate of veterinary examination or "health certificate." The "F" brand alone will not suffice as the means of identification.

e. The "F" branded heifers may enter only premises approved by the state veterinarian for feeding purposes. The "F" branded heifers may then move only to slaughter when accompanied by proper movement permits.

2. Sexually intact cattle for breeding and/or dairy purposes must comply with one (1) of the following:

a. Originate from a brucellosis certified free herd and be accompanied by an official certificate of veterinary examination or "health certificate" showing the date of the last herd test.

b. All cattle except the above must have a negative brucellosis test within thirty (30) days of shipment.

c. A prior permit is also required and must be recorded on the certificate of veterinary examination or "health certificate."

3. All sexually intact cattle, except vaccinates from brucellosis certified free herds, will be quarantined on arrival and retested for brucellosis sixty (60) to 120 days after arriving in Kentucky.

4. Prior permits may be obtained by calling 502/564-3956, 57, 58, 59 on weekdays from 8 a.m. to 4:30 p.m. and 502/564-3956, recording evenings and weekends.

(f) Import requirements for cattle originating in Class "Free" states or areas, same as for class "A" states.

(g) Import requirements for intact males. Bulls of all ages must meet the import requirements of intact female cattle of their respective states, in accord with the above state classification requirements as listed for "C," "B," "A," or "Free."

(h) Intact female cattle under four (4) months of age.

1. No female cattle (intact) under 120 days of age, can enter the Commonwealth of Kentucky from states or areas classed as "C" or "B," except calves nursing cows which enter Kentucky from certified free herds. Such calves must then comply (under quarantine from "C" states) with the vaccination requirement in the Kentucky regulation, 302 KAR 20:055 at four (4) months of age.

2. Female cattle (intact) under 120 days of age, from states or areas classed as "A" or "Free" may enter the Commonwealth of Kentucky, upon entry, they will be quarantined to the farm of destination and later comply with the vaccination or branding requirement as defined in 302 KAR 20:055. Release of the quarantine will be effected with documentation of satisfactory compliance with this aforementioned regulation.

(i) Spayed heifers. Female cattle, having been ovariectomized, and properly identified with an "open spade" brand, may move without restriction into Kentucky, as do steers, when accompanied by the required certificate of veterinary examination or "health certificate."

(j) Bison. Bison shall have the same requirements as do bovines.

(2) Tuberculosis.

(a) Cattle six (6) months of age or older for dairy and breeding purposes shall be negative to an official tuberculin test within sixty (60) days of date of entry, or originate directly and immediately from:

1. Accredited herd, or

2. Eradicated free state.

(b) Cattle classified as suspects or cattle originating from a quarantined herd shall not be imported.

(c) Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

(d) Bison six (6) months of age or older negative within sixty (60) days of entry.

(3) Other disease requirements.

(a) Scabies. No cattle affected with or exposed to scabies or from an area quarantined because of scabies shall be imported, shipped, driven or otherwise moved into Kentucky except in accordance with regulations of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, and only then after first securing written permit from the chief livestock sanitary official or his authorized representative.

(b) Ticks. No cattle infested with ticks (*Margarophus Annulatus*) or exposed to tick infestation shall be shipped, trailed, driven or otherwise moved into Kentucky for any purpose.

(c) No cattle from a state-federal tick quarantined area shall be shipped, trailed, driven or otherwise moved into Kentucky except in accordance with regulations of the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture, and only then after first securing written permit from the chief livestock sanitary official or his authorized representative.

(d) Cattle infected with warts, ringworm or any infectious or communicable disease are not eligible for entry.

(4) Other movements.

(a) Feeder cattle. Feeder cattle are defined as nonpregnant heifers of the beef breeds under eighteen (18) months of age, spayed heifers, and steers of all breeds. Feeder cattle from "TB Free" states or areas only are exempt from testing requirements.

(b) Slaughter cattle. Cattle consigned for immediate slaughter may be imported without official test for brucellosis or tuberculosis provided such cattle are consigned for immediate slaughter to a recognized slaughtering center under state, federal or municipal inspection or to an approved state-federal stockyard or federal stockyard for reconsignment directly to a recognized slaughtering center. Any animal or animals diverted enroute will be in violation of this regulation.

(5) Exhibition.

(a) Brucellosis.

1. Breeding cattle six (6) months of age and older, except official vaccinates under eighteen (18) months of age, shall be negative to an official serological test for brucellosis within thirty (30) days of entry or originate directly and immediately from a certified free herd.

2. Steers and heifers for carcass classes shall be positively identified but shall not be required to be brucellosis tested if accompanied by an approved health certificate.

(b) Tuberculosis.

1. Cattle six (6) months of age or older shall be negative to an official tuberculin test within sixty (60) days of entry or originate directly and immediately from an accredited herd or a tuberculosis eradicated free state.

2. Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

3. Steers and heifers for carcass classes shall be positively identified but shall not be required to be tuberculosis tested if

accompanied by approved health certificate.

Section 3. Horses. (1) All horses entering Kentucky, except unweaned foals, and other equidae, for any purpose other than for immediate slaughter shall be accompanied by an official health certificate of state of origin issued by a state, federal or licensed accredited veterinarian and such certificate shall include:

(a) Veterinarian's statement that examination was made within the past thirty (30) days and revealed the animal to be free from symptoms of any infectious disease or exposure thereto; and

(b) Have attached thereto a copy of certificate of report from a laboratory approved by the USDA showing the animal(s) to be negative to AGID test for equine infectious anemia within the past six (6) months.

(2) All horses past six (6) months of age and other equidae offered for public sale shall be negative to AGID test within past six (6) months. Only horses offered for sale for slaughter only shall be exempt from this requirement.

(3) All horses and other equidae offered for entry into fairgrounds, livestock showgrounds, public boarding stables and for trail rides or racing shall be negative to test for AGID within twelve (12) months and shall be accompanied by certificate of report from a laboratory approved by the USDA.

(4) All reactors to AGID test for equine infectious anemia shall be officially, permanently identified using numbers and letter 61A with a brand on left neck region.

(5) All reactors not slaughtered or euthanized shall be isolated and quarantined. This isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies and horse flies during those seasons of the year when such insects are prevalent. These animals will also be kept at least 200 yards from all other horses.

(6) The movement of any quarantined reactor shall be done only on permission of representative of the Department of Agriculture.

(7) All horses in a herd in which a reactor is found shall be quarantined pending a negative test of all horses.

Section 4. Swine. (1) General requirements.

(a) A permit shall be obtained prior to movement for all swine entering for breeding and feeding purposes.

(b) All swine must have a permanent means of identification.

(c) If animals are from validated and qualified herds, the certificate of veterinary examination shall show validation and qualification number with date of last herd test for brucellosis and pseudorabies.

(2) Specific diseases.

(a) Garbage fed swine. Swine fed raw garbage shall not be imported for any purpose. Swine fed properly cooked garbage are eligible for import directly to a state or federal inspected slaughtering establishment only.

(b) Brucellosis. All swine for breeding purposes six (6) months of age or older shall be negative to an official test for brucellosis within thirty (30) days of date of entry or originate directly and immediately from a validated herd. No agglutination in dilution of 1-50 shall be accepted unless the individual or individuals to be imported are negative to an official card test. On entry, animals must be quarantined for no less than thirty (30) days and must show a negative post movement brucellosis test within thirty (30) to sixty (60) days of entry.

(c) Hog cholera.

1. No treatment required or allowed.

2. Permit. A permit is required from the state veterinarian's office before entry on breeding and feeding swine in the event of an emergency disease outbreak.

3. All feeding and breeding swine to be held in isolation and under quarantine for a minimum of thirty (30) days.

4. All swine for feeding and breeding purposes must be identified by ear tag or ear notch to the farm of origin.

(d) Pseudorabies. All swine imported for breeding purposes six

(6) months of age or older shall be negative to an official (approved) blood test within thirty (30) days of date of entry or originate directly and immediately from a qualified herd, and originate from a farm free of pseudorabies for the past six (6) months as evidenced on the certificate of veterinary examination. On entry, animals must be quarantined for no less than thirty (30) days and must show a negative post movement pseudorabies test within thirty (30) to sixty (60) days of entry.

(e) Feeder pigs. All feeder pigs must comply with 302 KAR 20:210, Pseudorabies surveillance.

(3) Other movements.

(a) Registered feedlots. Not applicable.

(b) Salesyards and markets. No vaccination or treatment if consigned to recognized slaughtering center or to public stockyard or approved stockyard for reconsignment to recognized slaughtering center within ten (10) days of date of entry.

(c) Farm premises. Identity to the farm of origin must be maintained on all breeding and feeding swine imported from farm premises to an approved stockyard or farm of destination.

(d) Exhibition. Certificate of veterinary examination within thirty (30) days of entry. See subsection (2)(b), (c), and (d) of this section.

Section 5. Sheep. (1) Specific diseases.

(a) Scrapie. No sheep or lambs shall be imported that originated from or are known to be exposed to flocks under surveillance for scrapie.

(b) Scabies. All sheep or lambs for breeding or feeding purposes imported from a farm, ranch or like premises shall be accompanied by an approved health certificate indicating such sheep and lambs originated directly and immediately from an official scabies eradicated free area.

(c) Sore mouth. Any sheep or lambs showing lesions of contagious exyhma shall not be imported.

(2) Other movements.

(a) Apparently healthy sheep and lambs may be imported into Kentucky for immediate slaughter when consigned directly to a recognized slaughtering center approved by the chief livestock sanitary official of Kentucky or to a public stockyard, a state-federal approved stockyard, concentration point or public stockyard when reconsigned from that point direct to immediate slaughter.

(b) Exhibitions and shows. All sheep and lambs for exhibition shall be in compliance to requirements noted above as specified for sheep and in addition shall be identified individually by ear tattoo or ear tag. Such identification shall be entered on an approved health certificate.

Section 6. Goats. (1) Specific diseases.

(a) Scabies. All goats must originate from a scab-free area.

(b) Scrapie. No goats from a herd under surveillance for scrapie or those that are known to have been exposed to or that are progeny shall be imported.

(2) Exhibition and sale.

(a) Brucellosis. Animals six (6) months of age or older shall have negative tube or card test in last thirty (30) days or originate directly and immediately from a certified herd.

(b) Tuberculosis. Animals six (6) months of age or older shall have negative tuberculin test in last sixty (60) days or originate directly and immediately from accredited herd.

Section 7. Poultry. (1) Specific diseases.

(a) Pullorum. Negative agglutination test within thirty (30) days of date of entry.

(b) Chicks and hatching eggs shall originate from a flock under the National Poultry and/or National Turkey Improvement Plan.

(2) Entry and/or exhibition. Approved health certificate stating compliance with above requirements and in addition thereto all poultry shall be inspected prior to exhibition for evidence of any infectious,

contagious or communicable disease of poultry. Any evidence of any communicable, infectious or contagious disease shall be justification for the elimination of said poultry from exhibition and/or sale at no expense to the Commonwealth of Kentucky.

Section 8. Psittacine Birds. As regulated by Title 9, Part 82 Code of Federal Regulations, filed herein by reference.

Section 9. Dogs and Cats. (1) All dogs over four (4) months of age for sale or exhibition shall be accompanied by a health certificate signed by a licensed, accredited veterinarian stating that they are free from all infectious diseases, did not originate within an area under quarantine for rabies or from an area where rabies is known to exist and has not been exposed to rabies. All dogs over four (4) months of age shall be vaccinated against rabies not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment if killed virus vaccine is used. Any vaccine approved for three (3) year immunity by the "Compendium of Animal Rabies Vaccines" prepared by the Association of State Public Health Veterinarians, (Inc.); qualifies dog if it is one (1) year of age when vaccinated; provided, show or performing dogs to be within the state temporarily for a period of ten (10) days shall not be required to furnish an approved health certificate.

(2) All cats shall be in compliance to above requirements for dogs provided the animals are vaccinated for rabies if four (4) months of age or older not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment with a vaccine approved by the state veterinarian and the Bureau for Health Services, Kentucky Cabinet for Human Resources.

Section 10. Fur Bearing Animals, Domesticated Wild Animals and Zoo Animals. Wild and semiwild animals under domestication or in custody may be imported into the state if accompanied by a permit and health certificate and provided that a report of the number of animals is made to the chief livestock sanitary official of Kentucky within ten (10) days and that immediate opportunity for examination is afforded a representative of the Division of Livestock Sanitation, Kentucky Department of Agriculture, to determine the health status of such animal or animals and the imports are presented for the administration of all laboratory procedures and tests deemed necessary by the chief livestock sanitary official of Kentucky. Transportation permit required on wild, game animals, birds and fish. Permit to be obtained from Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, No. 1 Game Farm Road, Frankfort, Kentucky 40601 (telephone 502-564-3400).

ED LOGSDON, Commissioner

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: April 30, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on Monday, June 22, 1993 at 9 a.m. at the Department of Agriculture, 7th Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 1993, 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 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: Donna Greenwell Dutton, General Counsel Department of Agriculture, Capital Plaza Tower, 7th Floor 500, Mero Street, Frankfort, Kentucky 40601, (502) 564-4696.

REGULATORY IMPACT ANALYSIS

Contact person: D. L. Notter, DVM

(1) Type and number of entities affected: All herd owners in Kentucky

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

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon completion): N/A

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body: Employees no longer required to conduct 60 day retest and 120 day retest.

(a) Direct and indirect costs or savings: No direct savings but employees will no longer spend time doing retest.

1. First year: Same as above.

2. Continuing costs or savings: Vary from year to year based on number of infected herds.

3. Additional factors increasing or decreasing costs: Same as above.

(b) Reporting and paperwork requirements: Reporting and paperwork involved with retest no longer necessary.

(3) Assessment of anticipated effect on state and local revenues: No direct effect but department employees will no longer spend time doing retest.

(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: N/A

(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

Was tiering applied? No. This administrative regulation treats all members of a class the same.

STATEMENT OF EMERGENCY 302 KAR 20:054E

This emergency administrative regulation provides the procedure for enabling the Board of Agriculture to establish procedures for setting a fee basis schedule for reimbursement payments to licensed and accredited veterinarians by the department. This payment is for expenses incurred in performing the professional services found necessary in order to eliminate brucellosis and to achieve status of a brucellosis free state as rapidly as possible. These monies are necessary in order to begin fee basis payments to veterinarians as promised on 4/15/93. Brucellosis has become increasingly serious in several counties identified in the Commonwealth and it is necessary that this regulation be promulgated in order to control and eradicate the disease as rapidly as possible. This regulation has been pre-approved by the Kentucky State Board of Agriculture. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on or about April 15, 1993.

BRERETON C. JONES, Governor
ED LOGSDON, Commissioner

ADMINISTRATIVE REGISTER - 2600

GENERAL GOVERNMENT CABINET Department of Agriculture Division of Animal Health

302 KAR 20:054E. Fee basis schedule.

RELATES TO: KRS Chapter 257

STATUTORY AUTHORITY: KRS 257.020, 257.030

EFFECTIVE: April 15, 1993

NECESSITY AND FUNCTION: To establish procedures for setting a fee basis schedule for reimbursement payments to licensed and accredited veterinarians for expenses incurred in performing professional services found necessary to eliminate brucellosis and to achieve the status of a brucellosis free state.

Section 1. Definitions. (1) "Per head allowance" means the allowance or rate of reimbursement by the department for professional veterinarian services based on testing performed on each animal.

(2) "Stop fee" means the allowance or rate of reimbursement by the department for professional veterinarian services performed based on each farm at which animals are tested.

Section 2. Fee Basis Payments. Upon request and approval of the department, licensed and accredited veterinarians providing the professional services found necessary to eliminate brucellosis and to achieve the status of a brucellosis free state shall receive payment for professional services from the department at a stop fee rate not to exceed twenty (20) dollars and a per head allowance not to exceed three (3) dollars.

Section 3. Reimbursement Due. A claim for a payment shall be submitted on a brucellosis testing statement of services performed. The statement shall provide that no payment for brucellosis testing services shall be made until the appropriate brucellosis test chart has been received and validated by the state veterinarian. All samples must be of test quality.

Section 4. The state veterinarian may deny a fee basis payment when he has good cause to believe that the licensed and accredited veterinarian has:

- (1) Failed to perform services in a reasonably prudent and professional manner;
- (2) Misrepresented or concealed facts in order to receive or enable others to receive payments;
- (3) Misrepresented facts regarding animals tested or test results; and
- (4) Submitted false or questionable requests for fee basis payments.

Section 5. Fee Basis Forms. A fee basis claim must be made on forms provided by the state veterinarian. The fee basis claim shall be for services performed on or after April 15, 1993, and may be obtained at the Office of the State Veterinarian, 100 Fair Oaks Lane, Frankfort, Kentucky 40601. The effective day of this regulation shall be April 15, 1993.

ED LOGSDON, Commissioner

APPROVED BY AGENCY: April 15, 1993

FILED WITH LRC: April 15, 1993 at 3 p.m.

STATEMENT OF EMERGENCY 302 KAR 20:055E

This emergency administrative regulation allows the Kentucky Department of Agriculture to suspend the 60-120 day quarantine and retest program for brucellosis. The Kentucky State Board of Agricul-

ture at its regularly scheduled meeting on April 13 and 14, 1993 voted unanimously to suspend the quarantine and retest program because it was felt the cost to Kentucky cattlemen compared to the benefit was no longer effective. This suspension works concurrently with the Kentucky Department of Agriculture's efforts to achieve the status of a brucellosis free state. This suspension, filed pursuant to this emergency regulation, would be immediate and allows the Kentucky Department of Agriculture to further study the cost effectiveness and to comply with the mandate of the State Board of Agriculture. This emergency administrative regulation will not, at this time, be replaced by an ordinary administrative regulation.

BRERETON C. JONES, Governor

ED LOGSDON, Commissioner

GENERAL GOVERNMENT CABINET Department of Agriculture Division of Animal Health

302 KAR 20:055E. Brucellosis vaccination, testing and branding requirements.

RELATES TO: KRS Chapter 257, 257.020, 257.030, 257.040, 257.060, 257.070, 257.115

STATUTORY AUTHORITY: KRS 257.020, 257.030

EFFECTIVE: April 30, 1993

NECESSITY AND FUNCTION: To specify the requirements for vaccination against the disease brucellosis, and to define the requirements for testing and/or branding for eligible heifers not vaccinated.

Section 1. General Provisions. (1) All eligible animals as defined in Section 2 of this regulation shall be handled according to the procedural requirements outlined in Section 3 of this regulation.

(2) All eligible female animals which comply by vaccination with this regulation shall be vaccinated with an approved Brucella vaccine, following the vaccination protocol set forth by the state veterinarian's office.

(3) Note that Section 3 of this regulation requires that all eligible animals that are vaccinated as defined in Section 2 of this regulation must be vaccinated between four (4) and ten (10) months of age.

Section 2. Eligible Animals. (1) Female bovine animals four (4) months to ten (10) months of age which enter the Commonwealth of Kentucky for feeding or breeding purposes. Animals going to one (1) state or federally approved livestock market, or to an approved livestock assembly facility or directly to slaughter or spayed animals that have been branded with "open spade" brand or animals for exhibition purposes only are exempt. Eligible female animals entering the state shall move to only one (1) market or approved livestock assembly facility and one (1) additional approved assembly point, for the purposes of complying with this regulation and the Kentucky entry regulation, 302 KAR 20:040, when said animals are to remain in Kentucky. If the eligible female animals are to move out of state the animals shall comply with the specific entry requirements of their ultimate state of destination.

(2) Female bovine animals four (4) months to ten (10) months of age purchased at a Kentucky livestock market, must be vaccinated, "F" branded on the hip or tail head or tested at the market with a quarantine for retest at sixty (60) to 120 days afterward, if retesting is found necessary by the department, to move to a farm in Kentucky. Females younger than four (4) months of age, may, if in compliance with Kentucky entry regulation above, move to a farm in Kentucky under quarantine pending compliance with this regulation at four (4) months of age.

(3) Female bovine animals four (4) months to ten (10) months of age which are presented for change of ownership by private treaty

must comply with one of the listed vaccination, testing, or branding procedural requirements as outlined in Section 3 of this regulation. The farm of origin, with the individual animal identification ear tag number must appear on the forms (vaccination, branding, or testing) utilized to effect compliance with the state of destination requirements. The above shall be completed prior to the animals being moved from the seller's premise and no animals shall be moved without permanent ear tag identification. The above requirements are the seller's responsibility. Eligible females under four (4) months of age may move to the purchaser's premise in Kentucky and comply under quarantine at four (4) months of age. Eligible female animals changing ownership to be moved out of state must meet the entry requirements of the state of destination and must be accompanied by a certificate of veterinary examination or "health certificate" verifying compliance. This shall be the purchaser's responsibility.

Section 3. Procedural Requirements. (1) Eligible animals which are vaccinated must be officially vaccinated between four (4) and ten (10) months of age and identified by a vaccination tattoo in the ear and an official vaccination ear tag, or, in the case of registered cattle, by an identification tattoo.

(a) A vaccination tattoo in the ear shall legibly identify the quarter of the year, shield and the calendar year of vaccination.

(b) An official vaccination ear tag shall identify the animal according to the state of origin, official vaccinate status and individual identification number.

(2) Eligible animals must be vaccinated, "F" branded, or tested by a licensed, accredited veterinarian or an authorized agent of the board (i.e., includes "S" branding).

(3) Official documentations of the above listed procedures will be promptly conveyed to the office of the state veterinarian on appropriate forms provided by same.

(4) Animals on Kentucky farms or changing ownership on a Kentucky farm can be vaccinated with funds appropriated by the Commonwealth of Kentucky if available. The cost of vaccination at a livestock market is the responsibility of the purchaser.

(5) No person shall tamper with the vaccination tattoo or official vaccination ear tag, and no person shall retattoo any animal unless approval is first obtained from the Division of Livestock Sanitation. No person shall tamper with an official brand, ear tag or other individual animal identification device.

(6) Female bovine animals sold through a Kentucky livestock market returning to a Kentucky farm shall be identified as to farm of origin.

(7) All animals exported from Kentucky shall meet the requirements of the state of destination. The options for heifers to remain in Kentucky are:

(a) Heifers four (4) to ten (10) months of age, shall be vaccinated or "F" branded on hip or tail head;

(b) Heifers eleven (11) to eighteen (18) months of age, shall be tested, official calfhood vaccinated, "F" branded or "S" branded;

(c) Such "F" branded heifers may move to approved farms in Kentucky only and may not be used for breeding purposes; specific farms will be approved by the state veterinarian for feeding purposes and those premises will be routinely checked by division field personnel.

(8) Fattened heifers, intended for slaughter only, or consigned directly to a slaughter facility must meet federal requirements.

(9) The age of test eligible female animals (eighteen (18) months of age) shall be determined when the age is apparent upon the emergence of the first pair of permanent incisor teeth (i.e., the nippers).

(10) Movement of "F" branded heifers. Such heifers may move to approved farms in Kentucky only and may not be used for breeding purposes. Specific farms will be approved by the state veterinarian for feeding purposes, and those premises will be routinely checked by division field personnel.

(11) Movement of "S" branded cattle. Such cattle must move directly to recognized slaughter facilities, or to designated quarantined feedlots in states approving such movement.

(12) "F" branded cattle which become pregnant. It shall be considered a violation of this regulation to breed or to otherwise cause any "F" branded female to become pregnant or to keep any "F" branded female which is pregnant.

(13) Spayed heifers: may move freely in Kentucky, as do steers when in compliance with appropriate movement certification. Such heifers are identified with an "open spade" brand.

(14) Location of brands: "S" on the face or hip, "F" on the hip, "open spade" on the hip.

(15) Minimum size of the "F" brand: two (2) inches by three (3) inches.

(16) Movement of test eligible animals back to another farm in Kentucky after purchase at a livestock market or following private purchase. These animals may [will] be moved under quarantine to the Kentucky premise for a second brucellosis test. ~~[Quarantines will be released upon the results of the sixty (60) to 120 day negative serology results and shall be paid for by the purchaser, unless the test is done at a livestock market under first point testing qualifications.]~~ An animal which is under quarantine shall not be commingled with animals in an established herd unless a second negative test found necessary by the department is accomplished ~~[sixty (60) to 120 days after purchase or movement under quarantine is permitted by the state veterinarian].~~

(17) All animals exported from Kentucky shall meet the requirements of the state of destination.

(18) The procedures for vaccinating, testing, branding, and individual animal identification shall be approved by the state veterinarian and shall be performed under the supervision of a licensed accredited veterinarian or performed at a Kentucky livestock market under the supervision of the official market veterinarian.

(19) Approved livestock assembly facility. As listed in Section 2 of this regulation, these facilities will be approved by the Department of Agriculture and be designated only for cattle assemblage. Vaccination and/or branding requirements must be met upon entry to these facilities, and records of state and farm of origins must be kept by the operators. Animals remaining in Kentucky after entering an approved livestock assembly facility must meet Kentucky's entry requirements in accord with the state of origin, 302 KAR 20:040. Kentucky origin nonvaccinates remaining in Kentucky must be tested for brucellosis by the designated veterinarian and remain at the facility until the results are known negative. ~~[Such animals may enter a Kentucky premise under quarantine, pending a sixty (60) to 120 day release upon demonstration of negative results of the second negative brucellosis test.]~~

ED LOGSDON, Commissioner

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: April 30, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on Monday, June 22, 1993 at 9 a.m. at the Department of Agriculture, 7th Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 1993, 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 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: Donna Greenwell Dutton, General Counsel, Department of Agriculture,

ADMINISTRATIVE REGISTER - 2602

Capital Plaza Tower, 7th Floor 500, Mero Street, Frankfort, Kentucky
40601, (502) 564-4696.

REGULATORY IMPACT ANALYSIS

Contact person: D. L. Notter, DVM

- (1) Type and number of entities affected: All herd owners in Kentucky
 - (a) Direct and indirect costs or savings to those affected: N/A
 1. First year: N/A
 2. Continuing costs or savings: N/A
 3. Additional factors increasing or decreasing costs (note any effects upon completion): N/A
 - (b) Reporting and paperwork requirements: N/A
 - (2) Effects on the promulgating administrative body: Employees no longer required to conduct 60 day retest and 120 day retest.
 - (a) Direct and indirect costs or savings: No direct savings but employees will no longer spend time doing retest.
 1. First year: Same as above.
 2. Continuing costs or savings: Vary from year to year based on number of infected herds.
 3. Additional factors increasing or decreasing costs: Same as above.
 - (b) Reporting and paperwork requirements: Reporting and paperwork involved with retest no longer necessary.
 - (3) Assessment of anticipated effect on state and local revenues: No direct effect but department employees will no longer spend time doing retest.
 - (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: N/A
 - (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
- Was tiering applied? No. This administrative regulation treats all members of a class the same.

STATEMENT OF EMERGENCY

302 KAR 20:065E

This emergency administrative regulation allows the Kentucky Department of Agriculture to suspend the 60-120 day quarantine and retest program for brucellosis. The Kentucky State Board of Agriculture at its regularly scheduled meeting on April 13 and 14, 1993 voted unanimously to suspend the quarantine and retest program because it was felt the cost to Kentucky cattlemen compared to the benefit was no longer effective. This suspension works concurrently with the Kentucky Department of Agriculture's efforts to achieve the status of a brucellosis free state. This suspension, filed pursuant to this emergency regulation, would be immediate and allows the Kentucky Department of Agriculture to further study the cost effectiveness and to comply with the mandate of the State Board of Agriculture. This emergency administrative regulation will not, at this time, be replaced by an ordinary administrative regulation.

BRERETON C. JONES, Governor
ED LOGSDON, Commissioner

GENERAL GOVERNMENT CABINET Department of Agriculture Division of Animal Health

302 KAR 20:065E. Sale and exhibition of livestock in Kentucky.

RELATES TO: KRS Chapter 257

STATUTORY AUTHORITY: KRS 257.030

EFFECTIVE: April 30, 1993

NECESSITY AND FUNCTION: To specify general sanitary and health requirements in relation to the sale and exhibition of Kentucky livestock in Kentucky.

Section 1. Cattle. (1) General requirements.

(a) All animals, except as noted, shall be accompanied by an approved health certificate. Health certificates shall be void 150 days after issuance for exhibition and thirty (30) days after issuance for sale.

(b) If animals are from accredited or certified herds, health certificate shall show accreditation and certification number with date of last herd test for tuberculosis and brucellosis.

(c) Blood tests for brucellosis must be conducted in a state-federal laboratory and be negative according to recommended procedures of the Uniform Methods and Rules published by APHIS, VS, USDA.

(d) Cattle presented for change of ownership must comply with 302 KAR 20:055, Brucellosis vaccination, testing and branding requirements.

(2) Brucellosis.

(a) Sale. All breeding cattle must be tested within thirty (30) days prior to change of ownership. This will be the sellers' responsibility and the cattle may not be moved until the test results are found to be negative. Following a change of ownership whether by private sale, consignment, production, performance, contract, or otherwise all cattle may [shall] be quarantined for retest between sixty (60) to 120 days unless originating from a certified herd.

(b) Exhibition. Animals six (6) months of age or older shall be negative to an official test for brucellosis within 150 days of date of exhibition, unless exempt by one (1) of the following:

1. Originate directly from a certified herd.

2. Official vaccinates under eighteen (18) months of age for all breeds.

3. Steers. Must be accompanied by approved health certificate showing individual identification. No brucellosis test required.

(3) Tuberculosis.

(a) Sale. Animals six (6) months of age or older shall be negative to an official tuberculin test within sixty (60) days of date of sale, unless exempt by one (1) of the following:

1. Originate directly from an accredited herd or a tuberculosis free state.

2. Originate directly from a herd in which all animals six (6) months of age or older are negative to an official tuberculin test within last twelve (12) months of date of sale.

(b) Exhibition. No test required.

Section 2. Performance Bull Testing Program. (1) All animals shall be accompanied by approved health certificates.

(2) Brucellosis. Animals entered in this program shall, if six (6) months of age or older, be negative to an official brucellosis test within thirty (30) days of date of entry or originate directly and immediately from a certified herd.

(3) Tuberculosis. All animals six (6) months of age or older shall be negative to an official tuberculin test within sixty (60) days or originate directly and immediately from an accredited herd.

Section 3. Horses. (1) All horses entering Kentucky, except

unweaned foals, and other equidae, for any purpose other than for immediate slaughter shall be accompanied by an official certificate of veterinary examination of state of origin issued by a state, federal or licensed accredited veterinarian and such certificate shall include:

(a) Veterinarian's statement that examination was made within the past thirty (30) days and revealed the animal to be free of symptoms of any infectious disease or exposure thereto; and

(b) Shall include any tests that have been conducted as well as all vaccinations including vaccination date and type of vaccine used; and

(c) Have attached thereto a copy of certificate of report from a laboratory approved by the USDA showing the animal(s) to be negative to AGID test for equine infectious anemia within the past six (6) months, if offered for sale.

(2) No horses shall be sold, offered for sale, traded, given away, or moved for the purpose of change of ownership unless accompanied by evidence of an official negative test for equine infectious anemia within six (6) months of sale or movement except as listed in this subsection. Equine which are offered for sale at approved auction markets will have a blood sample drawn at the market by the market's veterinarian at the seller's expense. Equine which are accompanied by an original negative certificate of test for equine infectious anemia, dated within the past six (6) months, may be exempt from the testing by the market's veterinarian provided the certificate positively identifies the equine which is being offered for sale.

(3) All horses and other equidae offered for entry into fairgrounds, livestock show grounds, public boarding stables, and for trail rides or racing shall be negative to tests for AGID within twelve (12) months and shall be accompanied by certificate of report from a laboratory approved by the USDA.

(4) All reactors to AGID test for equine infectious anemia shall be officially, permanently identified using numbers and letter 61A with a brand on the left neck region.

(5) All reactors not slaughtered or euthanized shall be isolated and quarantined. This isolation shall include stabling in a stall that is screened to preclude entry and exit of mosquitoes, stable flies and horse flies during those seasons of the year when such insects are prevalent. These animals will also be kept at least 200 yards from all other horses.

(6) The movement of any quarantined reactor shall be done only on permission of representative of the Department of Agriculture.

(7) All horses in a herd in which a reactor is found shall be quarantined pending a negative test on all horses.

Section 4. Swine. (1) General requirements.

(a) All swine for exhibition and sale must be accompanied by a certificate of veterinary examination which shall be void 150 days after issuance for exhibition and thirty (30) days after issuance of sale.

(b) All swine must have a permanent means of identification.

(c) If animals originate from validated and qualified herds, the certificate of veterinary examination shall show validation and qualification number with date of last herd test for brucellosis and pseudorabies.

(2) Brucellosis.

(a) Sale. All swine, except barrows, six (6) months of age or older shall have a negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, or originate directly and immediately from a validated herd.

(b) Exhibition. All swine, except barrows, six (6) months of age or older shall have a negative 150 day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, or originate directly and immediately from a validated herd.

(3) Pseudorabies.

(a) Sale. All swine, six (6) months of age or older, shall be negative to an official (approved) blood test within thirty (30) days or

originate directly and immediately from a qualified herd.

(b) Exhibition. All out-of-state swine, six (6) months of age or older, shall be negative to an official (approved) blood test within thirty (30) days of consignment for exhibition or originate directly and immediately from a qualified herd.

(c) Feeder pigs. All feeder pigs must comply with 302 KAR 20:210, Pseudorabies surveillance.

Section 5. Sheep (1) Scrapie. No sheep or lambs shall be consigned that originated from or are known to be exposed to flocks under surveillance for scrapie.

(2) Scabies. All sheep or lambs for breeding and feeding purposes consigned from a farm, ranch or like premises shall be accompanied by an approved health certificate indicating such sheep and lambs originated directly and immediately from an official scabies-eradicated-free area.

(3) Sore mouth. Any sheep or lambs showing lesions of contagious exythma shall not be consigned.

(4) Sale. All sheep and lambs consigned shall be identified individually by ear tattoo or ear tag and entered on an approved health certificate which is good for thirty (30) days after issuance.

(5) Exhibition. All sheep and lambs consigned shall be identified individually by ear tattoo or ear tag and entered on an approved health certificate which is good for 150 days after issuance.

Section 6. Goats. (1) Scabies. All goats must originate from a scab-free area.

(2) Scrapie. No goats from a herd under surveillance for scrapie that are known to have been exposed to or that are progeny shall be considered.

(3) Brucellosis.

(a) Sale. Animals six (6) months of age or older shall have a negative thirty (30) day test in accordance with the Uniform Methods and Rules published by APHIS, VS, USDA, as applies to the bovine test or originate directly from a certified herd and be accompanied by an approved health certificate which shall be void thirty (30) days after issuance.

(b) Exhibition. Goats six (6) months of age or older shall be negative to an official blood test for brucellosis within 150 days of exhibition or originate directly from a certified herd and be accompanied by an approved health certificate which shall be void 150 days after issuance.

(4) Tuberculosis.

(a) Sale. Animals six (6) months of age or older shall have negative tuberculin test in last sixty (60) days or originate directly and immediately from an accredited herd.

(b) Exhibition. No test required.

Section 7. Poultry. Negative pullorum agglutination test within thirty (30) days for sale and/or exhibition. Test record must accompany poultry.

Section 8. Dogs and Cats. (1) All dogs over four (4) months of age for sale or exhibition shall be accompanied by a health certificate signed by a licensed, accredited veterinarian stating that they are free from all infectious diseases, did not originate within an area under quarantine for rabies, or from an area where rabies is known to exist and has not been exposed to rabies. All dogs over four (4) months of age shall be vaccinated against rabies not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment if killed virus vaccine is used. Any vaccine approved for a three (3) year immunity by the "Compendium of Animal Rabies Vaccines" prepared by the Association of State Public Health Veterinarians, (Inc.), qualifies a dog if it is one (1) year of age when vaccinated; provided, show or performing dogs to be within the state temporarily for a period of ten (10) days shall not be required to furnish an approved health certificate.

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(2) All cats shall be in compliance to above requirements for dogs provided the animals are vaccinated for rabies if four (4) months of age or older not less than fourteen (14) days nor more than twelve (12) months prior to date of consignment with a vaccine approved by the state veterinarian and the Department for Health Services, Kentucky Cabinet for Human Resources.

ED LOGSDON, Commissioner

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: April 30, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on Monday, June 22, 1993 at 9 a.m. at the Department of Agriculture, 7th Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 1993, 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 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: Donna Greenwell Dutton, General Counsel, Department of Agriculture, Capital Plaza Tower, 7th Floor 500, Mero Street, Frankfort, Kentucky 40601, (502) 564-4696.

REGULATORY IMPACT ANALYSIS

Contact person: D. L. Notter, DVM

(1) Type and number of entities affected: All herd owners in Kentucky

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

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon completion): N/A

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body: Employees no longer required to conduct 60 day retest and 120 day retest.

(a) Direct and indirect costs or savings: No direct savings but employees will no longer spend time doing retest.

1. First year: Same as above.

2. Continuing costs or savings: Vary from year to year based on number of infected herds.

3. Additional factors increasing or decreasing costs: Same as above.

(b) Reporting and paperwork requirements: Reporting and paperwork involved with retest no longer necessary.

(3) Assessment of anticipated effect on state and local revenues: No direct effect but department employees will no longer spend time doing retest.

(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: N/A

(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

Was tiering applied? No. This administrative regulation treats all members of a class the same.

STATEMENT OF EMERGENCY

302 KAR 20:070E

This emergency administrative regulation allows the Kentucky Department of Agriculture to suspend the 60-120 day quarantine and retest program for brucellosis. The Kentucky State Board of Agriculture at its regularly scheduled meeting on April 13 and 14, 1993 voted unanimously to suspend the quarantine and retest program because it was felt the cost to Kentucky cattlemen compared to the benefit was no longer effective. This suspension works concurrently with the Kentucky Department of Agriculture's efforts to achieve the status of a brucellosis free state. This suspension, filed pursuant to this emergency regulation, would be immediate and allows the Kentucky Department of Agriculture to further study the cost effectiveness and to comply with the mandate of the State Board of Agriculture. This emergency administrative regulation will not, at this time, be replaced by an ordinary administrative regulation.

BRERETON C. JONES, Governor

ED LOGSDON, Commissioner

GENERAL GOVERNMENT CABINET

Department of Agriculture

Division of Animal Health

302 KAR 20:070E. Stockyards.

RELATES TO: KRS Chapter 257

STATUTORY AUTHORITY: KRS 257.030

EFFECTIVE: April 30, 1993

NECESSITY AND FUNCTION: To designate sanitary requirements, and operational procedures in all stockyards relative to disease control.

Section 1. Operating Sale Requirements. (1) The owner or manager operating a stockyard shall arrange for an accredited, licensed veterinarian approved by the Department of Agriculture to be present in said sales point to carry out the provisions of this regulation.

(a) A licensed, accredited veterinarian seeking approval by the board to be designated official market veterinarian shall make application and state that he (she) will comply with this and all associated regulations relative to the responsibilities of the position.

(b) The official market veterinarian shall be responsible to replace himself with another approved (by the board) veterinarian in the event he finds it necessary to be absent from the market.

(c) The official market veterinarian shall not resign his (her) duties without written notice to the sale company and the state veterinarian's office at least ten (10) days prior to resignation.

(d) The failure or neglect to properly perform any of the responsibilities and duties of the official market veterinarian shall be cause for disapproval and immediate removal from the market.

(2) The person operating a stockyard shall provide separate pens or a yarded division for isolating animals classed as reactors to brucellosis or any communicable disease. Said pens are to be permanently identified as "bangs" pens and the word is to be spelled out on the gates to such pens. The pens shall be constructed so as to facilitate easy cleaning and disinfecting after each use. The pens must have concrete floors and complete walls (no fences or gates to permit contact with adjacent animals). Any watering troughs or feed bunks in the "bangs" pens shall be located so that no other livestock in the market can access them at any time. All reactor animals shall be yarded in the "bangs" pens and shall be sold last. Such animals shall be identified as reactors on the invoices of both the buyer and the seller. The "bangs" pens may not be used at any time for any other than for known brucellosis reactors, or brucellosis suspects going directly to a recognized slaughter establishment. Temporary

"bangs" pens may be used when necessary if prior approval for the use of such pens has been obtained from an agent of the State Board of Agriculture. Temporary pens must be identified as "bangs" pens as provided in this section.

(3) The owner operating a stockyard shall provide adequate space, utilities, hot water and assistance for the accredited, licensed veterinarian to officially carry out the provisions of this regulation. All licensed Kentucky livestock markets shall provide the following requirements for the market's testing laboratory:

(a) Constructed and equipped so as to be maintained at room temperature (normal working temperature) in both summer and winter (i.e., heaters and air conditioners).

(b) Provide a sink with hot and cold running water.

(c) Be equipped with a refrigerator in good working condition.

(d) Be constructed so that the market veterinarian shall have sufficient space and privacy to conduct the required tests and fill out the associated records and forms.

(e) Be constructed so that it can be kept clean easily and locked at all times when not in use.

(f) Contain a work counter and sufficient shelf space, cabinets with locks, and storage space to keep forms, ear tags, etc., as required by the official market veterinarian in carrying out his (her) duties.

(g) The laboratory shall be supplied with adequate artificial light. The electrical wiring must be adequate to carry at a minimum a centrifuge, electrical refrigerator, cooling facility and have at least two (2) additional electrical outlets.

(h) The laboratory must be located so as to be convenient for the veterinarian and the public while conducting his (her) duties as the official market veterinarian.

(4) The owner or operator shall furnish and maintain one (1) or more cattle chutes suitable for restraining animals for inspection of any infectious, contagious or parasitic condition, testing, tagging, branding and other procedures routinely required in providing livestock sanitary services and identification for movement at stockyards.

(5) The owner or operator shall maintain records of the seller and purchaser of all livestock for one (1) year. These records to be made available to Department of Agriculture representatives for inspection upon request during regular business hours.

(6) The owner or operator shall provide adequate facilities and service at a reasonable cost, if not available at or near the yards, for cleaning and disinfecting cars, trucks or other vehicles which have transported to the stockyards animals known to be infected with or exposed to a contagious, infectious, communicable or parasitic disease with a disinfectant approved by the chief livestock sanitary official.

Section 2. General Requirements. (1) All stockyards shall be maintained in a workable and sanitary condition. Stockyards shall be inspected as required by a representative of the board.

(2) After an occurrence of any infectious, contagious, parasitic or communicable disease of livestock in a stockyard, exposed facilities capable of transmitting disease shall be cleaned and disinfected with approved disinfectants in a manner approved by the chief livestock sanitary official.

(3) Livestock found to be infected and showing clinical or diagnostic symptoms of an infectious, contagious, parasitic or communicable disease shall upon recommendation of stockyard veterinarian or authorized representative of the chief livestock sanitary official be quarantined in an isolated portion of the yards for treatment, additional diagnostic laboratory procedures, disposition to slaughter or other disposition pursuant to accepted methods of disease prevention and control.

(4) All livestock originating from a quarantined herd or premises shall be sold under permit for immediate slaughter.

(5) The card test shall be the official test for brucellosis at

stockyards. All animals showing positive reaction must be identified and sold for immediate slaughter, unless quarantined by the state veterinarian or agent of the board for further testing. Indemnity will be paid for reactors disclosed by stockyard test as long as state-federal funds are available.

(6) Upon disclosure of a reactor(s) by the stockyard veterinarian, all female and breeding cattle in the consignment are exposed cattle and must be returned to the farm of origin under quarantine for retesting or sold for slaughter with proper identification. Assembled cattle are considered to be a herd.

(7) Exposed animals and reactor animals will be identified as described in Title 9, CFR, 78.7 and 78.8, herein filed by reference.

(8) Cattle entering the market shall be vaccinated, tested or branded as required in 302 KAR 20:055.

Section 3. Veterinary Compensation. Accredited veterinarians shall receive for any services rendered a fee that has been agreed on by the stockyard operators and the accredited veterinarians. Such fees shall be deducted from the seller's or buyer's check, depending upon conditions of sale and shall be paid to the accredited veterinarian, except for those services reimbursed pursuant to a state-federal cooperative program. Reimbursement for brucellosis vaccinations done at a Kentucky farm pursuant to a state cooperative program may be made under such terms and conditions as the state veterinarian may approve.

Section 4. Veterinary Duties. The stockyard veterinarian shall in cooperation with representative(s) of the department. The market veterinarian must arrive at the market in sufficient time to do all the required testing and inspection prior to the beginning of the sale.

(1) Examine, validate and issue certificates pertinent to the movement of livestock to be sold.

(2) Conduct required test of livestock

(3) Visually inspect all livestock for clinical signs of contagious, infectious diseases.

(4) Obtain blood samples. Aid and assist in conducting of associated laboratory tests. Submit such specimens to state-federal laboratory for confirmation. Such specimens shall be posted by mail or delivered directly to state-federal laboratory.

(5) Compile and present such reports as are routinely required to the chief livestock sanitary official.

(6) Report the presence of any animal showing symptoms suggestive of a "reportable" disease or any other disease that the market veterinarian feels poses the threat of spread of a communicable livestock disease which may warrant the actions of the state veterinarian.

(7) Copies of all forms must be forwarded to the office of the state veterinarian by the official market veterinarian immediately after the sale. All official forms, certificates, or documents and official stamps, shall be kept in the exclusive possession of the market veterinarian and shall be dated and signed by him only at the time they are filled out and issued. Under no circumstances shall any official document be presigned or prestamped by the market veterinarian. The use of any official stamp by persons other than the approved market veterinarian or state livestock inspector or official, or federal employee is expressly prohibited. The approved market veterinarian shall be solely responsible for the unauthorized use or improper issuance of any official document or the use of any official stamp.

(8) The market veterinarian must remain at the market a reasonable length of time to allow buyers to get their livestock approved for release.

(9) The market veterinarian must use separate bleeding needles and syringes for each animal bled. He must follow accepted standards for sterility to prevent the transmission of infectious agents to livestock being tested.

(10) The market veterinarian or the sale company shall not be responsible for the results of any tests that are performed properly or

any reactor animals found in the market. All reactor animals shall revert back to the consignor.

(11) All cattle, excluding steers, returning to a Kentucky farm shall not be removed from Kentucky markets unless accompanied by an official release form signed by the market veterinarian or an agent of the board. All cattle must meet the state of destination's requirements. Movement of Kentucky cattle age eighteen (18) months or older moved from a stockyard back to another farm in Kentucky after purchase at a livestock market or following private purchase: these animals shall [will] be moved under quarantine to the Kentucky premise for a second brucellosis test if found necessary by the department. ~~[Quarantines will be released upon the results of the sixty (60) to 120 day negative serology results and shall be paid for by the purchaser, unless the test is done at a livestock market under first point testing qualifications.]~~ An animal which is under quarantine shall not be commingled with animals in an established herd unless a second negative test found necessary by the department is accomplished ~~[sixty (60) to 120 days after purchase or movement under quarantine is permitted by the state veterinarian].~~

Section 5. Cattle Requirements. (1) Tuberculosis.

(a) Imports. Cattle six (6) months of age or older for dairy and breeding purposes shall be negative to an official tuberculin test within thirty (30) days of date of entry or originate directly and immediately from an accredited herd or eradicated free state.

(b) Cattle classified as suspects or those originating from a quarantined herd shall not be imported.

(c) Reciprocal agreements with adjoining states may be effective in lieu of specific requirements.

(d) Kentucky cattle: no tuberculosis requirements if to a Kentucky destination.

(2) Brucellosis.

(a) All cattle six (6) months of age or older offered for sale at the stockyard for breeding and dairy purposes, shall be negative to an official brucellosis test. The above described cattle can be moved with a complete herd test within thirty (30) days with an approved health certificate.

1. Official vaccinates identified by an official vaccination tattoo and ear tag which are under eighteen (18) months of age. Appearance of permanent "nipper" incisors which are under eighteen (18) months of age (i.e., test required of those cattle with "two (2) teeth").

2. Heavy springers and cows postpartum shall be required to test, regardless of age.

3. Cattle from brucellosis certified free herds may be exempt from testing requirement if in accord with 302 KAR 20:040, Entry into Kentucky.

(b) Back tagged cattle.

1. All mature cattle eighteen (18) months or older, as indicated by the presence of the first pair of permanent incisor teeth, except steers and spayed heifers, consigned to any stockyard, shall be back tagged in a routine manner prescribed by the department.

2. Back tags placed on slaughter cattle shall not be removed at any time or by any person only under specific instructions from the chief livestock sanitary official.

3. Materials for the back tagging program shall be furnished by the department and/or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture.

(c) All breeding, dairy and back tagged cattle requiring testing shall be tested at the first point of assembly or concentration.

(d) All cattle for feeding purposes and grazing shall comply with 302 KAR 20:055, Brucellosis vaccination, testing and branding requirements.

Section 6. Swine Requirements. (1) As prescribed in 302 KAR 20:080

(2) Effective January 1, 1971, all serum requirements for swine moving into or through the State of Kentucky were rescinded.

(3) Breeding swine

(a) All breeding swine six (6) months of age or older shall be negative to an official (approved) blood test for brucellosis and pseudorabies within thirty (30) days prior to date of sale and be accompanied by proof of negative test results, or originate directly and immediately from a validated and qualified herd.

(b) Breeding swine not tested for brucellosis and pseudorabies prior to arrival at stockyards must be consigned directly to slaughter, or may be moved under quarantine to a Kentucky farm with prior approval of the state veterinarian or agent of the state board. However, breeding swine moved under quarantine may not be commingled with a pseudorabies free herd.

(c) Testing of breeding swine at stockyards is prohibited.

(4) Feeder pigs. All feeder pigs must comply with 302 KAR 20:210, Pseudorabies surveillance.

(5) Livestock markets buying stations, and concentration points handling all classes of swine

(a) Swine moving interstate from markets to be in compliance with Title 9, Part 76, CFR, herein filed by reference, including health certification by the accredited veterinarian authorized by the state to furnish such services.

(b) Slaughter swine leaving premises to be consigned only for immediate slaughter to a recognized slaughtering establishment approved for this purpose in accordance with federal and state regulations.

(c) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(d) Markets to provide pens surfaced with impervious material for holding and handling feeder pigs and breeding swine.

(e) Markets to provide satisfactory, well-lighted facilities for inspection and proper restraint.

(f) Clean and disinfect holding and handling pens, alleys and other facilities used in selling swine after use by each lot of swine under procedures specified by state and federal agencies to guard against spread of disease.

(g) Maintain records of origin and destination for all swine entering market and grant federal and state inspectors access to such records. Identification as to farm where farrowed shall be maintained for all feeder pigs and breeding stock and all slaughter swine which may be diverted for purposes other than slaughter. Records shall be maintained for one (1) year.

(h) Feeding and breeding swine must be placed in pens separate and apart from slaughter swine. All swine designated for slaughter must be delivered directly to an approved slaughter establishment with no diversion enroute.

(i) Permit no cull pigs to enter market unless provisions are made to pen such pigs separate and apart from all other swine so contact with healthy swine does not occur. Facilities used by these swine will not be used by other swine until cleaning and disinfecting have been accomplished. Further, cull swine to be permanently identified by an ear tag in the right ear, quarantined to the purchaser, and released from said quarantine by consignment to slaughter only. A cull pig is defined as one which does not pass veterinary inspection for health.

(j) Permit no garbage fed swine to enter market unless provisions are made to handle and pen such swine separate and apart from all other swine to avoid contact with other marketable swine.

(k) Permit no swine to be moved into or from the market unless a state or federal inspector releases such swine.

(l) Require all buyers of swine to determine the purpose of their movement. If for slaughter and there is any reason to believe the swine might be diverted (underweight swine, thin sows, etc.) the inspector may require that such swine be identified by ear tag and consigned to slaughter on a special permit. Further, any swine with which these swine mingle shall cause the entire lot to be ineligible for movement except to slaughter.

(m) Permit no feeder pigs or breeding swine to remain in the market more than seventy-two (72) hours.

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(n) No feeding or breeding swine are to be allowed in any market for resale within thirty (30) days from prior sale date.

(6) Livestock markets, buying stations and concentration points handling slaughter swine only.

(a) Swine moving interstate to be in compliance with Title 9, Part 76, CFR, herein filed by reference, and applicable state regulations.

(b) Accept swine only for slaughter and to permit no swine to leave market except for slaughter only.

(c) Markets to maintain well-constructed pens and swine-handling facilities that are clean and in good repair.

(d) Maintain records of origin and destination for all swine entering market and grant federal and state inspectors access to such records. Records shall be maintained one (1) year.

(e) Isolate all swine suspected of being affected with or exposed to infectious disease, promptly notify the state or federal agency, and hold such swine in isolation pending instructions on disposition.

(f) Clean and disinfect holding and handling pens, alleys, and other facilities used in selling swine under procedures specified by state and federal agencies to guard against spread of disease.

Section 7. Sheep and Goat Requirements. (1) As prescribed in 302 KAR 20:040.

(2) Before the beginning of a sale all sheep and goats to be sold for breeding purposes that are free from evidence of infectious, contagious or parasitic disease shall be separated from all other sheep and goats in a part of the yard provided for this purpose.

(3) All sheep and goats that as individuals or any part of an assembled group show evidence of any infectious, contagious, communicable or parasitic disease must be sold for immediate slaughter or otherwise disposed of under permit issued by the chief livestock sanitary official.

(4) Goats for dairy or breeding purposes if free from evidences of any infectious, contagious, or parasitic disease shall originate directly and immediately from a brucellosis certified free herd or if six (6) months of age or over be negative to an official brucellosis test within thirty (30) days of date of sale.

ED LOGSDON, Commissioner

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: April 30, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on Monday, June 22, 1993 at 9 a.m. at the Department of Agriculture, 7th Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 17, 1993, 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 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: Donna Greenwell Dutton, General Counsel, Department of Agriculture, Capital Plaza Tower, 7th Floor 500, Mero Street, Frankfort, Kentucky 40601, (502) 564-4696.

REGULATORY IMPACT ANALYSIS

Contact person: D. L. Notter, DVM

(1) Type and number of entities affected: All herd owners in Kentucky

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

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon completion): N/A

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body: Employees no longer required to conduct 60 day retest and 120 day retest.

(a) Direct and indirect costs or savings: No direct savings but employees will no longer spend time doing retest.

1. First year: Same as above.

2. Continuing costs or savings: Vary from year to year based on number of infected herds.

3. Additional factors increasing or decreasing costs: Same as above.

(b) Reporting and paperwork requirements: Reporting and paperwork involved with retest no longer necessary.

(3) Assessment of anticipated effect on state and local revenues: No direct effect but department employees will no longer spend time doing retest.

(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: N/A

(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

Was tiering applied? No. This administrative regulation treats all members of a class the same.

STATEMENT OF EMERGENCY

307 KAR 2:010E

In order to fully implement the newly enacted legislation creating and governing the Kentucky Jobs Development Authority, this regulation needs to be adopted since it provides the applicable standards in respect of the authority's tax incentive program. In order for interested companies to pursue this program immediately, the result of which is the creation of much-needed jobs in the Commonwealth of Kentucky, these standards need to be in place. Since there are companies presently applying for these benefits, ordinary regulations are insufficient. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on April 14, 1993.

BRERETON C. JONES, Governor
W. PATRICK MULLOY, II, Chairman

CABINET FOR ECONOMIC DEVELOPMENT Kentucky Jobs Development Authority

307 KAR 2:010E. General operations.

RELATES TO: KRS 154.24-010 through 154.24-160

STATUTORY AUTHORITY: KRS 154.24-040(7)

EFFECTIVE: April 15, 1993

NECESSITY AND FUNCTION: This administrative regulation is necessary to set out the application process, hearing procedure and project selection criteria for the Kentucky Jobs Development Authority Tax Credit Incentive Program established pursuant to KRS 154.24-010 through 154.24-160.

Section 1. Definitions. (1) "Act" means KRS 154.24-010 through KRS 154.24-160.

(2) "Approved company" is defined in KRS 154.24-010.

(3) "Assessment" is defined in KRS 154.24-010.

(4) "Authority" is defined in KRS 154.24-010

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(5) "Commonwealth" is defined in KRS 154.24-010.

(6) "Economic development project" is defined in KRS 154.24-010.

(7) "Eligible company" means a company defined in KRS 154.24-010 which meets the requirements of this administrative regulation.

(8) "Full-time job" means a job for which an employee works, and is paid for, a minimum of thirty (30) hours per calendar week.

(9) "Inducements" is defined in KRS 154.24-010.

(10) "KRS" means the Kentucky Revised Statutes, as they may be amended from time to time.

(11) "Rent" is defined in KRS 154.24-010.

(12) "Service or technology" is defined in KRS 154.24-010.

Section 2. Service or Technology; Excluded Classifications. (1) "Service or technology" defined in KRS 154.24-010 shall not include the following classifications listed by division in the index of the "Standard Industrial Classification Manual" published by the United States Office of Management and Budget and incorporated by reference in Section 7 of this administrative regulation:

(a) Division A. Agriculture, forestry, and fishing;

(b) Division B. Mining;

(c) Division C. Construction; and

(d) Division D. Manufacturing.

(2) Notwithstanding classifications excluded by subsection (1) of this section, those service and technology activities of a company engaged in an ineligible activity may be approved for the Kentucky Jobs Development Authority Tax Credit Incentive Program if the company's service and technology activity:

(a) Complies with the requirements of this administrative regulation;

(b) Operates as a separate division; and

(c) Is approved by the authority.

Section 3. Kentucky Jobs Development Authority Tax Credit Incentive Program. (1) Companies wishing to participate in the Kentucky Jobs Development Authority Tax Credit Incentive Program shall file an application with the authority which shall contain:

(a) Documentation and certification required pursuant to KRS 154.24-090(1). This documentation shall address the annual gross revenues directly generated from the economic development project. In the case of those economic development projects which for purposes of the approved company and in accordance with generally accepted accounting principles do not generate revenues, such documentation shall address the annual gross revenues generated by the entity for which the services from the economic development project are provided;

(b) Information required pursuant to KRS 154.24-090(2) and (3).

(c) A list of the competitors of the applicant in the Commonwealth;

(d) A detailed explanation setting forth the reasons why the economic development project will not result in a significant number of existing jobs in the Commonwealth being lost or adversely affected; and

(e) Evidence that the economic development project could reasonably and efficiently locate outside of the Commonwealth and, without the inducements offered by the authority, the applicant would likely locate outside the Commonwealth.

(2) Pursuant to KRS 154.24-100 the authority may preliminarily approve eligible companies after consideration of the application for the Kentucky Jobs Development Authority Tax Credit Incentive Program if it determines the company meets all the requirements of the Act and this administrative regulation.

Section 4. Hearing Procedure. (1) The authority shall hold at least one (1) public hearing and receive public comment on the:

(a) Preliminary action taken by the authority pursuant to KRS 154.24-100(3); and

(b) Information supplied to the authority pursuant to Section 3(1)

of this administrative regulation.

(2) The hearing shall be held in Frankfort and notice of the hearing shall include the date, time and precise location, including street address, where the hearing shall be held.

(3) The public shall be afforded the opportunity to present evidence and comment on the application at the public hearing.

(4) Public hearings shall be conducted informally to allow reasonable commentary on the application.

(5) Public hearings shall be tape recorded by the authority and copies made available to the public at a cost which shall not exceed the expense of making the copy.

(6) The hearing agent shall summarize the comments offered at the public hearing and shall submit the summary to the authority for its consideration of whether to designate the eligible company as an approved company.

(a) The hearing agent shall not express an opinion about whether the eligible company should be designated by the authority as an approved company.

(b) Two (2) copies of the report of the hearing agency shall be completed and provided to the authority at least ten (10) days prior to its meeting set to consider designating the eligible company as an approved company.

Section 5. Consent of Authority under KRS 154.24-120. Before any service and technology agreement as prescribed in KRS 154.24-120 shall become effective, the legislative body of the local jurisdiction, if required, shall have approved by official action, with the consent of the authority, the granting to an eligible company of the right to withhold assessments from its employees, or in lieu of a credit against the local occupational license fee, the provision of:

(1) A service benefit, on a per annum basis for the term of the service and technology agreement (and so long as assessments are to be withheld), equal to one (1) percent of the wages of the employees which otherwise would have been subject to the local occupational license fee; or

(2) An in-kind contribution equal to one-half (1/2) of the rent of the eligible company.

Section 6. Service and Technology Agreement Contents. In addition to the information required pursuant to KRS 154.24-120 the service and technology agreement shall provide for:

(1) Annual, quarterly or monthly progress reports to the authority;

(2) Annual, quarterly or monthly certifications as to compliance with KRS 154.24-090(1), 154.24-120(2)(b) and 154.24-140(4);

(3) Annual certifications as to rental payments referred to in KRS 154.24-130(2);

(4) Annual, quarterly or monthly financial reports to the authority; and

(5) Access to the approved company's records.

Section 7. Incorporation by Reference. (1) The "Application for the Kentucky Jobs Development Authority Tax Credit Incentive Program" (March 1993) and the "Standard Industrial Classification Manual" (1987 ed.) from the United States Office of Management and Budget are incorporated by reference.

(2) Copies of the "Application" and the "Manual" may be inspected, copied or obtained at the offices of the Cabinet for Economic Development, 24th Floor, Capital Plaza Tower, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m., Monday through Friday.

W. PATRICK MULLOY, II, Chairman

APPROVED BY AGENCY: February 16, 1993

FILED WITH LRC: April 15, 1993

ADMINISTRATIVE REGISTER - 2609

STATEMENT OF EMERGENCY 307 KAR 3:010E

In order to fully implement the newly enacted legislation creating and governing the Kentucky Industrial Revitalization Authority, this administrative regulation needs to be adopted since it provides the applicable standards in respect of the authority's tax incentive program. In order for interested companies to pursue this program immediately, the result of which is the revitalization of existing manufacturing facilities in the Commonwealth of Kentucky, these standards need to be in place. Since there are companies presently applying for these benefits, ordinary administrative regulations are insufficient. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on April 14, 1993.

BRERETON C. JONES, Governor
W. PATRICK MULLOY, II, Chairman

CABINET FOR ECONOMIC DEVELOPMENT Kentucky Industrial Revitalization Authority

307 KAR 3:010E. General operations.

RELATES TO: KRS 154.26-010 through 154.26-100
STATUTORY AUTHORITY: KRS 154.26-030(5)
EFFECTIVE: April 15, 1993

NECESSITY AND FUNCTION: This administrative regulation is necessary to set out the application process, hearing procedure and project selection criteria for the Kentucky Industrial Revitalization Authority Tax Credit Incentive program established pursuant to KRS 154.26-010 through 154.26-100.

Section 1. Definitions. (1) "Act" means KRS 154.26-010 through 154.26-100.

- (2) "Approved company" is defined in KRS 154.26-010.
- (3) "Authority" is defined in KRS 154.26-010.
- (4) "Commonwealth" is defined in KRS 154.26-010.
- (5) "Economic revitalization project" is defined in KRS 154.26-010.
- (6) "Eligible company" is defined in KRS 154.26-010.
- (7) "Inducements" is defined in KRS 154.26-010.
- (8) "Manufacturing" is defined in KRS 154.26-010.

Section 2. Eligibility Standards. (1) The authority shall approve eligible companies based upon the:

- (a) Information supplied to the authority in the application, pursuant to Section 3(2)(a) through (f) of this administrative regulation; and
 - (b) Comments received at the public hearing pursuant to Section 4(1)(a) through (f) of this administrative regulation.
- (2) In determining whether to approve an eligible company for the Kentucky Industrial Revitalization Authority Tax Credit Incentive Program the authority shall give greatest weight to the:
- (a) Information supplied in the application pursuant to Section 3(2)(a) through (c) of this administrative regulation; and
 - (b) Comments received at the public hearing pursuant to Section 4(1)(a) through (c) of this administrative regulation.

Section 3. Kentucky Industrial Revitalization Authority Tax Credit Incentive Program. (1) Companies that wish to participate in the Kentucky Industrial Revitalization Authority Tax Credit Incentive Program shall file an application with the authority.

(2) The application shall contain the following information:

- (a) The eligible company's need for the economic revitalization project and the reasons for the intent of the eligible company to close

its manufacturing facility;

(b) The projected amount and timing of capital investment of the eligible company in the economic revitalization project that will result in financial stability for the manufacturing facility of the eligible company;

(c) The projected number of employees to be retained and to be hired in the future at the manufacturing facility of the eligible company over a five (5) year period from the commencement date of the revitalization agreement and as a result of the receipt of the inducements;

(d) Evidence that except for a substantial investment in the economic revitalization project, assisted by the inducements authorized by the Act, the eligible company will close its manufacturing facility, permanently lay off its employees and cease operations;

(e) A description of the condition of the manufacturing facility and of the eligible company's finances, efficiency and productivity; and

(f) A list of alternatives to closing the manufacturing facility available to the eligible company.

Section 4. Hearing Procedure. (1) The authority shall appoint a hearing agent and hold at least one (1) public hearing to solicit public comments regarding the:

(a) Need for the economic revitalization project by the eligible company and the reasons for the closing of the eligible company's manufacturing facility as required by Section 3(2)(a) of this administrative regulation;

(b) Amount and timing of capital investment in the economic revitalization project that will result in financial stability for the manufacturing facility, as required by Section 3(2)(b) of this administrative regulation;

(c) Projected number of employees to be retained and to be hired in the future at the manufacturing facility of the eligible company, as required by Section 3(2)(c) of this administrative regulation;

(d) Likelihood of the applicant closing its manufacturing facility, permanently laying off its employees and ceasing operations in the event no inducements are offered by the authority, as required by Section 3(2)(d) of this administrative regulation;

(e) Condition of the manufacturing facility of the eligible company, as required by Section 3(2)(e) of this administrative regulation; and

(f) Alternatives to closing the manufacturing facility of the eligible company, as required by Section 3(2)(f) of this administrative regulation.

(2) The hearing shall be held in Frankfort and notice of the hearing shall:

- (a) Be given pursuant to KRS 424.130; and
- (b) Include the date, time and precise location, including street address, where the hearing shall be held.

(3) The public shall be afforded the opportunity to present evidence and comment on the application at the public hearing.

(4) Public hearings shall be conducted informally to allow reasonable commentary on the application.

(5) Public hearings shall be tape recorded by the authority and copies made available to the public at a cost which shall not exceed the expense of providing the copy.

(6) The hearing agent shall summarize the comments offered at the public hearing and shall submit the summary to the authority for its consideration of whether to designate the eligible company as an approved company.

(a) The hearing agent shall not express an opinion about whether the eligible company should be designated by the authority as an approved company.

(b) Two (2) copies of the report of the hearing agent shall be completed and provided to the authority at least ten (10) days prior to its meeting set to consider designating the eligible company as an approved company.

Section 5. Revitalization Agreement Contents. In addition to the

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information required pursuant to KRS 154.26-090, the revitalization agreement shall provide for:

- (1) Annual, quarterly or monthly progress reports to the authority;
 - (2) Annual, quarterly or monthly financial reports to the authority;
- and
- (3) Access to the approved company's records.

Section 6. Incorporation by Reference. (1) The "Application for the Kentucky Industrial Revitalization Authority Tax Credit Incentive Program" (March 1993) is incorporated by reference.

(2) Copies of the application may be inspected, copied or obtained at the offices of the Cabinet for Economic Development, 24th Floor, Capital Plaza Tower, Frankfort, Kentucky, between 8 a.m. and 4:30 p.m., Monday through Friday.

W. PATRICK MULLOY, II, Chairman

APPROVED BY AGENCY: March 16, 1993

FILED WITH LRC: April 15, 1993 at 4 p.m.

ADMINISTRATIVE REGULATIONS AMENDED BY PROMULGATING AGENCY AND SUBCOMMITTEE

COMPILER'S NOTE: the following administrative regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee at its May 3, 1993 meeting unless otherwise noted.

**OFFICE OF THE GOVERNOR
Executive Branch Ethics Commission
(As Amended)**

9 KAR 1:010. Statement of financial disclosure.

RELATES TO: KRS 11A.050

STATUTORY AUTHORITY: KRS 11A.050(2), (3), 11A.110(3), (4)
[11A.010(7), (9)(a)-(i), 11A.050]

NECESSITY AND FUNCTION: KRS 11A.050 mandates that each officer as defined in KRS 11A.010(7) and public servant as listed in KRS 11A.010(9)(a)-(i) file a statement of financial disclosure with the commission.

Section 1. The "Statement of Financial Disclosure" form is incorporated by reference.

Section 2. Those required to file are officers as defined in KRS 11A.010(7) [including major management personnel with procurement authority over \$1,000] and public servants as listed in KRS 11A.010(9)(a)-(i).

Section 3. The "Statement of Financial Disclosure (011493)" may be inspected, copied, or obtained from the Executive Branch Ethics Commission, Room 136, State Capitol, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday.

LIVINGSTON TAYLOR, Chairman

APPROVED BY AGENCY: March 5, 1993

FILED WITH LRC: March 9, 1993 at 9 a.m.

**OFFICE OF THE GOVERNOR
Executive Branch Ethics Commission
(As Amended)**

9 KAR 1:020. Complaints.

RELATES TO: KRS 11A.080

STATUTORY AUTHORITY: KRS 11A.080

NECESSITY AND FUNCTION: KRS 11A.080 establishes procedures relating to review and resolution of complaints. This administrative regulation implements KRS 11A.080 by establishing requirements and methods which are not set forth in KRS Chapter 11A.

Section 1. (1) A complaint shall state:

(a) The full name and address of:

1. The complainant;

2. Complainant's attorney, if an attorney has been retained; and

3. The names of persons alleged to have violated KRS Chapter 11A. [If known, the person against whom the complaint is made.]

(b) In sufficient detail, the action that is the basis of the complaint; and

(c) If known, the statute alleged to have been violated.

(2) A complaint shall be signed by the complainant or complain-

ant's attorney under penalty of perjury.

~~[(3) A complaint shall contain sufficient information to inform the commission of the details of the alleged violation.]~~

Section 2. Within sixty (60) days of initiating a preliminary inquiry into the complaint, the commission shall forward a copy of the complaint to any person alleged to have committed a violation, and no later than twenty (20) days after being notified of a complaint, a person against whom a complaint is filed shall:

(1) File with the commission a written response to the complaint; and

(2) Serve a copy of the response on the complainant.

LIVINGSTON TAYLOR, Chairman

APPROVED BY AGENCY: March 5, 1993

FILED WITH LRC: March 9, 1993 at 9 a.m.

**FINANCE AND ADMINISTRATION CABINET
Department of Information Systems
Kentucky Information Systems Commission
(As Amended)**

14 KAR 1:010. Statewide strategic plan for information processing.

RELATES TO: KRS 61.940, 61.945, 61.950, 61.955, 61.957

STATUTORY AUTHORITY: KRS 45.750, 61.945, 61.950

NECESSITY AND FUNCTION: KRS 61.940 and 61.955 establish the [designates an] Information Systems Commission and the Communications Advisory Council to the Kentucky Information Systems Commission to develop and implement plans for the effective and efficient use of computers, telecommunication, and information management [and related] systems in state government. KRS 61.945 makes the Kentucky Information Systems Commission responsible for the coordination of strategic planning for computerized information systems. KRS 61.955 makes the Communications Advisory Council responsible for the development and coordination of statewide communication plans for the efficient use of communications technology within state government. KRS 61.950 requires the commission to formulate a statewide information resources management [electronic data processing] plan and authorizes the commission to promulgate regulations to that end. This regulation establishes procedures to be followed in the formulation of a statewide information resources management [electronic data processing] plan for state government. As authorized by KRS 45.750, the amendments to this regulation also define the terms "computer or telecommunications system" for the purpose of determining capital project status under KRS 45.750 to 45.810 and also reflect the extension of the commission's planning process to all forms of communications and to institutions of higher education. These amendments also change the dates associated with submission and review of plans to better coincide with the schedules of the Capital Planning Advisory Board and the biennial budget process and make other changes to bring the regulations into compliance with the provisions of KRS Chapter 13A.

Section 1. [2-] Definitions. (1) "Agency" means all constitutional officers, departments, boards, councils, commissions, independent offices, institutions of higher education and other organizations [exclusive of the universities] within the three (3) branches of government [and the constitutional offices].

(2) "Application" means a [total,] discrete automated process, consisting of interrelated computer software and communications pro-

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grams that are designed to fulfill specific information management needs. [~~that perform the informational requirement of an agency.~~]

~~[(3) "Automated informational need" means an informational requirement of an agency that is needed to accomplish an essential function and can be produced most effectively and economically through the use of electronic information processing equipment. For the purpose of this regulation, an automated informational need also includes instruction, research, production, and control process requirements that are dependent upon the use of electronic information processing equipment.]~~

~~[(3) [(4)] "Chairman" means the chairman of the Kentucky Information Systems Commission.~~

~~[(4) [(5)] "Commission" means the Kentucky Information Systems Commission [as created by KRS 61.945].~~

~~[(5) [(6)] "Communication costs" or "telecommunication costs" means the costs of data, voice, video, or radio transmission and associated telecommunications hardware, including modems, switches, bridges and routers, [circuits (dedicated lines and dial up lines) and modems or digital service units.]~~

~~[(6) "Computer or telecommunications system" means a related group of computer or telecommunications hardware which contains:~~

~~(a) A minimal functional configuration, plus;~~

~~(b) Peripheral devices;~~

~~(c) Communications connections and wiring equipment necessary to enable the interpretability of the system components; and~~

~~(d) Workstations.~~

~~[(7) "DIS" means the Division of Information Systems.~~

~~[(8) "First year" means the first fiscal year of the fiscal biennium.]~~

~~[(7) [(9)] "Information processing hardware" means information technology equipment designed for the automated storage, manipulation, transmission, reception and retrieval of [of] data by electronic means, [or mechanical means,] or both, and to include: [includes, but is not limited to:]~~

~~(a) [Central Processors, including mainframe, miniprocessors and microprocessors;~~

~~(b) Auxiliary or peripheral equipment including, but not limited to [such as] data storage devices, data input devices, or data output [out] [put] devices;~~

~~(c) [Data transmission or data] Communications equipment;~~

~~(d) Word processors whether supported by a computer or self-standing (electronic office machines with removable storage and/or fixed storage capacity upgradable beyond 3000 characters); and~~

~~(e) Automatic typewriters if supported by a computer (electronic office machines with no removable storage and a maximum fixed storage capacity of 3000 characters or less).~~

~~[(8) "Information resources" means the equipment, software and related services that are secured and maintained by an agency to manage information including the actual information.~~

~~[(10) "Information processing resources" means information processing hardware, software and services, supplies, personnel, facility resources, maintenance, training, or other related resources necessary to fulfill an automated informational need.~~

~~[(11) "Information processing software" means the programs and routines used to employ and control the capabilities of information processing hardware, including, but not limited to:~~

~~(a) Operating systems;~~

~~(b) Compilers;~~

~~(c) Assemblers;~~

~~(d) Utilities;~~

~~(e) Library routines;~~

~~(f) Maintenance routines;~~

~~(g) Applications; and~~

~~(h) Computer networking programs.]~~

~~[(9) [(12)] "Information resources plan" means a plan which presents an agency's automated informational needs for at least [each of] two (2) years, and an estimate of information processing~~

resources and funds which are necessary to support those needs.

~~[(10) [(13)] "Manager" means the information resource manager appointed by each agency.~~

~~[(11) "Minimum functional configuration" means a configuration comprised of computer or telecommunications hardware to include:~~

~~(a) A main central processing unit (CPU) with minimum amount of internal memory in a minimum amount of hard disk storage;~~

~~(b) A system console composed of a monitor and keyboard;~~

~~(c) An external media device through which software can be loaded into the system, including, but not limited to a diskette drive or tape drive; and~~

~~(d) Any controllers and cabling necessary to connect and enable the components listed in this subsection.~~

~~[(12) [(14)] "Personnel costs" means the cost of personnel salaries, [t] including any step increases [t] and fringe benefits.~~

~~[(15) "Second year" means the second fiscal year of the fiscal biennium.]~~

~~[(13) [(16)] "Statewide strategic plan" or "long-range statewide strategic plan" means a document, updated biennially, that:~~

~~(a) Examines the information systems and communication needs of state government;~~

~~(b) [current automated informational needs and information processing resources in state government.] Recommends ways in which information and technology resources can be used to address those needs;~~

~~(c) Recommends priorities, funding mechanisms and policies to support acquisition and maintenance of those resources over time; and~~

~~(d) Establishes direction for future information resource development. [information processing hardware and software to support the individual mission of agencies, and establishes guidelines for future information systems development.]~~

Section 2. [1-] Applicability. This regulation provides for participation by all agencies within the three (3) branches of state government and the constitutional offices of state government, [with the exception of the universities,] in the formulation of a long-range statewide information resources plan [electronic data processing plan] to be developed, published and monitored by the Kentucky Information Systems Commission. While each agency has primary responsibility for the management, planning and operation of its information resources, the commission has the responsibility to ensure that the information resource needs of the Commonwealth are considered along with, and not made subordinate to, the needs of an individual agency.

Section 3. Commission Responsibility. The commission shall determine the [statewide] information resource [processing] needs of state government based upon:

~~(1) The [automated informational needs of the agencies reported in] agency information resources plans;~~

~~(2) The priorities of the governor and the legislature; and~~

~~(3) The recommendations received from organizations and constituencies represented on the commission membership, [and shall design, implement and perpetuate a long-range statewide strategic plan for information processing.]~~

Section 4. Agencies to Submit Information Resources Plan. Each agency shall submit to the commission a plan which describes the ways in which the agency will deploy information resources to support the programmatic agenda and administrative functions of the organization [that addresses the projected automated informational needs of the agency] for the two (2) upcoming fiscal biennia [biennium], in a format prescribed by the commission, no later than April 15 [July 1] of the second year of the current fiscal biennium. The plan shall include at a minimum:

(1) The strategic objectives of the agency relating to information

~~[processing]~~ resources ~~[for the upcoming fiscal biennium]~~;

(2) The existing information ~~[processing]~~ resources within the agency and the costs associated with the use of these resources;

(3) A brief description of how the existing resources are used to meet the duties and functions of the agency;

(4) A brief description of the methodology used to evaluate both the efficiency of resource utilization and the impact of those resources;

(5)(a) The proposed information ~~[processing]~~ resource projects, acquisitions, and conversions or enhancements for the upcoming fiscal biennial ~~[biennium]~~;

(b) The anticipated results to be achieved by these projects, acquisitions, and conversions; and

(c) The measurable benefits to be derived from same;

(6) The personnel, ~~[information processing]~~ hardware, software and services, facility resources, and other related equipment, services or resources which shall ~~[will]~~ be necessary to meet the project~~ed~~ ~~automated informational needs~~ of the agency together with the estimated cost of the resources described;

(7) ~~[Alternative information processing resources that would meet the needs of the agency, together with the estimated cost of each alternative];~~

(8) A general description of the existing physical and data security programs and future plans for assuring the security and integrity of data and information processing resources;

(8) ~~[(9)]~~ A ~~[general]~~ description of the anticipated growth of information resources ~~[automated informational]~~ needs within the agency the four ~~(4)~~ ~~two (2)]~~ years immediately following the two (2) fiscal years included in the plan, including the strategy the agency will employ to manage that growth;

(9) ~~[(10)]~~ A brief statement on how proposed ~~[automation]~~ plans will impact the overall records keeping and processing systems (manual as well as automated) of the agency, to be produced in cooperation with the agency's records officer; and

(10) ~~[(11)]~~ Other planning components that the commission may prescribe by administrative regulation.

~~[The agency may submit additional information as it feels necessary to completely present its plan.]~~

Section 5. Statewide Strategic Plan Development. ~~[Pursuant to its responsibility.]~~ The commission shall:

(1) ~~[In consultation with DIS.]~~ Develop and publish instructions and guidelines no later than November 15 ~~[April 15]~~ of every first year of the fiscal biennium, that describe the planning components, specify format, and specify the criteria upon which agency information resources plans shall ~~[will]~~ be evaluated. **These instructions and guidelines shall be published in the "Commonwealth of Kentucky Biennial Information Resources Planning Guidelines and Instructions for Plan Development".** At a minimum, the criteria shall include:

(a) The technical feasibility of the plan;

(b) The cost estimates provided for each resource and the methodology employed by the agency to determine ~~the~~ ~~[such]~~ cost;

(c) The measurable benefits to be derived by the agency and the Commonwealth as a whole;

(d) The extent to which the plan complies with the stated direction of the Commonwealth's Statewide Strategic Plan for Information Resources ~~[Processing]~~.

(2) ~~[In consultation with DIS.]~~ Review and approve or disapprove each agency plan no later than July 1 ~~[September 1]~~ of every second year of the fiscal biennium. Upon final action ~~[approval]~~, the commission shall forward copies of the plan with recommendations to the Legislative Research Commission and to the Governor's Office for Policy and Management ~~[DIS]~~. Upon disapproval, the basis for disapproval shall be presented to the information resources manager of the agency in writing. ~~[The manager shall have fifteen (15) days to resolve the problem. If resolution is not possible within fifteen (15)~~

~~days, the manager shall notify the commission in writing of the reasons why the agency is unable to resolve the identified problems.]~~ The commission may reevaluate the plan or work with the agency to resolve the problem at its discretion;

(3) ~~[In consultation with DIS.]~~ Review and approve or disapprove changes in or supplements to the plans as they are presented by the agencies;

(4) Identify and assess opportunities for multiagency development and use of information resources and, ~~[when deemed appropriate by the commission,]~~ require agencies to include these opportunities as alternatives in their plans, **if the commission determines that these opportunities will result in financial savings to the Commonwealth, or in improved services.** Those opportunities for shared development and use of information resources shall include~~[-but shall not be limited to the following areas]~~: common data bases, networking, security and disaster recovery. Opportunities for multiagency development and use of information resources shall be reported to the Legislative Research Commission in a format prescribed by the chairman.

Section 6. Supplements or Amendments ~~[Changes]~~ to Agency Information Resource Plans. An agency may, at any time, submit to the commission for approval supplements or amendments ~~[changes]~~ to an information resources plan. The reasons for these ~~[such]~~ supplements or amendments shall ~~[changes must]~~ be adequately explained ~~[and should reflect one (1) of the following conditions:~~

(1) A change in the duties or functions of the agency;

(2) A response to technological advancements; or

(3) A reassessment of the appropriateness of specific information resources cited in the plan.

Upon approval of the plan supplement or change, the commission shall forward copies to the Legislative Research Commission and to DIS. An amendment ~~[change]~~ to the current plan should identify the paragraphs, subparagraphs and appendices that are being amended. If the amendment ~~[change]~~ is extensive, an entire revised plan shall ~~[should]~~ be submitted. Amendments ~~[Changes]~~ or supplements to the plan shall ~~[must]~~ be signed as approved by agency heads or their designees. The commission may delegate to the chairman authority to certify resources as being a part of approved information resources plans, or approved amendments ~~[supplements or changes]~~ to those plans. The commission shall take action on each amendment, and shall document and file its action with the amendment as part of the official plan record.

Section 7. Statewide Strategic Plan and Budget Process. Beginning with the biennial budget cycle for the 1988-90 biennium, the statewide strategic plan shall be developed to assist the heads of the constitutional offices, the executive, judicial and legislative branches, and the General Assembly in preparation and enactment of the biennial budget. To this end, copies of the statewide strategic plan shall be provided by the commission to the heads of the constitutional offices, the heads of the respective branches, the heads of the respective branch budget offices, and to the Legislative Research Commission before November 15, of each second year of the fiscal biennium.

Section 8. Information Resources Manager. Each agency head, or designee, shall serve as the information resource manager and shall:

(1) Be responsible for preparation of the agency information resources plan;

(2) Act as liaison with the commission; and

(3) Possess a thorough knowledge of all aspects of the agency's information resources plan ~~[and be able to provide specific reference indicating where an information resource is provided for in an approved plan or supplement].~~

ADMINISTRATIVE REGISTER - 2614

Section 9. Capital Project. A procurement of a computer or telecommunications system shall be a capital project for purposes of KRS 45.760 to 45.810, if it meets at least one (1) of the following criteria:

(1) The unit price for the procurement of any computer or telecommunications hardware exceed the sum of \$100,000;

(2) The total cost of a minimum functional configuration of computer or telecommunications hardware exceeds \$100,000;

(3) The total cost of procuring a computer or telecommunications system exceeds \$200,000.

Section 10. (1) The "Commonwealth of Kentucky Biennial Information Resources Planning Guidelines and Instructions for Plan Development (November 6, 1992)" are incorporated into this administrative regulation by reference.

(2) This publication may be inspected, obtained, or copied at the Department of Information Systems, Finance and Administration Cabinet, 101 Cold Harbor Drive, between the hours of 8 a.m. to 4:30 p.m., Monday through Friday.

DONALD R. SPEER, Chairman

APPROVED BY AGENCY: February 12, 1993

FILED WITH LRC: February 12, 1993 at 11 a.m.

FINANCE AND ADMINISTRATION CABINET Department for Facilities Management (As Amended)

200 KAR 6:045. Control of smoking in state-owned buildings and leased space occupied by executive branch agencies.

RELATES TO: KRS 56.463

STATUTORY AUTHORITY: KRS 56.463(4), (8)

NECESSITY AND FUNCTION: KRS 56.463(4) vests in the Finance and Administration Cabinet the power to control the use of any real property owned or otherwise held by the Commonwealth of Kentucky, or any state agency. KRS 56.463(8) authorizes the Finance and Administration Cabinet to adopt administrative regulations necessary to govern, among other things, the control of property to which KRS 56.463 is applicable. This administrative regulation provides for the control of cigars, cigarette, and pipe smoking by employees or visitors to state-owned or otherwise held real property under the control of the executive branch of Kentucky state government. The purpose of this administrative regulation is to accommodate the needs of nonsmokers and smokers and, to the extent feasible, provide a designated smoking area in each building.

Section 1. Smoking of cigars, cigarettes, and pipes by employees and visitors shall be permitted in state-owned buildings or leased space, occupied by executive branch agencies, only in areas that are designated as smoking areas.

Section 2. (1) Subject to the provisions of [guidelines contained in] Section 3 of this administrative regulation, the designation [identification] of [appropriate] smoking and nonsmoking areas shall be the responsibility of agency heads in central offices and [by] office heads in field offices.

(2) Employee suggestions and complaints shall be considered in designating smoking and nonsmoking areas.

(3) Smoking [and nonsmoking] areas shall be designated by signs prominently displayed in these areas [appropriate signage as determined by the Finance and Administration Cabinet].

Section 3. (1) Except as provided by the provisions of this section, the following areas shall not be designated as smoking areas:

(a) Employee work station or cubicles;

(b) Elevators;

(c) Hallways;

(d) Stairwells;

(e) Supply Rooms;

(f) Restrooms;

(g) Conference rooms;

(h) Reception areas;

(i) Computer rooms;

(j) Libraries;

(k) Patient care areas;

(l) Training rooms;

(m) Classrooms;

(n) Building lobbies;

(o) Other areas that are used by all employees or visitors.

(2) Enclosed stairwells, restrooms, and portions of building lobbies, may be designated as smoking areas, only upon approval of the Secretary of Finance and Administration Cabinet or his designee of a written request from an agency head in the central or field offices. The request shall show that due to space limitation, a designated smoking area in a building cannot be accommodated unless one (1) of these areas are designated as a smoking area. [Except as provided in this section, in designating smoking and nonsmoking areas, agency and office heads shall not, unless special circumstances exist, designate as a smoking area, employee work stations/cubicles, elevators, hallways, stairwells, supply rooms, restrooms, conference rooms, reception areas, computer rooms, libraries, patient care areas, training rooms, and other areas of state-owned facilities or leased space occupied by executive branch agencies, which are used by all employees or visitors.]

(3) [(2)] A private office may be designated as a smoking area if devices designed to remove secondary smoke are installed, and smoking does not occur when nonsmokers are present.

(4) [(3)] Smoking shall only be permitted in a public area of a state facility which has been specifically designated and appropriately marked as a smoking area.

(5) [(4)] If there is space available for two (2) break rooms, one (1) may be designated for smoking and the other designated for nonsmoking.

(6) [(5)] Separate smoking and nonsmoking areas shall be designated in state-owned or operated dining facilities, such as [including] the State Office Building, Cabinet for Human Resources Building, and Capitol Annex Building cafeterias, and state resort park dining rooms.

Section 4. No executive branch employee shall be involuntarily assigned to a work station which has been designated a smoking area.

Section 5. Devices which are designed to remove secondary smoke from the air shall be installed in designated smoking areas.

W. PATRICK MULLOY, II, Secretary

APPROVED: January 26, 1993

FILED WITH LRC: January 26, 1993 at 4 p.m.

GENERAL GOVERNMENT CABINET Board of Physical Therapy (As Amended)

201 KAR 22:031. Therapist's licensing procedure.

RELATES TO: KRS 327.050, 327.060, 327.080

STATUTORY AUTHORITY: KRS 327.040

NECESSITY AND FUNCTION: The purpose of this administrative

regulation is to define clearly the procedure for issuing licenses. This administrative regulation standardizes the administrative procedures involved in granting a physical therapy license through the various means of qualifying.

Section 1. Any candidate for licensure by examination shall first satisfy all application requirements, including payment of applicable fees. The initial application fee covers the first scheduled examination. The cost of the examination to the board plus an administrative fee of forty-seven (47) dollars and fifty (50) cents shall be paid by the applicant for reexamination or for an examination which was obtained by the board upon application by a candidate but was not ~~used or~~ completed by the candidate. Upon approval as a candidate by the board, the candidate for licensure by examination shall be notified of the date, place and time of the examination to be held at the time and location set by the board.

(1) The board shall administer the National Physical Therapy Examination (NPTE) ~~[Assessment Systems, Incorporated (ASI) examination]~~ to those candidates permitted to sit for the examination. Other examinations as determined by the board may be administered in lieu of, or in addition to the NPTE ~~[ASI examination]~~.

(2) An examination candidate may make a written request to the board to be granted a one (1) time exemption from taking their scheduled examination due to an undue hardship. If the request is granted, the candidate may continue to practice until the next regularly scheduled examination.

Section 2. If an applicant becomes a candidate for licensure by examination before forty-five (45) days preceding the date that the next examination is to be held and credentials of the applicant are in order, fees submitted and the board is in receipt of a completed supervisory agreement statement, then a temporary permit shall be issued to be in force until the results of that examination are received by the candidate, or until the regularly scheduled renewal date of all licenses to practice, March 31 of each uneven numbered year, whichever comes first.

Section 3. A temporary permit requires that the physical therapist applicant shall work only under the supervision of a physical therapist licensed and practicing in Kentucky. Supervision requires the responsible therapist to be available and accessible by telecommunications at all times during the working hours of the person with a temporary permit. The supervising therapist shall be responsible for the direction of the actions of the person supervised when services are performed by the person with a temporary permit including cosigning all evaluations and physical therapy recordings within fourteen (14) days. The date of the record review shall be noted. The board may issue a temporary permit only to:

(1) Graduates who have applied for licensure by examination, have met all requirements and are sitting for the next examination or who have taken that examination and have not yet been notified of the results.

(2) Foreign-trained physical therapist applicants who have met all requirements for licensure application ~~[and paid all fees]~~ provided for in KRS 327.060(2), except that the applicant has not yet taken the NPTE ~~[ASI examination]~~ or has not yet begun or completed one (1) year of board approved, supervised employment as a physical therapist.

(3) Graduates who have been accepted as a candidate ~~[applied]~~ for licensure by [ASI] examination in another state and who have met all requirements for Kentucky application but who have not yet taken or been notified of the results of that examination.

Section 4. The following candidates are not eligible to practice as a physical therapist in any manner in Kentucky until they have successfully completed the board approved examination in this or another state:

(1) A person who has failed the NPTE ~~[ASI examination]~~ in this or another state or country.

(2) A person who had qualified as an examination candidate but who did not sit for or complete the scheduled examination; and

(3) An endorsement candidate whose NPTE scores ~~[PES or ASI examination results]~~ do not meet Kentucky's requirements.

Section 5. Candidates examined by boards of other states and territories ~~[before July 7, 1989]~~ shall have registered ~~[their PES scores]~~ with the Interstate Reporting Service of the Professional Examination Service ~~[Candidates examined in another jurisdiction after July 7, 1989 shall arrange with the Professional Reporting Service (PRS) of Assessment Systems, Incorporated]~~ to have their examination results submitted to the board. ~~[The applicable service shall furnish the candidate's examination results to the board, to include for each part and the total examination:~~

~~(1) The number of questions asked;~~

~~(2) The number of questions answered correctly;~~

~~(3) The national average raw score; and~~

~~(4) The converted score, calculated using a minus one and five tenths (-1.5) standard deviation below the national average raw score.]~~

Section 6. The candidate for licensure by endorsement shall submit the regular license application form ~~[shall arrange to have submitted proper evidence that he has been examined by the PES or ASI]~~ and pay the application fee established in 201 KAR 22:135. The Kentucky State Board of Physical Therapy shall endorse a candidate who has taken the NPTE prepared ~~[been examined]~~ before July 7, 1989 or beginning in 1993 by the Professional Examination Service, or between November 1989 and December 1992 ~~[after that date]~~, by Assessment Systems, Incorporated, ~~[and]~~ whose score meets the board's requirements ~~[of national average raw score minus one and five tenths (-1.5) standard deviation set equal to a converted score of seventy-five (75) on the total examination]~~, and whose physical therapy license has never been revoked or suspended, and is currently not on probation or under disciplinary review in another state. To be considered for licensure, a person examined prior to July 1, 1993 shall have achieved a score on the NPTE at least equal to the national average raw score minus one and five tenths (-1.5) standard deviation set equal to a converted score of seventy-five (75); and thereafter, the criterion referenced passing point recommended by the Federation of State Boards of Physical Therapy set equal to a scaled score of 600. Other examinations as determined by the board may be administered in lieu of, or in addition to the NPTE ~~[PES or ASI examination]~~.

Section 7. The candidate for licensure through reinstatement may receive renewal of his license without further examination upon requesting reinstatement, furnishing all information required of a license renewal applicant in 201 KAR 22:040, payment of the reinstatement fee established in 201 KAR 22:135. Therapists who have not been licensed for three (3) years shall, in addition, be required to show evidence of professional competency, and provide verification that any license to practice in another state has not been disciplined or is not under current disciplinary review. Reinstatement of the candidate will be at the board's discretion after evaluation of said evidence.

Section 8. A license, which shall be in effect until March 31st of the next uneven numbered year shall be issued by the board when it receives notice from the Professional Examination Service ~~[Assessment Systems, Incorporated]~~ that the candidate by examination has received a passing grade which shall be set based on the criterion referenced passing point set equal to a scaled score of 600 ~~[national raw average score minus one and five tenths (-1.5) standard deviation set equal to a converted score of seventy-five (75) on the total~~

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examination], and when candidates by endorsement and foreign trained candidates have met all requirements.

Section 9. The executive secretary of the board may function administratively to review, process and interpret all applications received by the board and correspond with the applicants accordingly.

GEORGIA KING, Chairman

APPROVED BY AGENCY: February 19, 1993

FILED WITH LRC: March 15, 1993 at noon

GENERAL GOVERNMENT CABINET Department of Agriculture Division of Pesticides (As Amended)

302 KAR 31:030. Fine schedule for violation of KRS 217B.550.

RELATES TO: KRS 217B.550

STATUTORY AUTHORITY: KRS 217B.050, 217B.193, 217B.515, 217B.550, 217B.585, 217B.990

NECESSITY AND FUNCTION: To establish a system of regulatory fines pursuant to the violations set forth in KRS 217B.550.

Section 1. Notice of Noncompliance and Abatement of Violation Pursuant to KRS 217B.193. (1) The Commissioner of Agriculture shall issue a notice of violation to licenseholders found to be in violation of KRS 217B.550 and Section 2 of this administrative regulation in the manner required by KRS 217B.193(1).

(2) In addition to the information required to be set out in the notice of violation pursuant to KRS 217B.193 the commissioner shall notify the license, permit or certificateholder that:

(a) Except for good cause shown, an administrative fine in the amount specified in Section 2 of this administrative regulation shall be assessed if the violation is not corrected within the time specified in the notice of violation;

(b) He has thirty (30) days to request a hearing on assessment of the fine pursuant to KRS 217B.203 and 217B.990(2); and

(c) The request for hearing shall be mailed to the Kentucky Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, Kentucky 40601.

(3) Ten (10) days shall be considered a reasonable time period for the abatement of a violation pursuant to KRS 217B.193(1).

(4) The period for abatement of a violation shall commence on the day the notice of violation is mailed pursuant KRS 217B.193(1).

(5) The commissioner may allow additional time for abatement of a violation, not to exceed ninety (90) days, if he determines that the violation cannot be corrected within the time period specified in subsections (3) and (4) of this section.

[(1) Following a finding of a violation by a Department of Agriculture Division of Pesticides Inspector;

(a) A notice of noncompliance shall be issued to the violator advising of the violation; and

(b) If the violation is not abated within the reasonable time period set forth in the notice of noncompliance, unless good cause is shown to the Division of Pesticides, then an administrative fine shall be levied pursuant to this administrative regulation.

(2) Pursuant to KRS 217B.193, a notice of noncompliance shall be sent to the licenseholder by certified mail, return receipt requested, addressed to the licenseholder's permanent address as shown on department records.

(3) The reasonable time period set forth in the violation commene-

es on the day the certified notice is issued to the licenseholder's permanent address.

(4) A time period of ten (10) days will be considered a reasonable time period for the violator to abate any violation unless the commissioner determines that additional time, but not more than ninety (90) days, will be necessary under the facts and circumstances.

(5) If the violation is found to not be correctable within the reasonable time period, then the Division of Pesticides has the ability to immediately implement the administrative fines made pursuant to this administrative regulation.]

Section 2. (1) Administrative fines for a first violation of KRS 217B.550 shall be:

(a) \$200 for a violation of KRS 217B.550(1);

(b) \$200 for a violation of KRS 217B.550(2);

(c) \$300 for a violation of KRS 217B.550(3);

(d) \$100 for a violation of KRS 217B.550(4);

(e) \$100 for a violation of KRS 217B.550(5);

(f) \$200 for a violation of KRS 217B.550(6);

(g) \$100 for a violation of KRS 217B.550(7);

(h) \$200 for a violation of KRS 217B.550(8);

(i) \$100 for a violation of KRS 217B.550(9);

(j) \$100 for a violation of KRS 217B.550(10);

(k) \$100 for a violation of KRS 217B.550(11);

(l) \$200 for a violation of KRS 217B.550(12);

(m) \$100 for a violation of KRS 217B.550(13);

(n) \$200 for a violation of KRS 217B.550(14);

(o) \$200 for a violation of KRS 217B.550(15);

(p) \$200 for a violation of KRS 217B.550(16);

(q) \$200 for a violation of KRS 217B.550(17); and

(r) \$200 for a violation of KRS 217B.550(18).

(2) For a second violation which is the same as the first violation in subsection (1) of this section within sixty (60) days of assessment of the first violation the fine shall be doubled.

(3) For a third violation which is the same as the first violation in subsection (1) of this section within ninety (90) days of assessment of the first violation the fine shall be tripled.

(4) A fourth violation which is the same as the first violation in subsection (1) of this section within 120 days of assessment of the first violation may result in the suspension, revocation, or modification of a license pursuant to KRS 217B.545.

(5) Penalties shall not be assessed or enhanced pursuant to this section if the licensee or certificate holder abates the violation within the period set by the commissioner pursuant to KRS 217B.193.

(6) Nothing in this section shall prohibit the commissioner from suspending, revoking or modifying a license or certificate at any time pursuant to KRS 217B.545.

[Section 2. The administrative fines made pursuant to KRS 217B.193 for a violation of KRS 217B.550 shall be as follows:

(1) Making any material representation for the purpose of defrauding the public, or using any method or material that is not reasonably suited for the purpose for which it was employed, by any licensed applicator, manager or his solicitor or agent \$200.

(2) Failure of a licensed operator or manager to comply with any of the provisions of this chapter or any reasonable rule or regulation promulgated by the department \$200.

(3) Failure to pay any final judgment rendered against any licensed operator or manager, his employee, solicitor or representative by reason of liabilities resulting from activities under KRS 217B.515 to 217B.585 \$300.

(4) Failure to make the registration and pay the annual licensing fees as required by KRS 217B.535 \$100.

(5) Failure to attend training courses approved by the department on recommendation of the Pest Control Advisory Board as specified by the Kentucky state plan \$100.

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~~(6) The making of false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized—\$200.~~

~~(7) The making of a pesticide recommendation or application not in accordance with the label registered by the department under KRS 217.542 to 217.640—\$100.~~

~~(8) The application of known improper materials—\$200.~~

~~(9) Knowingly operating faulty or unsafe equipment—\$100.~~

~~(10) Knowingly operating in a faulty, careless or negligent manner—\$100.~~

~~(11) Failure to keep and maintain the records required by KRS 217B.510, or to make reports when and as required—\$100.~~

~~(12) The making of false or fraudulent records, invoices or reports—\$200.~~

~~(13) Engaging in the business of the application of a pesticide without having a licensed applicator or operator in direct supervision—\$100.~~

~~(14) Using fraud or misrepresentation in making an application for a license or renewal of a license—\$200.~~

~~(15) Aiding or abetting a licensed or an unlicensed person to evade the provisions of KRS 217B.515 to 217B.585, combining or conspiring with such a licensed person to evade the provisions of KRS 217B.515 to 217B.585, or allowing one's license to be used by an unlicensed person—\$200.~~

~~(16) The making of false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land—\$200.~~

~~(17) Impersonating any state, county or city inspector or official—\$200.~~

~~(18) Any act contrary to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and its regulation so long as not found in the violations listed in this section—\$200.~~

~~Section 3. (1) A second violation, of the same violation for which a fine has been levied within a sixty (60) day period of the first violation shall result in an assessment of a doubled fine.~~

~~(2) A third violation of the same violation for which two (2) previous fines have been levied, within a ninety (90) day period of the first violation shall result in an assessment of a tripled fine.~~

~~(3) A fourth violation of the same violation for which three (3) fines have been levied within a 120 day period for the first violation may result in the suspension, revocation, or modification of a license application pursuant to KRS 217B.545.~~

~~(5) The Division of Pesticides maintains the ability to immediately suspend, revoke, or modify the provisions of any applicator's or manager's license subject to KRS 217B.545.~~

~~Section 4. For purposes of Section 3 of this administrative regulation, an initial violation or subsequent violation shall only be utilized to initiate the enhanced fines and penalties set forth in Section 3 of this administrative regulation if the violator fails to take the appropriate corrective action within the required time period.]~~

~~Section 3. [5.] Failure to pay any fine within thirty (30) days of the end of the reasonable time period prescribed in Section 1 of this administrative regulation shall result in a suspension revocation or modification of a license or [4] certification pursuant to KRS 217B.545.~~

~~Section 4. [6.] Each office or branch office shall be treated as separate entities for the purposes of enforcing the fine and penalty enhancing provisions contained in Section 2 [3] of this administrative regulation such that the fines or penalties shall not be enhanced unless the subsequent violations mentioned in Section 2 [3] of this administrative regulation are committed in the same branch or office in which the first violation occurs.~~

ED LOGSDON, Commissioner

APPROVED BY AGENCY: February 11, 1993
FILED WITH LRC: February 11, 1993 at 2 p.m.

GENERAL GOVERNMENT CABINET Department of Agriculture Division of Pesticides (As Amended)

302 KAR 31:035. Fine schedule for violation of KRS 217B.120.

RELATES TO: KRS 217B.120

STATUTORY AUTHORITY: KRS 217B.050, 217B.120, 217B.193, 217B.585, 217B.990

NECESSITY AND FUNCTION: To establish a system of regulatory fines pursuant to the violations set forth in KRS 217B.120.

Section 1. Notice of Noncompliance and Abatement of Violation Pursuant to KRS 217B.193. (1) The Commissioner of Agriculture shall issue a notice of violation to licenseholders found to be in violation of KRS 217B.120 and Section 2 of this administrative regulation in the manner required by KRS 217B.193(1).

(2) In addition to the information required to be set out in the notice of violation pursuant to KRS 217B.193 the commissioner shall notify the license, permit or certificateholder that:

(a) Except for good cause shown, an administrative fine in the amount specified in Section 2 of this administrative regulation shall be assessed if the violation is not corrected within the time specified in the notice of violation;

(b) He has thirty (30) days to request a hearing on assessment of the fine pursuant to KRS 217B.203 and 217B.990(2); and

(c) The request for hearing shall be mailed to the Kentucky Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, Kentucky 40601.

(3) Ten (10) days shall be considered a reasonable time period for the abatement of a violation pursuant to KRS 217B.193(1).

(4) The period for abatement of a violation shall commence on the day the notice of violation is mailed pursuant KRS 217B.193(1).

(5) The commissioner may allow additional time for abatement of a violation, not to exceed ninety (90) days, if he determines that the violation cannot be corrected within the time period specified in subsection (4) of this section.

Section 2. (1) Administrative fines for a first violation of KRS 217B.120 shall be:

(a) \$200 for a violation of KRS 217B.120(1);

(b) \$100 for a violation of KRS 217B.120(2);

(c) \$200 for a violation of KRS 217B.120(3);

(d) \$100 for a violation of KRS 217B.120(4);

(e) \$100 for a violation of KRS 217B.120(5);

(f) \$100 for a violation of KRS 217B.120(6);

(g) \$100 for a violation of KRS 217B.550(7);

(h) \$200 for a violation of KRS 217B.550(8);

(i) \$100 for a violation of KRS 217B.550(9);

(j) \$50 for a violation of KRS 217B.550(10);

(k) \$200 for a violation of KRS 217B.550(11);

(l) \$100 for a violation of KRS 217B.550(12);

(m) \$200 for a violation of KRS 217B.550(13);

(n) \$200 for a violation of KRS 217B.550(14); and

(o) \$200 for a violation of KRS 217B.550(15).

(2) For a second violation, which is the same as the first violation, in subsection (1) of this section within sixty (60) days of assessment of the first violation the fine shall be doubled.

(3) For a third violation of, which is the same as the first

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violation, subsection (1) of this section within ninety (90) days of assessment of the first violation the fine shall be tripled.

(4) A fourth violation, which is the same as the first violation, in subsection (1) of this section within 120 days of assessment of the first violation may result in the suspension, revocation, or modification of a license pursuant to KRS 217B.545.

(5) Penalties shall not be assessed or enhanced pursuant to this section if the licensee or certificate holder abates the violation within the period set by the commissioner pursuant to KRS 217B.193.

(6) Nothing in this section shall prohibit the commissioner from suspending, revoking or modifying a license or certificate at any time pursuant to KRS 217B.545.

[Section 1. (1) Following a finding of a violation by a Department of Agriculture Division of Pesticides Inspector:

(a) A notice of noncompliance shall be issued to the violator advising of the violation; and

(b) That if the violation is not abated within the reasonable time period set forth in the notice of noncompliance, unless good cause is shown to the Division of Pesticides, then an administrative fine shall be levied pursuant to this regulation.

(2) Pursuant to KRS 217B.193, a notice of noncompliance shall be sent to the licenseholder by certified mail, return receipt requested, addressed to the licenseholder's permanent address as shown on department records.

(3) The reasonable time period set forth in the violation commences on the day the certified notice is issued to the licenseholder's permanent address.

(4) A time period of ten (10) days will be considered a reasonable time period for the violator to abate any violation unless the commissioner determines that additional time, but not more than ninety (90) days, will be necessary under the facts and circumstances.

(5) If the violation is found to not be correctable within the reasonable time period, then the Division of Pesticides has the ability to immediately implement the administrative fines made pursuant to this regulation.

Section 2. The administrative fines for a violation of KRS 217B.120 shall be as follows:

(1) Made false or fraudulent claims through any media, misrepresenting the effect of material or methods to be utilized ~~\$200.~~

(2) Made a pesticide recommendation or application not in accordance with the label registered by the department under KRS 217.541 to 217.640 ~~\$100.~~

(3) Applied known ineffective or improper materials ~~\$200.~~

(4) Operated faulty or unsafe equipment ~~\$100.~~

(5) Operated in a faulty, careless or negligent manner ~~\$100.~~

(6) Refused or, after notice, neglected to comply with the provisions of this chapter, the rules adopted hereunder, or of any lawful order of the department ~~\$100.~~

(7) Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required ~~\$100.~~

(8) Made false or fraudulent records, invoices or reports ~~\$200.~~

(9) Engaged in the business of the application of a pesticide without having a licensed applicator or operator in direct "on-the-job" supervision ~~\$100.~~

(10) Operated unlicensed equipment ~~\$50.~~

(11) Used fraud or misrepresentation in making an application for a license or renewal of a license ~~\$200.~~

(12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license or permit ~~\$100.~~

(13) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with such a licensed or an unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person

~~\$200.~~

(14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land ~~\$200.~~

(15) Impersonated any state, county or city inspector or official ~~\$200.~~

(16) Any act contrary to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and its regulations so long as not found in the violations listed in this section ~~\$200.~~

~~Section 3. (1) A second violation, of the same violation for which a fine has been levied within a sixty (60) day period of the first violation shall result in an assessment of a doubled fine.~~

~~(2) A third violation of the same violation for which two (2) previous fines have been levied, within a ninety (90) day period of the first violation shall result in an assessment of a tripled fine.~~

~~(3) A fourth violation of the same violation for which three (3) fines have been levied within a 120 day period for the first violation may result in the suspension, revocation, or modification of a license application pursuant to KRS 217B.545.~~

~~(5) The Division of Pesticides maintains the ability to immediately suspend, revoke, or modify the provisions of any applicator's or manager's license subject to KRS 217B.545.~~

~~Section 4. For purposes of Section 3 of this administrative regulation, an initial violation or subsequent violation shall only be utilized to initiate the enhanced fines and penalties set forth in Section 3 of this administrative regulation if the violator fails to take the appropriate corrective action within the required time period.]~~

~~Section 3. [5.] Failure to pay any fine within thirty (30) days of the end of the reasonable time period prescribed in Section 1 of this administrative regulation shall result in a suspension revocation or modification of a license or certification pursuant to KRS 217.545.~~

~~Section 4. [6.] Each office or branch office shall be treated as separate entities for the purposes of enforcing the fine and penalty enhancing provisions contained in Section 2 [3] of this administrative regulation such that the fines or penalties shall not be enhanced unless the subsequent violations mentioned in Section 2 [3] of this administrative regulation are committed in the same branch or office in which the first violation occurs.~~

ED LOGSDON, Commissioner

APPROVED BY AGENCY: February 11, 1993

FILED WITH LRC: February 11, 1993 at 2 p.m.

COMPILER'S NOTE: This administrative regulation was amended at the April meeting of the Administrative Regulation Review Subcommittee. However, this administrative regulation was deferred to the May meeting, and is being published with other 501's that were amended at the May meeting.

DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 3:010. Definitions.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for jails. This regulation sets forth definitions.

Section 1. Definitions. (1) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any county, regional jail authority, city or urban county government.

(2) "Jailer" means the duly elected or appointed official charged with the responsibility of administering the jail.

(3) "Jail staff" means deputy jailers, and other personnel involved in the supervision, custody, care or treatment of prisoners in the jail.

(4) "Inmate" means any person confined in the jail pursuant to any code, ordinance, law or statute of any unit of government and who is:

- (a) Charged with or convicted of an offense;
- (b) Held for extradition or as a material witness; or
- (c) Confined for any reason.

(5) "Department [Cabinet]" means the Department of Corrections [Cabinet].

(6) "Medical authority" means the person or persons licensed and certified to provide medical care to inmates in the jail.

(7) "Security area" means a defined space whose physical boundaries have controlled ingress and egress.

(8) "Inmate living area" means a group of rooms or cells which provide housing for the inmate population.

(9) "Holding area" means an area used to hold one (1) or more persons temporarily while awaiting processing, booking, court appearance, discharge or until they can be moved to general housing areas.

(10) "Detoxification area" means an area used to temporarily hold one (1) or more chemically impaired persons during the detoxification process until they can care for themselves.

(11) "Dormitory" means [is] an area equipped for housing not less than three (3) persons or more than sixteen (16) [fifteen (15)] persons.

(12) "Dayroom" means a secure area with controlled access from the inmate living area, to which inmates may be admitted for daytime activities such as dining, bathing, and selected recreation or exercise.

(13) "Safety vestibule" means [is] a defined space that promotes security by the use of two (2) or more doors and can be used to observe those who pass. When the vestibule is used at a cell area at least the inner door shall be remotely operated. When the vestibule is used for outside entrance at least the outer entry door shall be remotely operated.

(14) "Sallyport" means [is] a vehicular drive-in made secure by electrically or manually operated doors for entrance and exit. It is generally located in close proximity to the jail intake area.

(15) "Penal type" means furnishings approved by the Department of Corrections [Cabinet].

(16) "Deck" means the secure overhead area of the jail which is part of the security perimeter.

(17) "Ceiling" means the overhead area in the multipurpose room which is below the secure deck.

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: December 28, 1992

FILED WITH LRC: January 8, 1993 at 11 a.m.

COMPILER'S NOTE: This administrative regulation was amended at the April meeting of the Administrative Regulation Review Subcommittee. However, this administrative regulation was deferred to the May meeting, and is being published with other 501's that were amended at the May meeting.

DEPARTMENT OF CORRECTIONS
Division of Local Facilities
(As Amended)

501 KAR 3:040. Personnel.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for jails. This regulation sets forth personnel procedures to be followed in jails.

Section 1. Staffing. (1) Each jail shall provide twenty-four (24) hour awake supervision for all inmates.

(2) When female inmates are lodged in the jail, the jail shall provide a female deputy to perform twenty-four (24) hour awake supervision. [female staff shall be made available as needed to perform sensitive procedures to include but not limited to:

- (a) Admission-
- (b) Searches-]

Section 2. Background Checks; Qualifications. (1) Prior to employment, all employees of the jail shall be subject to thorough background investigation to include criminal, medical, and employment history.

(2) All security employees of the jail shall be at least twenty-one (21) years of age.

Section 3. Compensation. All employees of the jail shall receive salaries at least equal to the State Minimum Wage Law except where Federal Minimum Wage law has to be applied [minimum wage] [the State Minimum Wage Law except where Federal Minimum Wage Law has to be applied].

Section 4. Training; Curriculum. (1) In order to qualify for the training expense allowance under KRS 441.017, the jailer shall receive a minimum of forty (40) hours annual in-service training certified by the Department of Corrections [Cabinet].

(a) Local corrections training efforts shall be certified by the Department of Corrections [Cabinet].

(b) The Curriculum Advisory Committee shall advise the Department of Corrections [Cabinet] on topics for training curriculum.

(c) Jailer training shall be delivered on a regional basis by the Department of Corrections [Cabinet].

(2) Deputy jailers, correctional officers and other employees whose jobs require supervision of inmates shall receive a minimum of sixteen (16) hours annual in-service training delivered by the Department of Corrections [Cabinet] on a regional or local basis.

Section 5. Policy and Procedures. Written policy shall specify that equal employment opportunities exist for all positions.

Section 6. Physical Fitness. The jailer shall ensure that all employees maintain a level of physical fitness that will allow the employees to satisfactorily perform their duties. [have written policy and procedures that promote the physical fitness of staff.] [ensure that all employees maintain a level of physical fitness that will allow the employees to satisfactorily perform their duties.]

Section 7. Code of Ethics. (1) The jailer shall make available to all employees a written code of ethics.

(2) The written code of ethics shall be incorporated in the jail's policy and procedures manual and shall include but not be limited to the following:

(a) Employees shall not:

- 1. Exchange personal gifts or favors with inmates, their family, or

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friends;

2. Accept any form of bribe or unlawful inducement;
3. Perform duties under the influence of intoxicants or consume intoxicants while on duty;
4. Violate or disobey established rules, regulations, or lawful orders from a superior;
5. Discriminate against any inmate on the basis of race, religion, creed, gender, national origin, or other individual characteristics;
6. Employ corporal punishment or unnecessary physical force;
7. Subject inmates to any form of unwarranted physical or mental abuse;
8. Intentionally demean or humiliate inmates;
9. Bring any type of weapon or item declared as contraband into the jail without proper authorization;
10. Engage in critical discussion of staff members or inmates in the presence of inmates;
11. Divulge confidential information without proper authorization;
12. Withhold information which, in so doing, threatens the security of the jail, its staff, visitors, or the community;
13. Through negligence, endanger the well-being of self or others;
14. Engage in any form of business or profitable enterprise with inmates; and
15. Inquire about, disclose, or discuss details of an inmate's crime other than as may be absolutely necessary in performing official duties.

(b) Employees shall:

1. Comply with all established rules, regulations, and lawful orders from superiors;
 2. Treat all inmates in a fair, impartial manner; and
 3. Report all violations of the code of ethics to the jailer.
- (3) Any employee violation of this code of ethics shall be made a part of that employee's personnel file.

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: December 28, 1992

FILED WITH LRC: January 8, 1993 at 11 a.m.

COMPILER'S NOTE: This administrative regulation was amended at the April meeting of the Administrative Regulation Review Subcommittee. However, this administrative regulation was deferred to the May meeting, and is being published with other 501's that were amended at the May meeting.

DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 3:050. Physical plant.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for jails. This regulation sets forth standards and procedures to be followed in the design and construction of jails.

Section 1. Purpose. The purpose of this regulation is to provide minimum standards for the renovation or construction of jail facilities and for measuring compliance of existing jails in accordance with KRS 441.055, 441.064, and 441.075 [441.011, 441.012, and 441.013], and Kentucky Construction/Renovation Standards.

Section 2. Consultation. The Department of Corrections [Cabinet] shall provide for any county government which wishes to remodel an existing jail or construct a new jail, a consultant knowledgeable in the

design, utilization, and operation of jails. The consultant shall meet with the appropriate officials of that county and advise them concerning [in matters including but not limited to]:

- (1) Site selection.
- (2) Probable need as it relates to capacity and types of inmates to be housed.
- (3) Sources of financing for constructing.
- (4) Laws and regulations relating to treatment of inmates.
- (5) Laws and regulations relating to facilities for inmates.
- (6) Sources of revenue for operations of the jail.
- (7) Probable cost for operation of the jail.
- (8) Potential for shared facilities with adjoining counties.

Section 3. Site Acceptance. No jail shall be built without site acceptance by the Department of Corrections [Cabinet]. The following criteria shall be considered in site selection [including but not limited to]:

- (1) Size.
- (2) Proximity to courts.
- (3) Proximity to community resources.
- (4) Availability of public transportation.
- (5) Environmental health.
- (6) Adequate parking.
- (7) Provisions for future expansion.

Section 4. Construction Documents. Prior to the renovation or construction of any jail, plans and specifications shall be submitted to the Department of Corrections [Cabinet] for review and approval. Plans and specifications for jail renovation or construction shall contain the following criteria and documentation [as follows]:

(1) A programming phase containing a(n): [Programming phase. This submission shall show:]

- (a) Evaluation of existing facility;
- (b) Population analysis;
- (c) Space requirements based on population analysis and standards for the facility and site outlined in the Kentucky Minimum Standards for Local Jails;
- (d) Staffing analysis;
- (e) Cost analysis to include construction and operation costs;
- (f) Financing alternatives, if applicable;
- (g) [A] Design-construction time schedule; and
- (h) Summary and recommendations; and
- (i) [A] Information concerning the programming phase shall only be submitted:

1. On major renovation or new construction; and

2. For information review purposes. [This phase is submitted on major renovation or new construction only and for information review purposes.]

(2) A schematic phase containing:

- (a) Scale drawings of each floor plan with all proposed rooms and areas one-eighth (1/8) inch minimum;
- (b) Scale drawings of the site, locating the building, parking and other facilities - one (1) inch equals fifty (50) feet;
- (c) Documentation of site as to:
 1. Size;
 2. Proximity to courts;
 3. Proximity to community resources;
 4. Availability of public transportation;
 5. Environmental health;
 6. Adequate parking; and
 7. Provisions of future expansion.
- (d) Sections through the proposed structure indicating ceiling heights of rooms, mechanical spaces, roof slopes and other related information;
- (e) Scale elevation drawings of all exterior walls; [and]
- (f) Schematic cost estimate to include revised construction and operation costs; and

- (g) A revised design-construction time schedule.
- (3) A design development phase containing:
- (a) Scale drawings on each floor plan with all proposed rooms and areas with their dimensions one-eighth (1/8) inch minimum;
 - (b) All necessary construction drawings including construction details;
 - (c) Specifications for all materials and workmanship;
 - (d) A proposed contract with general and special conditions;
 - (e) Engineering calculations for the foundations, structure, heating, ventilating, air conditioning, lighting and plumbing; and
 - (f) Detailed estimates of cost of land, site development, construction, financing, professional services, equipment and furnishings.
- (4) Construction document phase.
- (a) Revised design development construction drawings following review by all applicable agencies;
- (b) signed by an architect registered in the Commonwealth of Kentucky and revised if necessary to include all changes required by the Department of Corrections [Cabinet].
- (b) ~~(c)~~ Revised design development specifications of material and workmanship following review by all applicable agencies.
- (5) A contract administration phase containing:
- (a) Signed copies of all contracts for construction, financing and bonding;
 - (b) Signed copies of all construction permits;
 - (c) Documentation of review by all other applicable state agencies; and
 - (d) All change orders shall [must] be submitted to the Department of Corrections [Cabinet] for review and approval.

Section 5. Approval of Renovation, Construction Plans and Specifications. (1) ~~(6)~~ The Department of Corrections [Cabinet] shall [will] review all submissions within thirty (30) days of receipt and issue a letter of approval, acceptance with required changes, or rejection with reasons. No construction shall be started until the construction document phase as required in **Section 4(4) of this administrative regulation** ~~[subsection (5)(d) of this section]~~ has been approved.

(2) ~~(7)~~ Depending on the site of the proposed constructions, renovation or addition the Department of Corrections [Cabinet] may combine two (2) or more phases as outlined above for review and approval.

(3) ~~(8)~~ All changes prior to the approval of final construction documents shall require appropriate modifications to the final construction documents including redrawing of plans and rewriting of specifications. All changes after the approval of final construction documents shall require adequate documentation which fully describes and illustrates the changes which may include written ~~[and]~~ for graphic addenda, field orders and change orders. In addition a set of accurate as built drawings shall be submitted to Corrections within sixty (60) days of occupancy of the facility.

Section 6. [5.] Waiver of Compliance. (1) The Department of Corrections [Cabinet] may grant a waiver of the implementation of the physical plant standards for an existing jail if the department [cabinet] determines:

- (a) That strict compliance will cause unreasonable difficulties;
 - (b) That a waiver will not seriously affect the security, supervision of prisoners, programs, or the safe, healthful, or efficient operation of the jail; and
 - (c) That compliance is to be achieved in a manner other than that which is specified, but in a manner which is sufficient to meet the intent of these standards.
- (2) When a waiver from a standard is desired, the responsible local authority shall submit a written request to the Department of Corrections [Cabinet]. The written request shall include the following information:
- (a) Citation of the specific standard involved;

- (b) Identification and description of the specific difficulties involved in meeting strict compliance;
- (c) Description of the alternative proposed; and
- (d) Provision of sufficient documentation which will demonstrate that the waiver, if granted, will not jeopardize the security, supervision of inmates, programs, or the safe, healthful, or efficient operation of the jail.

(3) A waiver, if granted by the Department of Corrections [Cabinet], shall apply only to the petitioner for the specific situation cited and for the period of time specified and shall include any requirements imposed by the department [Cabinet] as conditions upon the waiver. No waiver shall be granted for longer than twelve (12) months. Any waiver granted for a twelve (12) month period shall be reviewed at the end of the period for reapproval.

Section 7. [6.] Facility Design. (1) Depending upon its size and intended use, every jail shall include within its walls the following facilities and equipment:

(a) Entrances. Every jail shall have three (3) separate and distinct entrances: a public entrance, an adult inmate entrance, and a service entrance. The Department of Corrections [Cabinet] may permit these entrances to be combined.

1. Public entrance. The purpose of this entrance shall be [is] to divert the general public from the security area of the jail and from contact with incoming inmates. This area shall [will] be the location for the general public to conduct their business at the jail. The following design features shall be incorporated:

a. Provide a clear view of this from the control room by means of direct surveillance or closed circuit T.V.

b. Meet the requirements for handicapped persons.

2. Service entrance. The purpose of this entrance shall be [is] to provide access to service vehicles and delivery trucks with minimum security risks. It may contain a loading dock and shall be located in close proximity to storage rooms and the kitchen area.

3. Adult inmate entrance. The purpose of this entrance shall be [is] to provide secure and private access to the jail for incoming inmates. This entrance shall [must] be serviced by a drive-in sallyport or a secure walk-in vestibule and shall incorporate the following design features:

a. Be located adjacent to the booking area.

b. Be monitored from the control room.

c. Be free of steps or other obstacles.

d. Be protected from inclement weather.

e. Have a security penal type pistol locker in sallyport or vestibule.

f. All hardware and equipment shall be of approved penal type.

(b) Exits. All openings in the security perimeter shall be secured with penal devices. Fire exits, when possible, shall open into controlled, secured courts and exercise areas.

(c) Administrative areas. Administrative areas shall provide space outside the secured area of the jail for the housing of administrative offices and to accommodate the public. Administrative areas shall contain the following additional areas:

1. A waiting area which shall provide:

a. Space for the general public; and

b. Protection from inclement weather;

c. The waiting area shall have toilet facilities and drinking fountains in new jails;

2. A visiting area, public side which shall provide for:

a. Private communication with inmates; and

b. Be located in close proximity to the waiting area;

3. An office area which shall be of sufficient space to house the administrative function of the jail; and

4. An entrance to the security area which shall:

a. Provide secure access to the security area;

b. Be of penal type; and

c. Have access controlled from the security area. [Administrative]

tive areas. This area will provide space outside the secured area of the jail to house the administrative offices and to accommodate the public. This shall contain the following:

1. ~~Waiting area. To provide space for the general public which is protected from inclement weather. This area shall [may] have toilet facilities and drinking fountains, in new jails.~~

2. ~~Visiting area, public side. This area shall provide for private communication with inmates and be located in close proximity to the waiting area. [All furnishings of this area shall be penal type and permanently attached.]~~

3. ~~Office area. This area shall be of sufficient space to house the administrative function of the jail.~~

4. ~~Entrance to security area. The purpose is to provide secure access to the security area, be penal type and access shall be controlled from the security area.]~~

(d) Security areas. The area shall enclose all facilities and services required for or used by the inmates. It shall contain the following function areas: Booking area. The purpose shall be [ie] to provide a private and separate area, properly equipped to carry out admission and release procedures. All equipment shall be penal type. This area shall be designed for different classes of inmates. Design features for this area shall include:

1. Close proximity to a secure area for storage of inmate personal property.
2. Close proximity to an area for photography and fingerprinting.
3. Close proximity to an area for showering, delousing, and strip searching inmates which assures privacy for the inmate.
4. Close proximity to temporary holding and detoxification cells.
5. Located in a manner to be monitored by a control room.

(e) Detoxification area. The purpose shall be [ie] to provide an area to separate intoxicated inmates from the general inmate population. Design features shall include:

1. A minimum of fifty (50) square feet per inmate.
2. A minimum of eight (8) feet ceiling height.
3. One (1) bunk of approved material thirty (30) inches wide by seventy-two (72) inches long by four (4) inches high for each inmate.
4. A penal commode, lavatory and a flush floor drain controlled from outside the cell.
5. A bubble-type drinking fountain.
6. All fixtures and equipment shall be penal type.
7. All surfaces inside the area shall be smooth, flush, and free of sharp edges and protrusions.
8. All horizontal surfaces (the bunk and the floor) shall be sloped (one-fourth (1/4) of an inch to the foot) to the floor drain.
9. All protruding corners (except at ceiling) shall be covered.
10. Ceiling, walls, surfaces of the wall base and floors shall be of approved masonry, concrete or steel construction.
11. Each detox cell shall have sufficient penal type fixture(s) capable of providing twenty (20) foot-candles of light with a nightlight capable of providing five (5) foot-candles of light.

(f) Holding areas. The purpose of holding areas shall be [these areas are] for temporary detention not to exceed four (4) hours in secure holding or eight (8) hours in diversion holding.

1. Design features for secure holding shall include:
 - a. Twenty-five (25) square feet per rated capacity; minimum size of the area shall be fifty (50) square feet.
 - b. Eight (8) feet ceiling height.
 - c. One (1) penal type bench per rated capacity.
 - d. All equipment shall be penal type.
 - e. One (1) penal type lavatory and [A] commode.
 - f. One (1) penal type light fixture capable of providing twenty (20) foot-candles of light.
 - g. Ceilings, walls, surfaces of wall bases and floors shall be of approved masonry, concrete or steel construction.
2. If a diversion holding area is provided, features and requirements include:
 - a. Twenty-five (25) square feet per rated capacity; minimum size

of area shall be fifty (50) square feet;

- b. Total rated capacity not to exceed twenty-four (24) persons;
- c. One (1) bathroom for a rated capacity of eight (8) or less; two
- (2) bathrooms for a rated capacity of nine (9) or more;
- d. At least one (1) water fountain shall be located in area;
- e. Phone system shall be available for use by inmates;
- f. Construction shall be fire-rated with penal hardware, windows and door;
- g. Furnishings shall not include beds but chairs and tables per rated capacity and shall be fire rated;
- h. Unobstructed view into area shall be provided;
- i. Areas shall have constant in-person surveillance;
- j. If inmates housed in area during normal meal times, they shall be fed. Meals do not have to be hot; and
- k. Policy and procedure shall set forth criteria for placement of inmates in this area.

(g) Medical exam room. The purpose of this room shall be [ie] to provide a separate and secure area for medical examinations and rendering medical treatment. Design features shall include:

1. Minimum dimension shall be eight (8) feet.
2. Minimum ceiling height shall be eight (8) feet.
3. One (1) lavatory or counter sink.
4. One (1) work counter.
5. Secured lockers for medical equipment, medical instruments, medications, bandages, etc., secured to the floor or walls or a secure closet.
6. One (1) or more medical examination tables.
7. Electrical power outlets shall be provided in this room.
8. All ceilings, walls, and floors shall be approved masonry, concrete or steel construction.

9. If medical services are provided outside the jail, the jail shall have a secure area for storage of medication and medical equipment.

(h) Visiting area, inmate side. The purpose shall be [ie] to provide secure and private visitation for the inmates. All equipment and furnishings shall be of penal type and permanently attached.

(i) Conference room. The purpose of this room shall be [ie] to provide space for confidential conferences between inmates and lawyers, probation officers, clergy, etc. Design features shall include:

1. Doors, windows, and light fixtures shall be penal type.
2. Walls, floors, and ceilings shall be of approved masonry, concrete or steel construction.
3. Furnishings shall be noncombustible/nontoxic as approved by the Department of Corrections [fire-rated].

(j) Multipurpose room. The purpose of this area shall be [ie] to provide space for assembly of inmates for specific program activities. This area shall allow at least twenty-five (25) square feet per inmate in an area with a minimum of 250 square feet. Design features shall include:

1. Doors, windows, and light fixtures shall be penal type.
2. Walls, floor, and deck [ceiling] shall be of approved masonry, concrete or steel construction.
3. Furnishings shall be noncombustible/nontoxic as approved by the Department of Corrections.
4. Ceiling shall be of approved constructions. [fire-rated.]

(k) Outdoor recreation. The purpose of this area shall be [ie] to provide secure outdoor space for recreational activities. This area shall allow at least thirty-five (35) square feet per inmate in an area with a minimum of 385 square feet.

(l) Kitchen. The purpose of this area shall be [ie] to provide sufficient space and equipment for preparing meals for the maximum rated capacity of the jail. Design features shall include:

1. Compliance with standards of the State Food Service Code, 902 KAR 45:005.
2. Commercial type stoves and refrigeration units.
3. Doors and windows will be penal type.
4. Walls, floors, and ceilings will be approved fire rated masonry, concrete or steel construction.

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(m) Control room. The purpose of this area shall be [ie] to control all movement of inmates within the jail and traffic in and out of the security area. Also, this area shall [will] be the hub for operations within the jail. Design features shall include:

1. Doors and windows shall be of penal type.
2. Walls, floors, and ceiling shall be approved masonry, concrete or steel construction.
3. Audio and video monitors shall be located in this area.
4. Gauges, indicators, and alarms shall be located in this area.
5. Central control panels shall be located in this area.
6. This area shall permit visual observation of all corridors, entrances, and exits under its supervision.

(n) When jail staff are not within normal hearing distance of inmates, an audio communication system shall be installed to allow staff to communicate with inmates.

(o) A panic button, staff call station or portable communication device shall be installed or available in corridors and staff observation areas, which shall sound an alarm in the control center in the event of an emergency situation.

(p) Confinement areas. The purpose of these areas shall be [ie] to provide suitable living conditions for all types of inmates lodged in the jail. Design features for all living areas shall include:

1. Providing sufficient natural or artificial light to provide twenty (20) foot-candles with a nightlight capable of providing five (5) foot-candles of light.
2. Providing ventilation to meet air exchange as required in the state health codes.
3. Providing temperature ranges within comfort zones (sixty-five (65) degrees Fahrenheit - eighty-five (85) degrees Fahrenheit).
4. Shall be of approved masonry, concrete or steel construction.
5. All furnishings and equipment shall be penal type and permanently attached.
6. Each confinement area shall have floor drains to service each living area.
7. Be equipped with an approved securable food pass.
8. Electrical outlets when provided shall be ground-faulted or have ground-fault circuit breakers. Receptacle and switch plate covers shall be penal type.

(2) [4-] All cells and housing areas design features shall include:

(a) [4-] Prisoner living areas shall be equipped with the security hardware to meet the security requirements of the inmate(s) housed in the area. Depending on the size of the jail at least one (1) living area shall be designed at high security and be equipped with a safety vestibule to enter the living area.

(b) [2-] Depending on the size of jail one (1) or more isolation single-man cells shall be provided.

(c) [3-] All cells shall open into a dayroom and no cell shall be less than seventy (70) square feet. No cell shall have more than two (2) penal type bunks. When two (2) persons are housed in a cell, they shall not be detained in the cells for longer periods than twelve (12) hours.

(d) [4-] Each cell shall contain:

1. [a-] A penal type commode, lavatory and drinking fountain, penal type bunks secured to floor and/or wall, penal type table with two (2) seats, and penal type storage area for personal property.

2. [b-] A penal type light fixture with controls nonaccessible to inmates unless it has staff override.

(e) [5-] The jail shall provide living space for low security inmates including work release and community service workers. This area shall be either cells opening into a dayroom or a combination of this and multiple-occupancy dorms. If dorms are used, they must include:

1. [a-] Fifty (50) feet per inmate.

2. [b-] One (1) commode/lavatory/drinking fountain per eight (8) inmates.

3. [c-] One (1) shower per sixteen (16) [fifteen (15)] inmates.

4. [d-] Sufficient tables and benches to handle the number of inmates housed in the dorm.

5. [e-] One (1) penal type storage area for personal property per inmate.

6. [f-] One (1) penal type bunk secured to the floor or wall per inmate.

(f) [6-] Each dayroom area shall contain:

1. [a-] Thirty-five (35) square feet per inmate.

2. [b-] One (1) commode per eight (8) inmates.

3. [c-] One (1) lavatory per eight (8) inmates.

4. [d-] One (1) drinking fountain per sixteen (16) [fifteen (15)] inmates.

5. [e-] One (1) shower per sixteen (16) [fifteen (15)] inmates.

6. [f-] Tables and benches per rated capacity with space twenty-four (24) inches wide and twelve (12) inches deep per inmate.

[(2) The provisions of this section shall be effective as of January 1, 1993.]

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: December 28, 1992

FILED WITH LRC: January 8, 1993 at 11 a.m.

DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 3:060. Security; control.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for jails. This regulation sets forth security procedures to be followed in local jails.

Section 1. Policy and Procedure. (1) Each jailer shall develop a written policy and procedure governing all security aspects of the jails operations.

(2) The Department of Corrections [Cabinet] shall provide technical assistance to the jailer in his efforts to formulate such written policy and procedure.

(3) These policies and procedures shall include but not be limited to:

- (a) Inmate rules and regulations;
- (b) Staffing;
- (c) Searches of inmate and of secure areas;
- (d) Visitation;
- (e) Key and weapon control;
- (f) Inmate head counts;
- (g) Surveillance checks;
- (h) Emergency situations; and
- (i) Jail schedule;
- (j) Administering medication.

Section 2. Inmate Supervision. (1) Jail personnel shall conduct and document direct in-person surveillance of each inmate on an irregular schedule, no less than every sixty (60) minutes.

(2) Jail personnel shall conduct and document direct in-person surveillance every twenty (20) minutes on the following classes of inmates:

- (a) Suicidal;
- (b) Assaultive;
- (c) Escape risk;
- (d) Mentally or emotionally disturbed;
- (e) Inmates in segregation;
- (f) Inmates in detox cell;
- (g) Juveniles, if housed in the jail; and
- (h) Mental inquest detainees.

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(3) When available, closed-circuit television shall be used primarily to monitor hallways, stairwells, sallyports, perimeter security, points of egress, and common and support areas.

(4) There shall be at least three (3) documented inmate counts every twenty-four (24) hours during which each inmate's physical presence, by show of skin, or movement shall be observed. At least one (1) count shall be conducted per shift.

Section 3. Security Procedures. (1) Each jailer shall establish a procedure for inspecting all facility areas accessible to inmates for contraband and physical security at least weekly.

(a) Isolated security spot checks for contraband shall be conducted daily.

(b) Items considered as contraband or items permitted in the jail shall be clearly defined in the jail rules.

(c) There shall be a written procedure for reporting security irregularities.

(2) No weapon, ammunition, chemical agent, related security equipment, or any object which represents the potential of being used as a weapon shall be permitted in the security area unless authorized by the jailer under emergency circumstances so determined by the jailer.

(3) All firearms, weapons, and chemical agents assigned to the jail shall be stored in an arsenal, vault, or other secure room under lock.

(a) This area shall be inaccessible to all unauthorized persons.

(b) There shall be a written procedure for issuing and accounting for all weapons.

(4) All security devices and safety equipment shall be inspected monthly to ensure they are maintained in proper working order.

(5) All tools, toxic, corrosive, and flammable substances, and other potentially dangerous supplies and equipment shall be stored in a locked area which is secure and located outside the security perimeter of the confinement area.

(6) Tools, supplies, and equipment which are hazardous shall be used by inmates only under the direct supervision of jail personnel.

(7) An inmate may be assigned the responsibility of providing inmate services such as providing meals under the direct supervision of staff; however, at no time shall an inmate be assigned to a position of authority over other inmates. [Unless under the direct supervision of staff, an inmate shall not [At no time shall any inmate] be assigned to a position of authority over any other inmate or given the responsibility of providing inmate services such as commissary, telephone calls, or delivery of meals.]

(8) Inmates shall never be permitted to perform or assist in any security duties.

(9) Jails with work release or community service programs shall establish special control procedures to minimize contact between inmates with work release privileges and other inmates.

(10) Inmates shall be thoroughly searched whenever entering or leaving the security perimeter.

(11) Written procedures shall be developed for transporting outside the jail.

(12) Each jailer shall develop written policies and procedures governing the use of physical restraints.

(13) No inmate placed in physical restraints shall be left unattended.

(14) All jails shall have key-control procedures which shall include but not be limited to:

(a) A key control center which is secure and inaccessible to unauthorized persons at all times.

(b) An accounting procedure for issuing and returning keys.

(c) A procedure for immediate reporting and repairing any broken or malfunctioning key or lock.

(d) A set of duplicate keys to be maintained in a separate, secure place.

(e) No inmate shall be permitted to handle keys used to operate

jail security locks.

(f) Keys operating locks to outside doors or gates shall not be permitted in the confinement area.

(g) Emergency keys and keys to critical security areas shall only be issued in accordance with written procedures established by the jailer.

(h) Precautions similar to those outlined above shall be taken to insure the security of all nonkey operated locking devices such as electrical switches or levers.

(i) Locks to outside exits shall be keyed differently from interior locks. Locks to the control room shall be keyed differently from all other locks.

(15) Trusties.

(a) At no time shall a trusty have access to or control of weapons.

(b) At no time shall an unsupervised trusty be permitted in either a program, support, or housing area with inmates of the opposite sex.

(c) At no time shall an inmate trusty be permitted in either a program, support, or housing area with juvenile inmates.

Section 4. Daily Jail Log; Special Reports. A daily jail log shall be kept current and reflect all significant occurrences within the jail. Special reports shall include:

(1) Use of force.

(2) Disciplinary actions.

(3) Medical or mental health treatment.

(4) Feeding schedule and menus.

(5) Extraordinary occurrences.

(a) Fires.

(b) Assaults.

(c) Suicide or attempted suicide.

(d) Escape or attempted escape.

(6) Inmate vandalism.

(a) Destruction of jail property.

(b) Flooding of plumbing fixtures.

(7) Staff roster for each shift.

(8) Telephone log of initial phone call(s).

(9) Visitors log.

(10) Fire planning sessions.

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: December 28, 1992

FILED WITH LRC: January 8, 1993 at 11 a.m.

DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 3:100. Food services.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for jails. This regulation sets forth procedures for proper food services in local jails.

Section 1. Procedures. (1) The jail shall comply with the Kentucky Food Service Establishment Act and State Food Service Code (KRS 219.011 through 219.081) and the Kentucky Occupational Safety and Health Standards for General Industry (803 KAR 2:020 and 29 CFR Part 1910).

(2) The jailer shall provide adult inmates with a nutritionally adequate diet containing at least 2,400 calories per day. Juvenile inmates shall be provided a nutritionally adequate diet containing at least 3,000 calories per day.

(3) Inmates shall receive three (3) meals per day, two (2) of which

shall be hot. Not more than fourteen (14) hours shall elapse between any two (2) meals.

(4) The jailer shall provide for religious diets.

(5) The jailer shall provide for medical diets where prescribed by a medical authority.

(6) The jailer shall maintain accurate records of all meals served.

(7) Food shall not be used for disciplinary or reward purposes.

(8) A nutritionist or dietician shall approve the nutritional value of the jail menu on an annual basis.

(9) A staff member shall directly supervise all food prepared within the jail.

(10) All food shall be served under the direct supervision of a staff member.

(11) The jail shall have sufficient cold and dry food storage facilities.

(12) The jailer or his designee shall inspect the food service area daily.

(13) No food shall be prepared in inmate living areas, however, canteen food items purchased by inmates may be stored in reasonable amounts that do not pose a threat to the health or security of the institution. ~~[Food shall not be prepared or stored in inmate living areas.]~~

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS
Division of Local Facilities
(As Amended)

501 KAR 3:130. Inmate programs; services.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for jails. This regulation sets forth procedures for inmate programs and services.

Section 1. Work Programs. (1) Written policy and procedure shall provide that inmate programs and services are available and include but are not limited to social services, religious services, recreation and leisure time activities and library services.

~~[(2) Sentenced inmates who perform work as authorized by KRS 441.125 [441.068] may receive rewards in the form of sentence reductions or other privileges, if granted by proper authority.]~~

(2) ~~[(3)]~~ Written policy and procedure shall provide that unsentenced inmates are not required to work except to do personal housekeeping.

Section 2. Education Programs. (1) The jail shall develop a policy and procedure which encourage the implementation of education programs in the jail. The utilization of community resources in these efforts shall also be encouraged to offset the costs of such programs.

(2) Education programs may be made available in accordance with KRS 439.179.

Section 3. Library Services. Where resources are available in the community, library services may be made available to all inmates.

Section 4. Religious Programs. Written policy and procedure shall ensure the constitutional rights of inmates to voluntarily practice their own religious activities, subject only to those limitations necessary to maintain the order and security of the jail.

Section 5. Recreation Programs. (1) Written policy and procedure shall provide all inmates with the opportunity to participate in at least one (1) hour of physical exercise per day with at least three (3) exercise periods per week outside the cell. There shall be available one (1) hour of outdoor recreation two (2) times per week when weather permits. Inmates who pose a threat to the safety and security of the jail may be denied outdoor recreation. ~~[Where the security and safety of the jail and the weather permits, there shall be outdoor exercise.]~~

(2) Leisure time and recreation programs shall be scheduled to permit inmates to participate in, but not be limited to, such activities as board games, arts and crafts, radio and television to relieve idleness and boredom.

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS
Division of Local Facilities
(As Amended)

501 KAR 3:150. Hearings, procedures, disposition.

RELATES TO: KRS Chapter 441

STATUTORY AUTHORITY: KRS 441.013

NECESSITY AND FUNCTION: The Commissioner [Secretary] of the Kentucky Department of Corrections [Cabinet] is authorized by KRS 441.075(3) ~~[441.043(3)]~~ to hear matters covered by the order of the department [Cabinet] requesting county jails, correctional or detention facilities to comply with the minimum standards for local jails pursuant to KRS 441.055 ~~[441.044]~~ and to issue, modify or repeal the order at the conclusion of the hearing.

Section 1. Definitions. (1) "Commissioner [Secretary]" means the Commissioner [Secretary] of the Department of Corrections [Cabinet]. (2) "Department [Cabinet]" means the Kentucky Department of Corrections [Cabinet].

(3) "Standards" means the minimum jail standards for local jails.

(4) "Hearing officer" means a hearing officer appointed by the commissioner [secretary] pursuant to KRS 441.075 ~~[441.043]~~.

(5) "Proceeding" means any proceeding before the commissioner [secretary] or before a hearing officer.

(6) "Day" means a calendar day.

(7) "Order" means the order of the commissioner [secretary] requiring the petitioner(s) to comply with the minimum jail standards for local jails as specified.

(8) "Petitioner" means the jailer or county/judge executive who requests a hearing for review of the commissioner's [secretary's] order.

(9) "Jail" means county jails and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any county, city or urban county government.

Section 2. Assignment of Hearing; Filings. (1) Pursuant to KRS 441.075(3) ~~[441.043(3)]~~, cases coming before the commissioner [secretary] may be assigned to a hearing officer within the discretion of the commissioner [secretary] for a hearing and a finding of facts, conclusions of law, and recommended order. Cases may be withdrawn by agreement, dismissed for cause, or otherwise disposed of before hearing in the discretion and judgment of the commissioner [secretary].

(2) A recommended order or adjudication by the hearing officer or the initial order of the commissioner [secretary], if dismissed or disposed of as provided in subsection (1) of this section, or any

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modification of repeal of the initial order, shall become the final order of the commissioner [secretary] under the provisions of KRS 441.013(3), appealable to the Franklin Circuit Court, thirty (30) days from the date of issue.

(3) Prior to the assignment of a case to a hearing officer, the county jailer or county judge/executive shall, within seventy-two (72) hours of receipt of notification of order, request in writing a public hearing before the commissioner [secretary] or his designee on the matters covered by said order to the Commissioner [Secretary] of the Department of Corrections, State Office Building, Fifth Floor, Frankfort, Kentucky 40601. Subsequent to the assignment of the case to a hearing officer and prior to the issuance of his decision, all papers shall be filed with the hearing officer at the address given in the notice of hearing.

(4) All evidence and witnesses of both parties and intervenors and all proof must be presented at the time of hearing. No additional evidence will be permitted thereafter except in unusual circumstances and within the discretion of the commissioner [secretary] or the hearing officer.

(5) All hearings shall be held in Frankfort, Kentucky unless otherwise ordered by the commissioner [secretary].

(6) Unless otherwise ordered, all filing may be accomplished by first class mail.

(7) Filing is deemed effective at the time of mailing.

Section 3. Scope of Rules; Applicability of Kentucky Rules of Civil Procedure. (1) These rules shall govern all proceedings before the department [cabinet] and its hearing officers.

(2) In the absence of a specific provision, procedure shall be in accordance with the Kentucky Rules of Civil Procedure.

Section 4. Computation of Time. ~~[(1) In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall be included unless it is a Saturday, Sunday, or federal or state holiday, in which event the period begins to run on the next working day. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday in which event the period runs until the end of the next working day. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.]~~

~~[(2)]~~ Where service of a pleading or documents is by mail pursuant to Section 2 of this regulation, three (3) days shall be added to the time allowed by these rules for the filing of a responsive pleading.

Section 5. Notice and Time of Hearing. (1) Notice of hearings shall be given to all parties and intervenors within forty-five (45) days from the receipt of the request for hearing unless otherwise ordered by the commissioner [secretary] or his designee. No hearing shall be held later than ninety (90) days from the date of request.

(2) The notice of hearing shall include:

(a) Statement of the time and place of the hearing.

(b) The name and address of the assigned hearing officer.

(c) Statement of the legal authority and jurisdiction under which the hearing is held.

Section 6. Continuance of Hearing. (1) Continuance of a hearing ordinarily will not be allowed.

(2) Except in the case of an extreme emergency or in unusual circumstances, no such request will be considered unless received in writing at least three (3) days in advance of the time set for the hearing. The request for continuance must include the reasons therefor.

(3) Continuance of hearing not in excess of fifteen (15) days may be granted in the discretion of the hearing officer. One (1) additional continuance not in excess of fifteen (15) days may be granted by the

hearing officer in extreme emergency or under unusual circumstances. No additional continuance may be granted without approval of the commissioner [secretary].

Section 7. Failure to Appear. (1) Subject to the provisions of subsection (3) of this section, the failure of a party to appear at a hearing shall be deemed to be a waiver of all rights except the rights to be served with a copy of the decision of the hearing officer.

(2) Requests for a newly scheduled hearing must be made in the absence of extraordinary circumstances within five (5) days after the scheduled hearing date.

(3) The commissioner [secretary] or the hearing officer, upon a showing of good cause, may excuse such failure to appear. In such event, the hearing will be rescheduled.

Section 8. Consolidation. Cases may be consolidated on the motion of any party, on the hearing officer's own motion, or on the commissioner's [secretary's] own motion, where there exist common parties, common questions of law or fact, or both, or in such other circumstances as justice and the administration of the Act require.

Section 9. Severance. Upon its own motion, or upon motion of any party or intervenor, the commissioner [secretary] or the hearing officer may, for good cause, order any proceeding severed with respect to some or all issues or parties.

Section 10. Intervention. (1) A petition for leave to intervene may be filed at any stage of a proceeding before commencement of the hearing, or in the event of a settlement or dismissal before issuance of a recommended order.

(2) The petition shall set forth the interest of the petitioner in the proceeding and show that participation of the petitioner will assist in the determination of the issues in question and that the intervention will not unnecessarily delay the proceeding.

(3) The commissioner [secretary] or the hearing officer may grant a petition for intervention to such an extent and upon such terms as the commissioner [secretary] or the hearing officer shall determine.

(4) The caption of all cases where intervention is allowed shall reflect such intervention by adding to the caption after the name of the respondent the name of the intervenor, followed by the designation "intervenor."

Section 11. Service. (1) At the time of filing pleadings or other documents a copy thereof shall be served by the filing party or intervenor on every other party or intervenor.

(2) Service upon a party or intervenor who has appeared through a representative shall be made only upon such representative.

(3) Unless otherwise ordered, service may be accomplished by postage prepaid first-class mail or by personal delivery. Service is deemed effected at the time of mailing (if by mail) or at the time of personal delivery (if by personal delivery).

(4) Proof of service shall be accomplished by a written statement of the same which sets forth the date and manner of service. Such statement shall be filed with the pleading or document.

(5) Where service is accomplished by posting, proof of such posting shall be filed not later than the first working day following the posting.

Section 12. Statement of Position. At any time prior to the commencement of the hearing before the hearing officer, any person entitled to appear as a party, or any person who has been granted leave to intervene, may file a statement of position with respect to any or all issues to be heard.

Section 13. Response to Motions. Any party or intervenor upon whom a motion is served shall have ten (10) days from service of the motion to file a response.

Section 14. Failure to File. Failure to file any pleading pursuant to these rules when due, may, in the discretion of the commissioner [secretary] or the hearing officer, constitute a waiver of right to further participation in the proceedings.

Section 15. Withdrawal of Notice of Hearing. At any stage of a proceeding, a party may withdraw his notice of hearing, subject to the approval of the commissioner [secretary].

Section 16. Prehearing Conference. (1) At any time before a hearing, the commissioner [secretary] or the hearing officer, on their own motion or on motion of a party, may direct the parties or their representatives to exchange information or to participate in a prehearing conference for the purpose of considering matters which will tend to simplify the issues or expedite the proceedings.

(2) The commissioner [secretary] or the hearing officer may issue a prehearing order which includes the agreements reached by the parties. Such order shall be served on all parties and shall be a part of the record.

Section 17. Requests for Admissions. (1) At any time after the filing of responsive pleadings, any party may request of any other party admissions of facts to be made under oath. Each admission requested shall be set forth separately. The matter shall be deemed admitted unless, within fifteen (15) days after service of the request, or within such shorter or longer time as the commissioner [secretary] or the hearing officer may prescribe, the party to whom the request is directed serves upon the party requesting the admission of a specific written response.

(2) Copies of all requests and responses shall be served on all parties in accordance with the provisions of these rules and filed with the commissioner [secretary] within the time allotted and shall be a part of the record.

Section 18. Discovery Depositions and Interrogatories. (1) Except by special order of the commissioner [secretary] or the hearing officer, discovery depositions of parties, intervenors, or witnesses, and interrogatories directed to parties, intervenors, or witnesses shall not be allowed.

(2) In the event the commissioner [secretary] or the hearing officer grants an application for the conduct of such discovery proceedings, the order granting the same shall set forth appropriate time limits governing the discovery.

Section 19. Failure to Comply with Orders for Discovery. If any party or intervenor fails to comply with an order of the commissioner [secretary] or the hearing officer to permit discovery in accordance with the provisions of these rules, the commissioner [secretary] or the hearing officer may issue appropriate orders.

Section 20. Reporter's Fees. Reporter's fees shall be equally shared by all parties. This shall include the reporter's per diem costs and the cost of the original transcript. All other copies will be paid by the requesting party.

Section 21. Transcript of Testimony. Hearings shall be transcribed verbatim. A copy of the transcript of testimony taken at the hearing, duly certified by the reporter, shall be filed with the hearing officer before whom the matter was heard. The hearing officer shall promptly serve notice upon each of the parties and intervenors of such filing. Participants desiring copies of such transcripts may obtain the same from the official reporter upon payment of fees fixed therefor.

Section 22. Duties and Powers of Hearing Officers. It shall be the duty of the hearing officer to conduct a fair and impartial hearing, to assure that the facts are fully elicited, to adjudicate all issues and avoid delay. The hearing officer shall have authority with respect to

cases assigned to him, between the time he is designated and the time he issues his decision, subject to the rules and regulations of the department [cabinet]; to:

- (1) Administer oaths and affirmations;
- (2) Rule upon offers of proof and receive relevant evidence;
- (3) Regulate the course of the hearing and, if appropriate or necessary, exclude persons or counsel from the hearing for contemptuous conduct and strike all related testimony of witnesses refusing to answer any proper questions;
- (4) Hold conferences for the settlement or simplification of the issues;
- (5) Dispose of procedural requests or similar matters including motions referred to the hearing officer by the commissioner [secretary] and motions to amend pleadings; also to dismiss complaints or portions thereof, and to order hearings reopened or, upon motion, consolidated prior to issuance of this decision;
- (6) Examine witnesses and to introduce into the record documentary or other evidence;
- (7) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;
- (8) Adjourn the hearing as the needs of justice and good administration require; and
- (9) Take any other action necessary under the foregoing and authorized by the published rules and regulations of the department [cabinet].

Section 23. Exhibits. (1) All exhibits offered in evidence shall be numbered and marked with a designation identifying the party or intervenor by whom the exhibit is offered.

(2) In the absence of objection by another party or intervenor, exhibits shall be admitted into evidence as a part of the record, unless excluded by the hearing officer pursuant to Section 27 of this regulation.

(3) Unless the hearing officer finds it impractical, a copy of each such exhibit shall be given to the other parties and intervenors.

(4) All exhibits offered, but denied admission into evidence, shall be identified as in subsection (1) of this section and shall be placed in a separate file designed for rejected exhibits.

Section 24. Rules of Evidence. Hearings before the department [cabinet] and its hearing officers insofar as practicable shall be governed by the Kentucky Rules of Evidence [rules of evidence applicable in the courts of the Commonwealth of Kentucky].

Section 25. Burden of Proof. In all proceedings commenced by the filing of a notice of hearing, the burden of proof shall rest with the department [cabinet].

Section 26. Objections. (1) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence or a ruling of the hearing officer, may be stated orally or in writing, accompanied by a short statement of the grounds for the objection, and shall be included in the record. No such objection shall be deemed waived by further participation in the hearing.

(2) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the record of the proceeding.

Section 27. Recommendations of Hearing Officer; Exceptions; Final Order. (1) The decision of the hearing officer shall include findings of fact, conclusions of law, and a recommended order to the commissioner [secretary] disposing of all issues before him.

(2) Any party may file exceptions to the hearing officer's findings of fact, conclusions of law, and recommended order within ten (10) days of the date of said findings of fact, conclusions of law, and recommended order.

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(3) The commissioner ~~[secretary]~~ shall, within forty-five (45) days of the date of the hearing officer's findings of fact, conclusions of law, and recommended order, issue a final order modifying, repealing, or adopting the findings of fact, conclusions of law and recommended order of the hearing officer.

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 4:010. Definitions.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections ~~[Cabinet]~~ to promulgate regulations establishing minimum standards for jails. This regulation sets forth definitions.

Section 1. Definitions. (1) "Jail" means county jails and correctional or detention facilities including correctional facilities, defined in KRS 67B.020 operated by and under the supervision of any county, regional jail authority, city or urban county government. These regulations address those jails housing inmates for a maximum period of ninety-six (96) hours ~~[excluding weekends and holidays]~~.

(2) "Jailer" means the duly elected or appointed official charged with the responsibility of administering the jail.

(3) "Jail staff" means deputy jailers and other personnel involved in the supervision, custody, care, or treatment of prisoners in the jail.

(4) "Inmate" means any adult person confined in the jail pursuant to any code, ordinance, law or statute of any unit of government and who is:

- (a) Charged with or convicted of an offense; or
- (b) Held for extradition or as a material witness; or
- (c) Confined for any reason.

(5) "Department ~~[Cabinet]~~" means the Department of Corrections ~~[Cabinet]~~.

(6) "Medical authority" means the person or persons licensed and certified to provide medical care to inmates in the jail.

(7) "Security area" means a defined space whose physical boundaries have controlled ingress and egress.

(8) "Inmate living area" means a group of rooms or cells which provide housing for the inmate population.

(9) "Detoxification area" means an area used to temporarily hold one (1) or more chemically impaired persons during the detoxification process until they can care for themselves.

(10) "Special needs inmate" is any person with a notable physical, mental or emotional handicap or any person who poses a threat to himself or other inmates; any person who requires maximum security or isolation; and any person charged with 202A.

(11) "Penal type" means furnishings approved by the Department of Corrections ~~[Cabinet]~~.

(12) "Deck" means the secure overhead area of the jail which is part of the security perimeter.

(13) "Ceiling" means the overhead area in the multipurpose room which is below the secure deck.

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 4:040. Personnel.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections ~~[Cabinet]~~ to promulgate regulations establishing minimum standards for jails. This regulation sets forth personnel procedures to be followed in jails.

Section 1. Staffing. (1) Each jail shall provide twenty-four (24) hour awake supervision for all inmates.

(2) When female inmates are lodged in the jail, the jail shall provide a female deputy to perform twenty-four (24) hour awake supervision. ~~[female staff will be made available as needed to perform sensitive procedures to include but not limited to:~~

- ~~(a) Admission; and~~
- ~~(b) Searches.]~~

Section 2. Background Checks; Qualifications. (1) Prior to employment, all employees of the jail shall be subject to thorough background investigations to include criminal, medical, and employment history.

(2) All security employees of the jail shall be at least twenty-one (21) years of age.

Section 3. Compensation. All employees of the jail shall receive salaries at least equal to the State Minimum Wage Law except where Federal Minimum Wage Law has to be applied ~~[minimum wage] [the State Minimum Wage Law except where Federal Minimum Wage Law has to be applied]~~.

Section 4. Training; Curriculum. (1) In order to qualify for the training expense allowance under KRS 441.115 ~~[441.047]~~, the jailer shall receive a minimum of forty (40) hours annual in-service training certified by the Department of Corrections ~~[Cabinet]~~.

(a) Local Corrections training efforts shall be certified by the Department of Corrections ~~[Cabinet]~~.

(b) The Curriculum Advisory Committee shall advise the Department of Corrections ~~[Cabinet]~~ on topics for training curriculum.

(c) Jailer training shall be delivered on a regional basis by the Department of Corrections ~~[Cabinet]~~.

(2) Deputy jailers, correctional officers and other employees whose jobs require supervision of inmates shall receive a minimum of sixteen (16) hours annual in-service training delivered by the Department of Corrections ~~[Cabinet]~~ on a regional or local basis.

Section 5. Physical Fitness. The jailer shall ensure that all employees maintain a level of physical fitness that will allow the employees to satisfactorily perform their duties. ~~[have written policy and procedures that promote the physical fitness of staff.] [ensure that all employees maintain a level of physical fitness that will allow the employees to satisfactorily perform their duties.]~~

Section 6. Policy Procedure. Written policy shall specify that equal employment opportunities exist for all positions.

Section 7. Code of Ethics. (1) The jailer shall make available a written code of ethics.

(2) The written code of ethics shall be incorporated in the jail's policy and procedures manual and shall include but not be limited to the following:

(a) Employees shall not:

- 1. Exchange personal gifts or favors with inmates, their family, or

friends;

2. Accept any form of bribe or unlawful inducement;
3. Perform duties under the influence of intoxicants or consume intoxicants while on duty;
4. Violate or disobey established rules, regulations, or lawful orders from a superior;
5. Discriminate against any inmate on the basis of race, religion, creed, gender, national origin, or other individual characteristics;
6. Employ corporal punishment or unnecessary physical force;
7. Subject inmates to any form of unwarranted physical or mental abuse;
8. Intentionally demean or humiliate inmates;
9. Bring any type of weapon or item declared as contraband into the jail without proper authorization;
10. Engage in critical discussion of staff members or inmates in the presence of inmates;
11. Divulge confidential information without proper authorization;
12. Withhold information which, in so doing, threatens the security of the jail, its staff, visitors, or the community;
13. Through negligence, endanger the well-being of self or others;
14. Engage in any form of business or profitable enterprise with inmates; and
15. Inquire about, disclose, or discuss details of an inmate's crime other than as may be absolutely necessary in performing official duties.

(b) Employees shall:

1. Comply with all established rules, regulations, and lawful orders from superiors;
 2. Treat all inmates in a fair, impartial manner; and
 3. Report all violations of the code of ethics to the jailer.
- (3) Any employee violation of this code of ethics shall be made a part of that employee's personnel file.

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS
Division of Local Facilities
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501 KAR 4:050. Physical plant.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for jails.

Section 1. Purpose. The purpose of this chapter shall be [is] to provide minimum standards for the renovation or construction of jail facilities and for measuring compliance of existing jails in accordance with KRS 441.064 and 441.075 ~~[441.012 and 441.013]~~, and Kentucky Construction/Renovation Standards.

Section 2. Consultation. The Department of Corrections [Cabinet] shall provide for any county government which wishes to remodel an existing jail or construct a new jail, a consultant knowledgeable in the design, utilization, and operation of jails. The consultant shall meet with the appropriate officials of that county and advise them concerning [in matters including but not limited to]:

- (1) Site selection;
- (2) Probable need as it relates to capacity and types of inmates to be housed;
- (3) Sources of financing for construction;
- (4) Laws and regulations relating to treatment of inmates;

- (5) Laws and regulations relating to facilities for inmates;
- (6) Sources of revenue for operations of the jail;
- (7) Probable cost for operation of the jail; and
- (8) Potential for shared facilities with adjoining counties.

Section 3. Site Acceptance by the Department of Corrections [Cabinet]. The following criteria shall be considered in site selection [including but not limited to]:

- (1) Size;
- (2) Proximity to courts;
- (3) Proximity to community resources;
- (4) Availability of public transportation;
- (5) Environmental health;
- (6) Adequate parking; and
- (7) Provisions for future expansion.

Section 4. Construction Documents. Prior to the renovation or construction of any jail, plans and specifications shall be submitted to the Department of Corrections [Cabinet] for review and approval. Plans and specifications for jail renovation or construction shall contain the following criteria and documentation [as follows]:

(1) A programming phase containing a(n): ~~[This submission shall show:]~~

- (a) Evaluation of existing facility;
- (b) Population analysis;
- (c) Space requirements based on population analysis and standards for the facility and site outlined in the Kentucky Minimum Standards for Local Jails;
- (d) Staffing analysis to include construction and operation costs;
- (e) Cost analysis;
- (f) Financing alternatives, if applicable;
- (g) A design construction time schedule; and
- (h) Summary and recommendations; and
- (i) Information concerning the programming phase shall only be submitted:

1. On major renovation or new construction; and

2. For information review purposes. [(h)] ~~[This phase is submitted on major renovation or new construction only and for information review purposes.]~~

(2) Aschematic phase containing: [-]

- (a) Scale drawings of each floor plan with all proposed rooms and areas one-eighth (1/8) inch minimum;
- (b) Scale drawings of the site, locating the building, parking and other facilities - one (1) inch equals fifty (50) feet;
- (c) Documentation of site as to:
 1. Size;
 2. Proximity to courts;
 3. Proximity to community resources;
 4. Availability of public transportation;
 5. Environmental health;
 6. Adequate parking; and
 7. Provisions of future expansion.

(d) Sections through the proposed structure indicating ceiling heights of rooms, mechanical spaces, roof slopes and other related information;

(e) Scale elevation drawings of all exterior walls; ~~[and]~~

(f) Schematic cost estimate to include revised construction and operation costs; and

(g) A revised design-construction time schedule.

(3) A design development phase containing:

- (a) Scale drawings on each floor plan with all proposed rooms and areas with their dimensions one-eighth (1/8) inch minimum;
- (b) All necessary construction drawings including construction details;
- (c) Specifications for all materials and workmanship;
- (d) A proposed contract with general and special conditions;
- (e) Engineering calculations for the foundations, structure,

heating, ventilating, air conditioning, lighting and plumbing; and
(f) Detailed estimates of cost of land, site development, construction, financing, professional services, equipment and furnishings.

(4) A construction document phase containing:

(a) Revised design development construction drawings following review by all applicable agencies[-

(b) signed by an architect registered in the Commonwealth of Kentucky and revised if necessary to include all changes required by the Department of Corrections [Cabinet].

(b) [(c)] Revised design development specifications of material and workmanship following review by all applicable agencies.

(5) A contract administration phase containing:

(a) Signed copies of all contracts for construction, financing and bonding;

(b) Signed copies of all construction permits;

(c) Documentation of review by all other applicable state agencies; and

(d) All change orders must be submitted to the Department of Corrections [Cabinet] for review and approval.

Section 5. Approval of Renovation and Construction Plans and Specification. (1) [(6)] The Department of Corrections [Cabinet] shall [will] review all submissions within thirty (30) days of receipt and issue a letter of approval, acceptance with required changes, or rejection with reasons. No construction shall be started until the construction document phase as required in Section 4(4) of this administrative regulation [subsection (5)(d) of this section] has been approved.

(2) [(7)] Depending on the site of the proposed constructions, renovation or addition the Department of Corrections [Cabinet] may combine two (2) or more phases as outlined above for review and approval.

(3) [(8)] All changes prior to the approval of final construction documents shall require appropriate modifications to the final construction documents including redrawing of plans and rewriting of specifications. All changes after the approval of final construction documents shall require adequate documentation which fully describes and illustrates the changes which may include written and/or graphic addenda, field orders and change orders. In addition a set of accurate as built drawings shall be submitted to Corrections within sixty (60) days of occupancy of the facility.

Section 6. [5-] Waiver of Compliance. (1) The Department of Corrections [Cabinet] may grant a waiver of the implementation of the physical plant standards for an existing jail if the department [cabinet] determines:

(a) That strict compliance shall [will] cause unreasonable difficulties;

(b) That a waiver shall [will] not seriously affect the security, supervision of prisoners, programs, or the safe, healthful, or efficient operations of the jail; and

(c) That compliance may [is to] be achieved in a manner other than that which is specified, but in a manner which is sufficient to meet the intent of these standards.

(2) When a waiver from a standard is desired, the responsible local authority shall submit a written request to the Department of Corrections [Cabinet]. The written request shall include the following information:

(a) Citation of the specific standard involved;

(b) Identification and description of the specific difficulties involved in meeting strict compliance;

(c) Description of the alternative proposed; and

(d) Provision of sufficient documentation which will demonstrate that the waiver, if granted, will not jeopardize the security, supervision of inmates, programs, or the safe, healthful, or efficient operation of the jail.

(3) A waiver, if granted by the Department of Corrections

[Cabinet], shall apply only to the petitioner for the specific situation cited and for the period of time specified and shall include any requirements imposed by the department [cabinet] as conditions upon the waiver. No waiver shall be granted for longer than twelve (12) months. Any waiver granted for a twelve (12) month period shall be reviewed at the end of the period for reapproval.

Section 7. [6-] Facility Design. Depending upon its size and intended use, every jail shall include within its walls the following facilities and equipment:

(1) Entrance. The purpose of this entrance shall be [is] to provide secure and private access to the jail for incoming inmates. This entrance [must be serviced by a walk-in vestibule and] shall incorporate the following design features:

(a) Be located adjacent to the booking area;

(b) Be monitored from the booking area;

(c) Be free of steps or other obstacles or make other reasonable accommodations pursuant to the Americans with Disabilities Act;

[(c) Be free of steps or other obstacles;

(d) Be protected from inclement weather; and]

(d) [(e)] [(e)] Have a security penal type pistol locker in the vestibule.

(2) Exits. Openings that may be used by an inmate to exit [All openings in] the facility shall be secured with penal devices.

(3) Administrative areas. Administrative areas shall provide space to house the administrative offices and to accommodate the public. Administrative areas may be combined with the following other areas of the facility:

(a) A waiting area which shall provide:

1. Space for the general public; and

2. Protection from inclement weather;

3. The waiting area may have toilet facilities and drinking fountains;

b. A visiting area, public side. Public side visiting areas shall provide for:

1. Private communication with inmates; and

2. Be located in close proximity to the waiting area;

3. Public side visiting areas shall not be required in jails housing inmates less than twelve (12) hours. [Administrative areas. This area will provide space [outside the secured area of the jail] to house the administrative offices and to accommodate the public. The Department of Corrections [Cabinet] may permit these areas to be combined. This shall contain the following:

(a) Waiting area. To provide space for the general public which is protected from inclement weather. This area may have toilet facilities and drinking fountains.

(b) Visiting area, public side. This area shall provide for private communication with inmates and be located in close proximity to the waiting area. This area is not required in jails housing inmates less than twelve (12) hours. [All furnishings of this area shall be penal type and permanently attached.]

(4) Security area. The area shall enclose all facilities and services required for or used by the inmates. It shall contain the following function areas:

(a) Booking and [4] operations area. The purpose shall be [is] to provide an operational area to carry out admission and release procedures and to control all movement within the jail. Design features shall include:

1. Doors and windows shall be penal type;

2. Walls, floors, and ceilings shall be approved masonry, concrete or steel construction;

3. Audio and video monitors shall be located in this area[-

4. Gauges, indicators, and alarms shall be located in this area;

5. Central control panels shall be located in this area.

(b) When jail staff are not within normal hearing distance of inmates, an audio communication system shall be installed to allow

staff to communicate with inmates.

(c) A panic button, staff call station or portable communication device shall be installed or available in corridors and staff observation areas, which shall sound an alarm in the event of an emergency situation.

(d) Detoxification area. The purpose shall be [ie] to provide an area to separate intoxicated inmates from the general inmate population. Design features shall include:

1. A minimum of fifty (50) square feet per inmate;
2. A minimum of eight (8) feet ceiling height;
3. One (1) bunk of approved material thirty (30) inches wide by seventy-two (72) inches long by four (4) inches high for each inmate;
4. An approved penal commode/lavatory and a ~~[flush]~~ floor drain ~~[controlled from outside the cell]~~;
5. A bubble-type drinking fountain;
6. All fixtures and equipment shall be penal type;
7. All surfaces inside the area shall be smooth, flush, and free of sharp edges and protrusions;
8. All horizontal surfaces (the bunk and the floor) shall be sloped (one-fourth (1/4) of an inch to the foot) to the floor drain;
9. All protruding corners (except at ceiling) shall be coved; and
10. Ceiling, walls, surfaces of the wall base, and floors shall be of approved masonry, concrete or steel construction.
11. Each detox cell shall have sufficient penal type fixture(s) capable of providing lighting adequate for staff surveillance of the area. [twenty (20) foot-candles of light with a nightlight capable of providing five (5) foot-candles of light.]

(e) Holding areas. The purpose of this area shall be [ie] for temporary detention. This area shall not be required [ie considered optional] for a ninety-six (96) hour holdover. Design features shall include:

1. Twenty-five (25) square feet per rated capacity; minimum size of the area shall be fifty (50) square feet;
2. Eight (8) feet ceiling height;
3. One (1) penal bench per rated capacity;
4. All equipment shall be penal type;
5. One (1) approved penal type lavatory and commode;
6. One (1) penal type light fixture capable of providing twenty (20) foot-candles of light;

7. Ceilings, walls, surfaces of wall bases and floors shall be of approved masonry, concrete or steel construction.

(f) ~~[Multiuse room. The purpose of this area is to provide space for medical examinations, confidential conferences and other uses. Design features shall include:~~

1. ~~Doors, windows, and light fixtures shall be penal type; and~~
2. ~~Walls, floor, and ceiling shall be of approved masonry, concrete or steel construction.~~

3. ~~Furnishings shall be fire-rated.~~

~~(g)~~ Visiting area, inmate side. The purpose shall be [ie] to provide secure and private visitation for the inmates. All equipment and furnishings shall be penal type and permanently attached. This area shall not be required in jails housing inmates for a maximum of twelve (12) hours or less.

~~(g)~~ ~~[(h)]~~ Kitchen facilities and services shall comply with the Kentucky Food Service Code.

(5) Confinement areas. The purpose of these areas shall be [ie] to provide suitable living conditions for all types of inmates lodged in the jail. Design features for all living areas shall include:

- (a) Providing sufficient natural or artificial light to provide twenty (20) foot-candles of light with a nightlight capable of providing five (5) foot-candles of light;
- (b) Providing ventilation to meet air exchange as required in the state health codes;
- (c) Providing temperature ranges within comfort zones (sixty-five (65) degrees Fahrenheit to eighty-five (85) degrees Fahrenheit);
- (d) Shall be of approved masonry, concrete or steel construction;
- (e) All furnishings and equipment shall be penal type and

permanently attached;

(f) Each confinement area shall have approved floor drains to service each living area;

(g) Be equipped with an approved securable food pass; and

(h) Electrical outlets when provided shall be ground-faulted or have ground-fault circuit breakers. Receptacle and switch plate covers shall be penal type.

(6) All cells and housing areas design features shall include:

(a) Prisoner living areas shall be equipped with the security hardware to meet the security requirements of the inmate(s) housed in the area.

(b) Cells may open into a dayroom and no cell shall be less than seventy (70) square feet. No cell shall have more than two (2) penal type bunks. When two (2) persons are housed in a cell, they shall not be detained in the cells for longer periods than twelve (12) hours.

(c) Each cell shall contain:

1. A penal type commode, lavatory and drinking fountain, penal type bunks secured to the floor ~~[and]~~ for wall, penal type table with two (2) seats, and penal type storage area for personal property.
2. A light fixture of penal type with controls nonaccessible to inmates.

(d) Each dayroom area shall contain:

1. Thirty-five (35) square feet per inmate;
2. One (1) commode per eight (8) inmates;
3. One (1) lavatory per eight (8) inmates;
4. One (1) drinking fountain per sixteen (16) ~~[fifteen (15)]~~ inmates;
5. One (1) shower per sixteen (16) ~~[fifteen (15)]~~ inmates; and
6. Tables and benches per rated capacity with space twenty-four (24) inches wide and twelve (12) inches deep per inmate.

(e) Multioccupancy area. The jail may provide living space for low security inmates. This area shall be either cells opening into a dayroom or a combination of this and multiple occupancy dorms. If dorms are used, they must include:

1. Fifty (50) feet per inmate;
2. One (1) commode, lavatory and drinking fountain per eight (8) inmates;
3. One (1) shower per sixteen (16) ~~[fifteen (15)]~~ inmates;
4. Sufficient tables and benches to handle the number of inmates housed in the dorm;
5. One (1) penal type storage area for personal property per inmate; and
6. One (1) penal type bunk secured to the floor or wall per inmate.

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS
Division of Local Facilities
(As Amended)

501 KAR 4:060. Security; control.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections ~~[Cabinet]~~ to promulgate regulations establishing minimum standards for jails. This regulation sets forth security procedures to be followed in local jails.

Section 1. Policy and Procedure. (1) Each jailer shall develop a written policy and procedure governing all security aspects of the jail operations.

(2) The Department of Corrections ~~[Cabinet]~~ shall provide technical assistance to the jailer in his efforts to formulate such written

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policy and procedure.

(3) These policy and procedures shall include but not be limited to:

- (a) Inmate rules and regulations;
- (b) Staffing;
- (c) Searches of inmate and of secure areas;
- (d) Visitation;
- (e) Key and weapon control;
- (f) Inmate head counts;
- (g) Surveillance checks;
- (h) Emergency situations;
- (i) Jail schedule;
- (j) Administering medication.

Section 2. Inmate Supervision. (1) Jail personnel shall conduct and document direct in-person surveillance of each inmate on an irregular schedule, no less than every sixty (60) minutes.

(2) Jail personnel shall conduct and document direct in-person surveillance every twenty (20) minutes on inmates in detox cell.

(3) When available, closed-circuit television shall be used primarily to monitor hallways, stairwells, sallyports, perimeter security, points of egress, and common and support areas.

(4) There shall be at least three (3) documented inmate counts every twenty-four (24) hours during which each inmate's physical presence, by show of skin, or movement shall be observed. At least one (1) count shall be conducted per shift.

Section 3. Security Procedures. (1) Each jailer shall establish a procedure for inspecting all facility area accessible to inmates for contraband and physical security at least weekly.

(a) Isolated security spot checks for contraband shall be conducted daily.

(b) Items considered as contraband or items permitted in the jail shall be clearly defined in the jail rules.

(c) There shall be a written procedure for reporting security irregularities.

(2) No weapon, ammunition, chemical agent, related security equipment, or any object which represents the potential of being used as a weapon shall be permitted in the security area unless authorized by the jailer under emergency circumstances as determined by the jailer.

(3) All firearms, weapons, and chemical agents assigned to the jail shall be stored in an arsenal, vault, or other secure room under lock.

(a) This area shall be inaccessible to all unauthorized persons.

(b) There shall be a written procedure for issuing and accounting for all weapons.

(4) All security devices and safety equipment shall be inspected monthly to ensure that they are maintained in proper working order.

(5) All tools, toxic, corrosive, and flammable substances, and other potentially dangerous supplies and equipment shall be stored in a locked area which is secure and located outside the security perimeter of the confinement area.

(6) Tools, supplies and equipment which are hazardous shall be used by inmates only under the direct supervision of jail personnel.

(7) An inmate may be assigned the responsibility of providing inmate services such as providing meals under the direct supervision of staff; however, at no time shall an inmate be assigned to a position of authority over other inmates. [Unless under the direct supervision of staff, an inmate shall not [At no time shall any inmate] be assigned to a position of authority over any other inmate or given the responsibility of providing inmate services such as commissary, telephone calls, or delivery of meals.]

(8) Inmates shall never be permitted to perform or assist in any security duties.

(9) Inmates shall be thoroughly searched whenever entering or leaving the security perimeter.

(10) Written procedures shall be developed for transporting outside the jail.

(11) Each jailer shall develop written policies and procedures governing the use of physical restraints.

(12) No inmate placed in physical restraints shall be left unattended.

(13) All jails shall have key control procedures which shall include but not be limited to:

(a) A key control center which is secure and inaccessible to unauthorized persons at all times;

(b) An accounting procedure for issuing and returning keys;

(c) A procedure for immediate reporting and repairing of any broken or malfunctioning key or lock;

(d) A set of duplicate keys to be maintained in a separate, secure place;

(e) No inmate shall be permitted to handle keys used to operate jail security locks;

(f) Keys operating locks to outside doors or gates shall not be permitted in the confinement area;

(g) Emergency keys and keys to critical security areas shall only be issued in accordance with written procedures established by the jailer;

(h) Precautions similar to those outlined above shall be taken to ensure the security of all nonkey operated locking devices such as electrical switches or levers;

(i) Locks to outside exits shall be keyed differently from interior locks.

Section 4. Daily Jail Log; Special Reports. A daily jail log shall be kept current and reflect all significant occurrences within the jail. Special reports shall include:

(1) Use of force;

(2) Disciplinary actions;

(3) Medical or mental health treatment;

(4) Feeding schedule and menus;

(5) Extraordinary occurrences:

(a) Fires;

(b) Assaults;

(c) Suicide or attempted suicide;

(d) Escape or attempted escape;

(6) Inmate vandalism:

(a) Destruction of jail property;

(b) Flooding of plumbing fixtures;

(7) Staff roster for each shift;

(8) Telephone log of initial phone call(s);

(9) Visitors' log;

(10) Fire planning sessions.

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: December 28, 1992

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 4:100. Food services.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for jails. This regulation sets forth procedures for the delivery of proper food services in jails.

Section 1. Procedures. (1) The jail shall comply with the Kentucky

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Food Services Establishment Act and State Food Service Code (KRS 219.019 through KRS 219.081) and the Kentucky Occupational Safety and Health Standards for General Industry (803 KAR 2:020 and 29 CFR Part 1910).

(2) The jailer shall provide adult inmates with a nutritionally adequate diet containing at least 2400 calories per day.

(3) Inmates shall receive three (3) meals per day. Not more than fourteen (14) hours shall elapse between any two (2) meals.

(4) The jailer shall provide for religious diets.

(5) The jailer shall provide for medical diets where prescribed by a medical authority.

(6) The jailer shall maintain accurate records of all meals served.

(7) Food shall not be used for disciplinary or reward purposes.

(8) A nutritionist or dietician shall approve the nutritional value of the jail menu on an annual basis.

(9) A staff member shall directly supervise all food prepared within the jail.

(10) All food shall be served under the direct supervision of a staff member.

(11) The jail shall have sufficient cold and dry food storage facilities if food is prepared in jail.

(12) The jailer or his designee shall inspect the food services area daily.

(13) No food shall be prepared in inmate living areas, however, canteen food items purchased by inmates may be stored in [reasonable] amounts that do not pose a threat to the health or security of the institution. [Food shall not be prepared or stored in inmate living areas.]

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (Proposed Amendment)

501 KAR 7:040. Personnel.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [Cabinet] to promulgate regulations establishing minimum standards for detention facilities. This regulation sets forth personnel procedures to be followed in restricted custody centers.

Section 1. Staffing. (1) Each center shall provide twenty-four (24) hour awake supervision.

(2) When female residents are housed in the center, the center shall provide a female deputy to perform twenty-four (24) hour awake supervision. [female staff shall be made available as needed to perform sensitive procedures to include but not limited to:

- (a) Admission; and
- (b) Searches.]

Section 2. Background Checks; Qualifications. (1) Prior to employment, all employees of the center shall be subject to a thorough background investigation to include criminal, medical, and employment histories.

(2) All security employees of the center shall be at least twenty-one (21) years of age.

Section 3. Compensation. All employees of the center shall receive salaries at least equal to the State Minimum Wage Law except where Federal Minimum Wage Law has to be applied

[minimum wage] [the State Minimum Wage Law except where Federal Minimum Wage Law has to be applied].

Section 4. Training. Deputy jailers, correctional officers and other employees whose jobs require supervision of residents shall receive a minimum of sixteen (16) hours annual in-service training delivered by the Department of Corrections [Cabinet] on a regional or local basis.

Section 5. Policy and Procedures. Written policy shall specify that equal employment opportunities exist for all positions.

Section 6. Physical Fitness. The jailer shall ensure that all employees maintain a level of physical fitness that will allow the employees to satisfactorily perform their duties. [have written policy and procedures that promote the physical fitness of staff.] [ensure that all employees maintain a level of physical fitness that will allow the employees to satisfactorily perform their duties.]

Section 7. Code of Ethics. (1) The jailer shall make available to all employees a written code of ethics.

(2) The written code of ethics shall be incorporated in the center's policy and procedures manual and shall include but not be limited to the following:

(a) Employees shall not:

1. Exchange personal gifts or favors with residents, their family, or friends;
2. Accept any form of bribe or unlawful inducement;
3. Perform duties under the influence of intoxicants or consume intoxicants while on duty;
4. Violate or disobey established rules, regulations, or lawful orders from a superior;
5. Discriminate against any residents on the basis of race, religion, creed, gender, national origin, or other individual characteristics;
6. Employ corporal punishment or unnecessary physical force;
7. Subject residents to any form of unwarranted physical or mental abuse;
8. Intentionally demean or humiliate residents;
9. Bring any type of weapon or item declared as contraband into the center without proper authorization;
10. Engage in critical discussion of staff members or residents in the presence of residents;
11. Divulge confidential information without proper authorization;
12. Withhold information which, in so doing, threatens the security of the center, its staff, visitors, or the community;
13. Through negligence, endanger the well-being of self or others;
14. Engage in any form of business or profitable enterprise with residents; or
15. Inquire about, disclose, or discuss details of a resident's crime other than as may be absolutely necessary in performing official duties.

(b) Employees shall:

1. Comply with all established rules, regulations, and lawful orders from superiors;
 2. Treat all residents in a fair, impartial manner; and
 3. Report all violations of the code of ethics to the jailer.
- (3) Any employee violation of this code of ethics shall be made a part of that employee's personnel file.

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS
Division of Local Facilities
(As Amended)

501 KAR 7:050. Physical plant.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [~~Cabinet~~] to promulgate regulations establishing minimum standards for detention facilities. This regulation sets forth standards and procedures to be followed in the design and construction of centers.

Section 1. Purpose. The purpose of this regulation is to provide minimum standards for the renovation and construction of detention facilities and for measuring compliance of existing centers in accordance with KRS 441.055, 441.064, and 441.075 [~~441.011, 441.012 and 441.013~~], and Kentucky Construction/Renovation Standards.

Section 2. Consultation. The Department of Corrections [~~Cabinet~~] shall provide for any county government which wishes to remodel an existing detention facility or construct a new facility, a consultant knowledgeable in the design, utilization, and operation of detention facilities. The consultant shall meet with the appropriate officials of that county and advise them concerning [~~in matters including but not limited to~~]:

- (1) Site selection;
- (2) Probable need as it relates to capacity and types of residents to be housed;
- (3) Sources of financing for constructing;
- (4) Laws and regulations relating to treatment of residents;
- (5) Laws and regulations relating to facilities for residents;
- (6) Sources of revenue for operations of the center;
- (7) Probable cost for operation of the center; and
- (8) Potential for shared facilities with adjoining counties.

Section 3. Site Acceptance. No center shall be built without site acceptance by the Department of Corrections [~~Cabinet~~]. The following criteria shall be considered in site selection [~~including but not limited to~~]:

- (1) Size;
- (2) Proximity to courts;
- (3) Proximity to community resources;
- (4) Availability of public transportation;
- (5) Environmental health;
- (6) Adequate parking; and
- (7) Provisions for future expansion.

Section 4. Construction Documents. Prior to the renovation or construction of any detention facility, plans and specifications shall be submitted to the Department of Corrections [~~Cabinet~~] for review and approval. Plans and specifications for jail renovation or construction shall contain the following criteria and documentation [~~as follows~~]:

- (1) A programming phase containing a(n): [~~This submission shall show:~~]
 - (a) Evaluation of existing facility;
 - (b) Population analysis;
 - (c) Space requirements based on population analysis and standards for the facility and site outlined in these Kentucky Minimum Standards for Restricted Custody Centers;
 - (d) Staffing analysis;
 - (e) Cost analysis to include construction and operation cost;
 - (f) Financing alternatives, if applicable;
 - (g) A design-construction time schedule; and

(h) Summary and recommendations; and

(i) [~~(h)~~] Information concerning the programming phase shall only be submitted:

1. On major renovation or new construction; and

2. For information review purposes. [~~This phase is submitted on major renovation or new construction only and for information review purposes.~~]

(2) A Schematic phase containing:

- (a) Scale drawings of each floor plan with all proposed rooms and areas one-eighth (1/8) inch minimum;
- (b) Scale drawings of the site, locating the building, parking and other facilities one (1) inch = fifty (50) feet;
- (c) Documentation of site as to:
 1. Size;
 2. Proximity to courts;
 3. Proximity to community resources;
 4. Availability of public transportation;
 5. Environmental health;
 6. Adequate parking; and
 7. Provisions of future expansion.

(d) [~~8-~~] Sections through the proposed structure indicating ceiling heights of rooms, mechanical spaces, roof slopes and other related information;

(e) [~~9-~~] Scale elevation drawings of all exterior walls; [~~and~~]

(f) [~~10-~~] Schematic cost estimate to include revised construction and operation costs; and

(g) A revised design-construction time schedule.

(3) A design development phase containing:

- (a) Scale drawings on each floor plan with all proposed rooms and areas with their dimensions one-eighth (1/8) inch minimum;
- (b) All necessary construction drawings including construction details;
- (c) Specifications for all materials and workmanship;
- (d) A proposed contract with general and special conditions;
- (e) Engineering calculations for the foundation, structure, heating, ventilating, air conditioning, lighting and plumbing; and
- (f) Detailed estimates of cost of land, site development, construction, financing, professional services, equipment and furnishings.

(4) A construction document phase containing:

- (a) Revised design development construction drawings following review by all applicable agencies;
- (b) [~~signed~~] signed by an architect registered in the Commonwealth of Kentucky and revised if necessary to include all changes required by the Department of Corrections [~~Cabinet~~]; and

(c) [~~Revised~~] Revised design development specifications of material and workmanship following review by all applicable agencies.

(5) A contract administration phase containing:

- (a) Signed copies of all contracts for construction, financing and bonding;
- (b) Signed copies of all construction permits;
- (c) Documentation of review by all other applicable state agencies; and
- (d) All change orders shall [~~must~~] be submitted to the Department of Corrections [~~Cabinet~~] for review and approval.

Section 5. Approval of Renovation, Construction Plans and Specifications. (1) [~~(6)~~] The Department of Corrections [~~Cabinet~~] shall [~~will~~] review all submissions within thirty (30) days of receipt and issue a letter of approval, acceptance with required changes, or rejection with reasons. No construction shall be started until the construction document phase as required in Section 4(4) of this administrative regulation [~~subsection (4) of this section~~] has been approved.

(2) [~~(7)~~] Depending on the site of the proposed construction, renovation or addition the Department of Corrections [~~Cabinet~~] may combine two (2) or more phases as outlined in this section for review and approval.

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(3) [(4)] All changes to the plans shall require redraws unless specifically exempted by the Department of Corrections [~~Cabinet~~]. Specifications must be rewritten to reflect changes.

Section **6**, **[5-]** Waiver of Compliance. (1) The Department of Corrections [~~Cabinet~~] may grant a waiver of the implementation of the physical plant standards for an existing center if the department [~~cabinet~~] determines:

- (a) That strict compliance will cause unreasonable difficulties;
 - (b) That a waiver will not seriously affect the security, supervision of prisoners, programs, or the safe, healthful, or efficient operations of the center; and
 - (c) That compliance is to be achieved in a manner other than that which is specified, but in a manner which is sufficient to meet the intent of these standards.
- (2) When a waiver from a standard is desired, the responsible local authority shall submit a written request to the Department of Corrections [~~Cabinet~~]. The written request shall include the following information:
- (a) Citation of the specific standard involved;
 - (b) Identification and description of the specific difficulties involved in meeting strict compliance;
 - (c) Description of alternative proposed; and
 - (d) Provision of sufficient documentation which will demonstrate that the waiver, if granted, will not jeopardize the security, supervision of residents, programs, or the safe, healthful, or efficient operation of the center.
- (3) A waiver, if granted by the Department of Corrections [~~Cabinet~~], shall apply only to the petitioner for the specific situation cited and for the period of time specified and shall include any requirements imposed by the department [~~cabinet~~] as conditions upon the waiver. No waiver shall be granted for longer than twelve (12) months. Any waiver granted for a twelve (12) month period shall be reviewed at the end of the period for reapproval.

Section **7**, **[6-]** Facility Design. (1) Each center shall have two (2) separate entrances, a resident entrance and a service entrance. The Department of Corrections [~~Cabinet~~] may permit these entrances to be combined.

(a) Residents' entry. The purpose of this entrance shall be [is] to provide secure and controlled access to the center for residents.

(b) Service entrance. The purpose of this entrance shall be [is] to provide access to service vehicles and delivery trucks with minimum security risks. It should be located in close proximity to storage rooms and the kitchen area.

(2) All exits in the security area shall be secured.

(3) Security area. The area shall enclose all facilities and services required for or used by residents. It shall contain the following function areas:

(a) Control area. This area shall be located in close proximity to the resident entrance and shall be used to monitor the movement of residents in and out of the facility.

(b) Visitation. Adequate space shall be made available for contact visits between residents and families. Tables and chairs shall be provided. Bathroom facilities shall be available to serve this area.

(c) Multipurpose room. The purpose of this area is to provide space for assembly of residents for specific program activities. Adequate furnishings shall be provided.

(d) Conference area. The purpose of this space is to provide space for confidential conferences between residents and lawyers, counselors, clergy, etc. A table and chairs shall be provided.

(e) Living areas.

1. All sleeping rooms shall provide a minimum of fifty (50) square feet per resident. No more than twenty-four (24) [~~fifteen (15)~~] residents shall be placed in a single sleeping room.

2. Each resident has provided in the sleeping room, at a minimum: bed, mattress and pillow, supply of bed linen, chair, and

closet/locker space for the storage of personal items.

3. Sleeping areas shall have lighting of at least twenty (20) foot-candles in reading and grooming area with a nightlight capable of providing five (5) foot-candles of light.

4. The facility shall have one (1) toilet for every eight (8) residents, one (1) wash basin for every eight (8) residents and a shower for every eight (8) residents.

5. Phone facilities are available for resident use.

6. Provide temperature ranges within comfort zones (sixty-five (65) degree Fahrenheit to eighty-five (85) degree Fahrenheit).

7. Provide ventilation to meet air exchange as required in the State Health Code.

(f) Kitchen. The purpose of this area is to provide sufficient space and equipment for preparing meals for the maximum rated capacity of the center. Design features shall include compliance with standards for the State Food Service Code. If food is not prepared in the facility, a food distribution area shall be substituted.

(g) Laundry facilities. Laundry facilities to include at least one (1) washer and dryer per sixteen (16) residents shall be located at the center or a contract for such services shall be in effect.

(h) Furnishings. All furnishings in the center shall be noncombustible/nontoxic as approved by Corrections. [~~approved fire rated.~~]

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 7:060. Security; control.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections [~~Cabinet~~] to promulgate regulations establishing minimum standards for detention facilities. This regulation sets forth security procedures to be followed in restricted custody centers.

Section 1. Policy and Procedure. (1) Each jailer shall develop a written policy and procedure governing all security aspects of the center's operations.

(2) The Department of Corrections [~~Cabinet~~] shall provide technical assistance to the jailer in his efforts to formulate such written policy and procedure.

(3) These policies and procedures shall include but not be limited to:

- (a) Resident rules and regulations;
- (b) Staffing;
- (c) Searches of resident and of secure areas;
- (d) Visitation;
- (e) Key and weapon control;
- (f) Resident head counts;
- (g) Movement of residents;
- (h) Emergency situations;
- (i) Center schedule; and
- (j) Administering medication.

Section 2. Resident Supervision. (1) Center personnel shall conduct rounds of the center no less than every sixty (60) minutes.

(2) There shall be at least three (3) documented resident counts every twenty-four (24) hours during which each resident's physical presence, by show of skin, or movement shall be observed or his location accounted for. At least one (1) count shall be conducted per shift.

DEPARTMENT OF CORRECTIONS
Division of Local Facilities
(As Amended)

501 KAR 10:010. Definitions.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections to promulgate regulations establishing minimum standards for jails. This regulation sets forth definitions.

Section 1. Definitions. (1) "Jail" means county jail and correctional or detention facilities, including correctional facilities defined in KRS 67B.020 and juvenile detention facilities, operated by and under the supervision of any county, regional jail authority, city or urban county government.

(2) "Jailer" means the duly elected or appointed official charged with the responsibility of administering the jail.

(3) "Jail staff" means deputy jailers, and other personnel involved in the supervision, custody, care or treatment of prisoners in the jail.

(4) "Inmate" means any person confined in the jail pursuant to any code, ordinance, law or statute of any unit of government and who is:

- (a) Charged with or convicted of an offense;
- (b) Held for extradition or as a material witness; or
- (c) Confined for any reason.

(5) "Department" means the Department of Corrections.

(6) "Medical authority" means the person or persons licensed and certified to provide medical care to inmates in the jail.

(7) "Security area" means a defined space whose physical boundaries have controlled ingress and egress.

(8) "Direct supervision area" means a group of cells adjacent to a dayroom area which provides housing for up to forty-eight (48) inmates. A staff member shall be stationed within each direct supervision area in order to control inmate behavior.

(9) "Inmate living area" means a group of rooms or cells which provide housing for the inmate population.

(10) "Holding area" means an area used to hold one (1) or more persons temporarily while awaiting processing, booking, court appearance, discharge or until they can be moved to general housing areas.

(11) "Detoxification area" means an area used to temporarily hold one (1) or more chemically impaired persons during the detoxification process until they can care for themselves.

(12) "Dormitory" is an area equipped for housing not less than three (3) persons or more than sixteen (16) persons.

(13) "Dayroom" means a secure area with controlled access from the inmate living area, to which inmates may be admitted for daytime activities such as dining, bathing, and selected recreation or exercise.

(14) "Safety vestibule" is a defined space that promotes security by the use of two (2) or more doors and can be used to observe those who pass. When the vestibule is used at a cell area at least the inner door shall be remotely operated. When the vestibule is used for outside entrance at least the outer entry door shall be remotely operated.

(15) "Sallyport" is a vehicular drive-in made secure by electrically or manually operated doors for entrance and exit. It is generally located in close proximity to the jail intake area.

(16) "Penal type" means furnishings approved by the Department of Corrections.

(17) "Commercial type" means furnishings of a commercial or industrial grade approved by the Department of Corrections.

(18) "Deck" means the secure overhead area of the jail which is part of the security perimeter.

(19) "Ceiling" means the overhead area in the multipurpose room which is below the secure deck.

Section 3. Security Procedures. (1) Each jailer shall establish a procedure for inspecting all facility areas accessible to residents for contraband and physical security at least weekly.

(a) Isolated security spot checks for contraband shall be conducted daily.

(b) Items considered as contraband or items permitted in the center shall be clearly defined in the center rules.

(c) There shall be a written procedure for reporting security irregularities and for confiscating contraband.

(2) No weapon, ammunition, chemical agent, related security equipment, or any object which represents the potential of being used as a weapon shall be permitted in the security area unless authorized by the jailer under emergency circumstances.

(3) All firearms, weapons, and chemical agents assigned to the center shall be stored in an arsenal, vault, or other room under lock.

(a) This area shall be inaccessible to all unauthorized persons.

(b) There shall be a written procedure for issuing and accounting for all weapons.

(4) All security devices and safety equipment shall be inspected monthly to ensure they are maintained in proper working order.

(5) All tools, toxic, corrosive, and flammable substances, and other potentially dangerous supplies and equipment shall be stored in a locked area which is secure.

(6) Tools, supplies, and equipment which are hazardous shall be used by residents only under the direct supervision of center personnel.

(7) An inmate may be assigned the responsibility of providing inmate services such as providing meals under the direct supervision of staff; however, an inmate shall not be assigned to a position of authority over another inmate. [Unless under the direct supervision of staff, a resident shall not (At no time shall any resident) be assigned to a position of authority over any other resident or given the responsibility of providing resident services such as commissary, telephone calls, or delivery of meals.]

(8) Residents shall never be permitted to perform or assist in any security duties.

(9) Residents and their belongings shall be searched whenever entering the security perimeter.

(10) Written procedures shall be developed for transporting outside the center.

(11) All centers shall have key-control procedures.

Section 4. Daily Center Log; Special Reports. (1) A daily center log shall be kept current and reflect all significant occurrences within the center. Special reports shall include:

- (a) Use of force;
- (b) Disciplinary actions;
- (c) Medical or mental health treatment;
- (d) Feeding schedule and menus;
- (e) Extraordinary occurrences:
 - 1. Fires;
 - 2. Assaults;
 - 3. Suicide or attempted suicide;
 - 4. Escape or attempted escape;
- (f) Resident vandalism;
 - 1. Destruction of center property.
 - 2. Flooding of plumbing fixtures.
- (g) Staff roster for each shift;
- (h) Visitors' log;
- (i) Fire planning sessions.

JACK C. LEWIS, Commissioner

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ADMINISTRATIVE REGISTER - 2637

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 10:040. Personnel.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections to promulgate regulations establishing minimum standards for jails. This regulation sets forth personnel procedures to be followed in jails.

Section 1. Staffing. (1) Each jail shall provide twenty-four (24) hour awake supervision for all inmates.

(2) When female inmates are lodged in the jail, the jail shall provide a female deputy to perform twenty-four (24) hour awake supervision.

Section 2. Background Checks; Qualifications. (1) Prior to employment, all employees of the jail shall be subject to thorough background investigation to include criminal, medical, and employment history.

(2) All security employees of the jail shall be at least twenty-one (21) years of age.

Section 3. Compensation. All employees of the jail shall receive salaries at least equal to the State Minimum Wage Law except where Federal Minimum Wage Law has to be applied. [minimum wage.]

Section 4. Training; Curriculum. (1) In order to qualify for the training expense allowance under KRS 441.017, the jailer shall receive a minimum of forty (40) hours annual in-service training certified by the Department of Corrections.

(a) Local corrections training efforts shall be certified by the Department of Corrections.

(b) The Curriculum Advisory Committee shall advise the Department of Corrections on topics for training curriculum.

(c) Jailer training shall be delivered on a regional basis by the Department of Corrections.

(2) Deputy jailers, correctional officers and other employees whose jobs require supervision of inmates shall receive a minimum of sixteen (16) hours annual in-service training delivered by the Department of Corrections on a regional or local basis.

(3) Jail staff whose job requires the supervision of inmates in a "direct supervision area" shall receive a minimum of forty (40) hours of preservice training, and shall receive a minimum of forty (40) hours annual in-service training provided by the Department of Corrections and a regional or local basis.

Section 5. Policy and Procedures. Written policy shall specify that equal employment opportunities exist for all positions.

Section 6. Physical Fitness. The jailer shall have written policy and procedures that promote the physical fitness of staff.

Section 7. Code of Ethics. (1) The jailer shall make available to all employees a written code of ethics.

(2) The written code of ethics shall be incorporated in the jail's policy and procedures manual and shall include but not be limited to the following:

(a) Employees shall not:

1. Exchange personal gifts or favors with inmates, their family, or friends;

2. Accept any form of bribe or unlawful inducement;

3. Perform duties under the influence of intoxicants or consume intoxicants while on duty;

4. Violate or disobey established rules, regulations, or lawful orders from a superior;

5. Discriminate against any inmate on the basis of race, religion, creed, gender, national origin, or other individual characteristics;

6. Employ corporal punishment or unnecessary physical force;

7. Subject inmates to any form of unwarranted physical or mental abuse;

8. Intentionally demean or humiliate inmates;

9. Bring any type of weapon or item declared as contraband into the jail without proper authorization;

10. Engage in critical discussion of staff members or inmates in the presence of inmates;

11. Divulge confidential information without proper authorization;

12. Withhold information which, in so doing, threatens the security of the jail, its staff, visitors, or the community;

13. Through negligence, endanger the well-being of self or others.

14. Engage in any form of business or profitable enterprise with inmates; and

15. Inquire about, disclose, or discuss details of an inmate's crime other than as may be absolutely necessary in performing official duties.

(b) Employees shall:

1. Comply with all established rules, regulations, and lawful orders from superiors;

2. Treat all inmates in a fair, impartial manner; and

3. Report all violations of the code of ethics to the jailer.

(3) Any employee violation of this code of ethics shall be made a part of that employee's personnel file.

JACK C. LEWIS, Commissioner
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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 10:050. Physical plant.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections to promulgate regulations establishing minimum standards for jails. This regulation sets forth standards and procedures to be followed in the design and construction of jails.

Section 1. Purpose. The purpose of this regulation is to provide minimum standards for the renovation or construction of jail facilities and for measuring compliance of existing jails in accordance with KRS 441.011, 441.012, and 441.013, and Kentucky Construction/Renovation Standards.

Section 2. Consultation. The Department of Corrections shall provide for any county government which wishes to remodel an existing jail or construct a new jail, a consultant knowledgeable in the design, utilization, and operation of jails. The consultant shall meet with the appropriate officials of that county and advise them concerning [in matters including but not limited to]:

(1) Site selection.

(2) Probable need as it relates to capacity and types of inmates

to be housed.

- (3) Sources of financing for constructing.
- (4) Laws and regulations relating to treatment of inmates
- (5) Laws and regulations relating to facilities for inmates.
- (6) Sources of revenue for operations of the jail.
- (7) Probable cost for operation of the jail.
- (8) Potential for shared facilities with adjoining counties.

Section 3. Site Acceptance. No jail shall be built without site acceptance by the Department of Corrections. The following criteria shall be considered in site selection ~~[including but not limited to]:~~:

- (1) Size
- (2) Proximity of courts.
- (3) Proximity of community resources.
- (4) Availability of public transportation.
- (5) Environmental health.
- (6) Adequate parking.
- (7) Provisions for future expansion.

Section 4. Construction Documents. Prior to the renovation or construction of any jail, plans and specifications shall be submitted to the Department of Corrections for review and approval. **Plans and specifications for jail renovation or construction shall contain the following criteria and documentation:** [as follows:]

(1) **A programming phase containing a(n) [—This submission shall show:]**

- (a) Evaluation of existing facility;
- (b) Population analysis;
- (c) Space requirements based on population analysis and standards for the facility and site outlined in the Kentucky Minimum Standards for Local Jails;
- (d) Staffing analysis;
- (e) Cost analysis to include construction and operation costs;
- (f) Financing alternatives, if applicable;
- (g) **[A] Design-construction time schedule; and**
- (h) Summary and recommendations; and
- (i) **Information concerning the programming phase shall only be submitted:**

1. On major renovation or new construction; and

2. For information review purposes. ~~[This phase is submitted on major renovation or new construction only and for information review purposes.]~~

(2) **A schematic phase containing:**

- (a) Scale drawings of each floor plan with all proposed rooms and areas one-eighth (1/8) inch minimum;
- (b) Scale drawings of the site, locating the building, parking and other facilities - one (1) inch equals fifty (50) feet;
- (c) Documentation of site as to:
 1. Size;
 2. Proximity to courts;
 3. Proximity to community resources;
 4. Availability of public transportation;
 5. Environmental health;
 6. Adequate parking; and
 7. Provisions of future expansion.
- (d) Sections through the proposed structure indicating ceiling heights of rooms, mechanical spaces, roof slopes and other related information;

(e) Scale elevation drawings of all exterior walls; ~~[and]~~

(f) Schematic cost estimate to include revised construction and operation costs; **and**

(g) A revised design-construction time schedule.

(3) **A design development phase containing:**

- (a) Scale drawings on each floor plan with all proposed rooms and areas with their dimensions one-eighth (1/8) inch minimum;
- (b) All necessary construction drawings including construction details;

- (c) Specifications for all materials and workmanship;
- (d) A proposed contract with general and special conditions;
- (e) Engineering calculations for the foundations, structure, heating, ventilating, air conditioning, lighting and plumbing; and
- (f) Detailed estimates of cost of land, site development, construction, financing, professional services, equipment and furnishings

(4) **A construction document phase containing:**

- (a) Revised design development construction drawings following review by all applicable agencies;
- ~~(b)~~ signed by an architect registered in the Commonwealth of Kentucky and revised if necessary to include all changes required by the Department of Corrections

(b) ~~[(c)]~~ Revised design development specifications of material and workmanship following review by all applicable agencies.

(5) **A contract administration phase containing:**

- (a) Signed copies of all contracts for construction, financing and bonding;
- (b) Signed copies of all construction permits;
- (c) Documentation of review by all other applicable state agencies; and
- (d) All change orders **shall [must]** be submitted to the Department of Corrections for review and approval.

Section 5. Approval of Renovation, Construction Plans and Specifications. (1) ~~[(6)]~~ The Department of Corrections **shall [will]** review all submissions within thirty (30) days of receipt and issue a letter of approval, acceptance with required changes, or rejection with reasons. No construction shall be started until the construction document phase as required in **Section 4(4) of this administrative regulation** ~~[subsection (5)(d) of this section]~~ has been approved.

(2) ~~[(7)]~~ Depending on the site of the proposed constructions, renovation or addition the Department of Corrections may combine two (2) or more phases as outlined above for review and approval.

(3) ~~[(8)]~~ All changes prior to the approval of final construction documents shall require appropriate modifications to the final construction documents including redrawing of plans and rewriting of specifications. All changes after the approval of final construction documents shall require adequate documentation which fully describes and illustrates the changes which may include written ~~[and]~~ for graphic addenda, field orders and change orders. In addition a set of accurate as-built drawings shall be submitted to Corrections within sixty (60) days of occupancy of the facility.

Section 6. [5.] Waiver of Compliance. (1) The Department of Corrections may grant a waiver of the implementation of the physical plant standards for an existing jail if the department determines:

- (a) That strict compliance will cause unreasonable difficulties;
- (b) That a waiver will not seriously affect the security, supervision of prisoners, programs, or the safe, healthful, or efficient operation of the jail; and
- (c) That compliance is to be achieved in a manner other than that which is specified, but in a manner which is sufficient to meet the intent of these standards.

(2) When a waiver from a standard is desired, the responsible local authority shall submit a written request to the Department of Corrections. The written request shall include the following information:

- (a) Citation of the specific standard involved;
- (b) Identification and description of the specific difficulties involved in meeting strict compliance;
- (c) Description of the alternative proposed; and
- (d) Provision of sufficient documentation which will demonstrate that the waiver, if granted, will not jeopardize the security, supervision of inmates, programs or the safe, healthful, or efficient operation of the jail

(3) A waiver, if granted by the Department of Corrections, shall apply only to the petitioner for the specific situation cited and for the

period of time specified and shall include any requirements imposed by the department as conditions upon the waiver. No waiver shall be granted for longer than twelve (12) months. Any waiver granted for a twelve (12) month period shall be reviewed at the end of the period for reapproval.

Section 7. ~~[6.]~~ Facility Design. (1) Depending upon its size and intended use, every jail shall include within its walls the following facilities and equipment:

(a) Entrances. Every jail shall have three (3) separate and distinct entrances: a public entrance, an adult inmate entrance, and a service entrance. The Department of Corrections may permit these entrances to be combined.

1. Public entrance. The purpose of this entrance shall be [ie] to divert the general public from the security area of the jail and from contact with incoming inmates. This area shall [will] be the location for the general public to conduct their business at the jail. The following design features shall be incorporated:

a. Provide a clear view of this from the control room by means of direct surveillance or closed circuit T.V.

b. Meet the requirements for handicapped persons.

2. Service entrance. The purpose of this entrance shall be [ie] to provide access to service vehicles and delivery trucks with minimum security risks. It may contain a loading dock and shall be located in close proximity to storage rooms and the kitchen area.

3. Adult inmate entrance. The purpose of this entrance shall be [ie] to provide secure and private access to the jail for incoming inmates. This entrance shall [must] be serviced by a drive-in sallyport or a secure walk-in vestibule and shall incorporate the following design features:

a. Be located adjacent to the booking area.

b. Be monitored from the control room.

c. Be free of steps or other obstacles.

d. Be protected from inclement weather.

e. Have a security penal type pistol locker in sallyport or vestibule

f. All hardware and equipment shall be of approved penal type.

(b) Exits. All openings in the security perimeter shall be secured with penal devices. Fire exits, when possible, shall open into controlled, secured courts and exercise areas.

(c) Administrative areas. Administrative areas shall provide space outside the secured area of the jail for the housing of administrative offices and to accommodate the public. Administrative areas shall contain the following additional areas:

1. A waiting area which shall provide:

a. Space for the general public; and

b. Protection from inclement weather;

c. The waiting area shall have toilet facilities and drinking fountains in new jails;

2. A visiting area, public side which shall provide for:

a. Private communication with inmates; and

b. Be located in close proximity to the waiting area;

3. An office area which shall be of sufficient space to house the administrative function of the jail; and

4. An entrance to the security area which shall:

a. Provide secure access to the security area;

b. Be of penal type; and

c. Have access controlled from the security area. [Administrative areas. This area will provide space outside the secured area of the jail to house the administrative offices and to accommodate the public. This shall contain the following:

1. Waiting area. To provide space for the general public which is protected from inclement weather. This area shall have toilet facilities and drinking fountains, in new jails.

2. Visiting area, public side. This area shall provide for private communication with inmates and be located in close proximity to the waiting area.

3. Office area. This area shall be of sufficient space to house the administrative function of the jail.

4. Entrance to security area. The purpose is to provide secure access to the security area, be penal type and access shall be controlled from the security area.]

(d) Security areas. The area shall enclose all facilities and services required for or used by the inmates. It shall contain the following function areas: Booking area. The purpose shall be [ie] to provide a private and separate area, properly equipped to carry out admission and release procedures. All equipment shall be penal type. This area shall be designed for different classes of inmates. Design features for this area shall include:

1. Close proximity to a secure area for storage of inmate personal property.

2. Close proximity to an area for photography and fingerprinting.

3. Close proximity to an area for showering, delousing, and strip searching inmates which assures privacy for the inmate.

4. Close proximity to temporary holding and detoxification cells.

5. Located in a manner to be monitored by a control room.

(e) Detoxification area. The purpose shall be [ie] to provide an area to separate intoxicated inmates from the general inmate population. Design features shall include:

1. A minimum of fifty (50) square feet per inmate.

2. A minimum of eight (8) feet ceiling height.

3. One (1) bunk of approved material thirty (30) inches wide by seventy-two (72) inches long by four (4) inches high for each inmate.

4. A penal commode, lavatory and a flush floor drain controlled from outside the cell.

5. A bubble-type drinking fountain.

6. All fixtures and equipment shall be penal type.

7. All surfaces inside the area shall be smooth, flush, and free of sharp edges and protrusions.

8. All horizontal surfaces (the bunk and the floor) shall be sloped (one-fourth (1/4) of an inch to the foot) to the floor drain.

9. All protruding corners (except at ceiling) shall be covered.

10. Ceiling, walls, surfaces of the wall base and floors shall be of approved masonry, concrete or steel construction.

11. Each detox cell shall have sufficient penal type fixture(s) capable of providing twenty (20) foot-candles of light with a nightlight capable of providing five (5) foot-candles of light.

(f) Holding areas. The purpose of holding areas shall be [these areas are] for temporary detention not to exceed four (4) hours in secure holding or eight (8) hours in diversion holding.

1. Design features for secure holding shall include:

a. Twenty-five (25) square feet per rated capacity; minimum size of the area shall be fifty (50) square feet.

b. Eight (8) feet ceiling height.

c. One (1) penal type bench per rated capacity.

d. All equipment shall be penal type.

e. One (1) penal type lavatory and commode.

f. One (1) penal type light fixture capable of providing twenty (20) foot-candles of light.

g. Ceilings, walls, surfaces of wall bases and floors shall be of approved masonry, concrete or steel construction.

2. If a diversion holding area is provided, features and requirements include:

a. Twenty-five (25) square feet per rated capacity; minimum size of area shall be fifty (50) square feet;

b. Total rated capacity not to exceed twenty-four (24) persons;

c. One (1) bathroom for a rated capacity of eight (8) or less; two (2) bathrooms for a rated capacity of nine (9) or more;

d. At least one (1) water fountain shall be located in area;

e. Phone system shall be available for use by inmates;

f. Construction shall be fire-rated with penal hardware, windows and door;

g. Furnishings shall not include beds but chairs and tables per rated capacity and shall be fire rated;

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- h. Unobstructed view into area shall be provided;
- i. Areas shall have constant in-person surveillance;
- j. If inmates housed in area during normal meal times, they shall be fed. Meals do not have to be hot; and
- k. Policy and procedure shall set forth criteria for placement of inmates in this area.
- (g) Medical exam room. The purpose of this room shall be [ie] to provide a separate and secure area for medical examinations and rendering medical treatment. If medical services are provided outside the jail, the jail shall have a secure area for storage of medication and medical equipment. Design features shall include:
 - 1. Minimum dimension shall be eight (8) feet.
 - 2. Minimum ceiling height shall be eight (8) feet.
 - 3. One (1) lavatory or counter sink.
 - 4. One (1) work counter.
 - 5. Secured lockers for medical equipment, medical instruments, medications, bandages, etc., secured to the floor or walls or a secure closet.
 - 6. One (1) or more medical examination tables.
 - 7. Electrical power outlets shall be provided in this room.
 - 8. All ceilings, walls, and floors shall be approved masonry, concrete or steel construction.
- (h) Visiting area, inmate side. The purpose shall be [ie] to provide secure and private visitation for the inmates. All equipment and furnishings shall be of penal type and permanently attached.
- (i) Conference room. The purpose of this room shall be [ie] to provide space for confidential conferences between inmates and lawyers, probation officers, clergy, etc. Design features shall include:
 - 1. Doors, windows, and light fixtures shall be penal type.
 - 2. Walls, floors, and ceilings shall be of approved masonry, concrete or steel construction.
 - 3. Furnishings shall be noncombustible/nontoxic as approved by Corrections.
- (j) Multipurpose room. The purpose of this area shall be [ie] to provide space for assembly of inmates for specific program activities. This area shall allow at least twenty-five (25) square feet per inmate in an area with a minimum of 250 square feet. Design features shall include:
 - 1. Doors, windows, and light fixtures shall be penal type.
 - 2. Walls, floor, and deck shall be of approved masonry, concrete or steel construction.
 - 3. Furnishings shall be noncombustible/nontoxic as approved by Corrections.
 - 4. Ceiling shall be of approved constructions.
- (k) Outdoor recreation. The purpose of this area shall be [ie] to provide secure outdoor space for recreational activities. This area shall allow at least thirty-five (35) square feet per inmate in an area with a minimum of 385 square feet.
- (l) Kitchen. The purpose of this area shall be [ie] to provide sufficient space and equipment for preparing meals for the maximum rated capacity of the jail. Design features shall include:
 - 1. Compliance with standards of the State Food Service Code, 902 KAR 45:005.
 - 2. Commercial type stoves and refrigeration units.
 - 3. Doors and windows will be penal type.
 - 4. Walls, floors, and ceilings will be approved fire-rated masonry, concrete or steel construction.
- (m) Control room. The purpose of this area shall be [ie] to control all movement of inmates within the jail and traffic in and out of the security area. Also, this area shall [will] be the hub for operations within the jail. Design features shall include:
 - 1. Doors and windows shall be of penal type.
 - 2. Walls, floors, and ceiling shall be approved masonry, concrete or steel construction.
 - 3. Audio and video monitors shall be located in this area.
 - 4. Gauges, indicators, and alarms shall be located in this area.
 - 5. Central control panels shall be located in this area.
- 6. This area shall permit visual observation of all corridors, entrances, and exits under its supervision.
- (n) When jail staff are not within normal hearing distance of inmates, an audio communication system shall be installed to allow staff to communicate with inmates.
- (o) A panic button, staff call station or portable communication device shall be installed or available in corridors and staff observation areas, which shall sound an alarm in the control center in the event of an emergency situation.
- (p) Confinement areas. The purpose of these areas shall be [ie] to provide suitable living conditions for all types of inmates lodged in the jail. Design features for all living areas shall include:
 - 1. Providing sufficient natural or artificial light to provide twenty (20) foot-candles with a nightlight capable of providing five (5) foot-candles of light.
 - 2. Providing ventilation to meet air exchange as required in the state health codes.
 - 3. Providing temperature ranges within comfort zones (sixty-five (65) degrees Fahrenheit - eighty-five (85) degrees Fahrenheit).
 - 4. Shall be of approved masonry, concrete or steel construction.
 - 5. All furnishings and equipment shall be penal type and permanently attached.
 - 6. Each confinement area shall have floor drains to service each living area.
 - 7. Be equipped with an approved securable food pass.
 - 8. Electrical outlets when provided shall be ground-faulted or have ground-fault circuit breakers. Receptacle and switch plate covers shall be penal type.
- (2) ~~[(a)]~~ Direct supervision areas. The purpose of this area shall be [ie] to provide suitable living conditions for inmates lodged in the jail whose behavior indicates their ability to function in a less secure setting under the direct supervision of jail staff. Jails which utilize the "direct supervision area" concept shall have a sufficient number of secure cells or dormitories, as approved by the Department of Corrections, in order to separate inmates who display negative behavior in direct supervision areas. All direct supervision areas shall have a secure perimeter.
- ~~(a) [(a)]~~ Direct supervision area design features shall include:
 - 1. ~~[(a)]~~ Providing sufficient natural or artificial light to provide twenty (20) foot-candles with a nightlight capable of providing five (5) foot-candles of light.
 - 2. ~~[(b)]~~ Providing ventilation to meet air exchange as required in the state health codes.
 - 3. ~~[(c)]~~ Providing temperature ranges within comfort zones (sixty-five (65) degree Fahrenheit - eighty-five (85) degrees Fahrenheit).
 - 4. ~~[(d)]~~ Shall be of approved masonry, or concrete construction.
 - 5. ~~[(e)]~~ All furnishings and equipment shall be commercial type.
 - 6. ~~[(f)]~~ Electrical outlets shall be ground-faulted or have ground-fault circuit breakers.
 - 7. ~~[(g)]~~ All cells shall open into a dayroom and no cell shall be less than seventy (70) square feet. No cell shall have more than two (2) commercial type bunks.
 - 8. ~~[(h)]~~ Inmates shall not be detained in the cells for longer period than twelve (12) hours.
- ~~(b) [(a)]~~ Each cell shall contain:
 - 1. ~~[(a)]~~ Bunk, table, seat, and personal property storage area.
 - 2. ~~[(b)]~~ A light fixture with control accessible to the inmate.
 - 3. ~~[(c)]~~ Commode, lavatory, and drinking fountain.
 - 4. ~~[(d)]~~ Locks used to confine inmates in the cells shall have the capability of gang release.
- ~~(c) [(a)]~~ Each dayroom area shall include:
 - 1. ~~[(a)]~~ Thirty-five (35) square feet per inmate.
 - 2. ~~[(b)]~~ One (1) commode per eight (8) inmates.
 - 3. ~~[(c)]~~ One (1) lavatory per eight (8) inmates.
 - 4. ~~[(d)]~~ One (1) drinking fountain per sixteen (16) inmates.
 - 5. ~~[(e)]~~ One (1) shower per sixteen (16) inmates.
 - 6. ~~[(f)]~~ Tables and chairs per rated capacity with space twenty-four

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(24) inches wide and twelve (12) inches deep per inmate.

7. ~~[g-]~~ Phone system shall be available for use by inmate.

8. ~~[h-]~~ Design features shall include items which aid in the acoustical quality of the area.

9. ~~[i-]~~ Jail staff shall be in direct supervision of the area at all times.

(3) ~~[#]~~ All cells and housing areas design features shall include:

(a) ~~[1-]~~ Prisoner living areas shall be equipped with the security hardware to meet the security requirements of the inmate(s) housed in the area. Depending on the size of the jail at least one (1) living area shall be designed at high security and be equipped with a safety vestibule to enter the living area.

(b) ~~[2-]~~ Depending on the size of jail one (1) or more isolation single-man cells shall be provided.

(c) ~~[3-]~~ All cells shall open into a dayroom and no cell shall be less than seventy (70) square feet. No cell shall have more than two (2) penal type bunks. When two (2) persons are housed in a cell, they shall not be detained in the cells for longer periods than twelve (12) hours.

(d) ~~[4-]~~ Each cell shall contain:

1. ~~[a-]~~ A penal type commode, lavatory and drinking fountain, penal type bunks secured to floor and/or wall, penal type table with two (2) seats, and penal type storage area for personal property.

2. ~~[b-]~~ A penal type light fixture with controls nonaccessible to inmates unless it has staff override.

(e) ~~[5-]~~ The jail shall provide living space for low security inmates including work release and community service workers. This area shall be either cells opening into a dayroom or a combination of this and multiple-occupancy dorms. If dorms are used, they must include:

1. ~~[a-]~~ Fifty (50) feet per inmate.

2. ~~[b-]~~ One (1) commode/lavatory/drinking fountain per eight (8) inmates.

3. ~~[c-]~~ One (1) shower per sixteen (16) inmates.

4. ~~[d-]~~ Sufficient tables and benches to handle the number of inmates housed in the dorm.

5. ~~[e-]~~ One (1) penal type storage area for personal property per inmate.

6. ~~[f-]~~ One (1) penal type bunk secured to the floor or wall per inmate.

(f) ~~[6-]~~ Each dayroom area shall contain:

1. ~~[a-]~~ Thirty-five (35) square feet per inmate.

2. ~~[b-]~~ One (1) commode per eight (8) inmates.

3. ~~[c-]~~ One (1) lavatory per eight (8) inmates.

4. ~~[d-]~~ One (1) drinking fountain per sixteen (16) inmates.

5. ~~[e-]~~ One (1) shower per sixteen (16) inmates.

6. ~~[f-]~~ Tables and benches per rated capacity with space twenty-four (24) inches wide and twelve (12) inches deep per inmate.

~~[(2) The provisions of this section shall be effective as of January 1, 1993.]~~

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: December 28, 1992

FILED WITH LRC: January 8, 1993 at 11 a.m.

DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 10:060. Security; control.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections to promulgate regulations establishing minimum standards for jails. This regulation sets forth security procedures to be followed in local jails.

Section 1. Policy and Procedure. (1) Each jailer shall develop a written policy and procedure governing all security aspects of the jails operations.

(2) The Department of Corrections shall provide technical assistance to the jailer in his efforts to formulate such written policy and procedure.

(3) These policies and procedures shall include but not be limited to:

- (a) Inmate rules and regulations;
- (b) Staffing;
- (c) Searches of inmate and of secure areas;
- (d) Visitation;
- (e) Key and weapon control;
- (f) Inmate head counts;
- (g) Surveillance checks;
- (h) Emergency situations; and
- (i) Jail schedule;
- (j) Administering medication.

Section 2. Inmate Supervision. (1) Jail personnel shall conduct and document direct in-person surveillance of each inmate on an irregular schedule, no less than every sixty (60) minutes.

(2) Jail personnel shall conduct and document direct in-person surveillance every twenty (20) minutes on the following classes of inmates.

- (a) Suicidal;
- (b) Assaultive;
- (c) Escape risk;
- (d) Mentally or emotionally disturbed;
- (e) Inmates in segregation;
- (f) Inmates in detox cell;
- (g) Juveniles, if housed in the jail; and
- (h) Mental inquest detainees.

(3) When available, closed-circuit television shall be used primarily to monitor hallways, stairwells, sallyports, perimeter security, points of egress, and common and support areas.

(4) There shall be at least three (3) documented inmate counts every twenty-four (24) hours during which each inmate's physical presence, by show of skin, or movement shall be observed. At least one (1) count shall be conducted per shift.

Section 3. Security Procedures. (1) Each jailer shall establish a procedure for inspecting all jail areas accessible to inmates for contraband and physical security at least weekly.

(a) Isolated security spot checks for contraband shall be conducted daily.

(b) Items considered as contraband or items permitted in the jail shall be clearly defined in the jail rules.

(c) There shall be a written procedure for reporting security irregularities.

(2) No weapon, ammunition, chemical agent, related security equipment, or any object which represents the potential of being used as a weapon shall be permitted in the security area unless authorized by the jailer under emergency circumstances as determined by the jailer.

(3) All firearms, weapons, and chemical agents assigned to the jail shall be stored in an arsenal, vault, or other secure room under lock.

(a) This area shall be inaccessible to all unauthorized persons.

(b) There shall be a written procedure for issuing and accounting for all weapons.

(4) All security devices and safety equipment shall be inspected monthly to ensure they are maintained in proper working order.

(5) All tools, toxic, corrosive, and flammable substances, and other potentially dangerous supplies and equipment shall be stored in a locked area which is secure and located outside the security perimeter of the confinement area.

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(6) Tools, supplies, and equipment which are hazardous shall be used by inmates only under the direct supervision of jail personnel.

(7) An inmate may be assigned the responsibility of providing inmate services such as providing meals under the direct supervision of staff; however, at no time shall an inmate be assigned to a position of authority over other inmates. ~~[Unless under the direct supervision of staff, an inmate shall not be assigned to a position of authority over any other inmate or given the responsibility of providing inmate services such as commissary, telephone calls, or delivery of meals.]~~

(8) Inmates shall never be permitted to perform or assist in any security duties.

(9) Jails with work release or community service programs shall establish special control procedures to minimize contact between inmates with work release privileges and other inmates.

(10) Inmates shall be thoroughly searched whenever entering or leaving the security perimeter.

(11) Written procedures shall be developed for transporting outside the jail.

(12) Each jailer shall develop written policies and procedures governing the use of physical restraints.

(13) No inmate placed in physical restraints shall be left unattended.

(14) All jails shall have key-control procedures which shall include but not be limited to:

(a) A key control center which is secure and inaccessible to unauthorized persons at all times.

(b) An accounting procedure for issuing and returning keys.

(c) A procedure for immediate reporting and repairing any broken or malfunctioning key or lock.

(d) A set of duplicate keys to be maintained in a separate, secure place.

(e) No inmate shall be permitted to handle keys used to operate jail security locks.

(f) Keys operating locks to outside doors or gates shall not be permitted in the confinement area.

(g) Emergency keys and keys to critical security areas shall only be issued in accordance with written procedures established by the jailer.

(h) Precautions similar to those outlined above shall be taken to insure the security of all nonkey operated locking devices such as electrical switches or levers.

(i) Locks to outside exits shall be keyed differently from interior locks. Locks to the control room shall be keyed differently from all other locks.

(15) Trustees.

(a) At no time shall a trusty have access to or control of weapons.

(b) At no time shall an unsupervised trusty be permitted in either a program, support, or housing area with inmates of the opposite sex.

(c) At no time shall an inmate trusty be permitted in either a program, support, or housing area with juvenile inmates.

Section 4. Daily Jail Log; Special Reports. A daily jail log shall be kept current and reflect all significant occurrences within the jail. Special reports shall include:

(1) Use of force.

(2) Disciplinary actions.

(3) Medical or mental health treatment.

(4) Feeding schedule and menus.

(5) Extraordinary occurrences.

(a) Fires.

(b) Assaults.

(c) Suicide or attempted suicide.

(d) Escape or attempted escape.

(6) inmate vandalism.

(a) Destruction of jail property.

(b) Flooding of plumbing fixtures.

(7) Staff roster for each shift.

(8) Telephone log of initial phone call(s).

(9) Visitors log.

(10) Fire planning sessions.

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: December 28, 1992

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 10:080. Sanitation; hygiene.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections to promulgate regulations establishing minimum standards for jails. This regulation sets forth procedures to provide proper sanitation and hygiene in jails.

Section 1. Procedures. (1) The jailer shall provide for the control of vermin and pests.

(2) The jail shall provide for both solid and liquid waste disposal.

(3) The jailer shall have a written preventative maintenance plan which includes but is not limited to:

(a) A cleaning schedule for various locations and items in the jail.

(b) A schedule for inspections by the jailer.

(c) A schedule for trash and garbage removal.

(d) A schedule for periodic inspection and maintenance of specific mechanical equipment.

(4) The jail shall have fresh and purified air circulating within inmate living and activity areas.

(5) The jail shall furnish clean sanitized bedding to inmates except in holding areas and unless it is determined to be detrimental to a particular inmate. Issuance of bedding in detoxification is optional. Bedding shall include:

(a) One (1) mattress.

(b) One (1) mattress cover.

(c) One (1) blanket, when conditions require

(d) One (1) sheet.

(e) One (1) pillow.

(f) One (1) pillowcase.

(6) Inmate bedding shall be cleaned on a regular basis according to the following schedule:

(a) Sheets, pillowcases, and mattress cover shall be cleaned at least once per week.

(b) Blankets shall be cleaned upon reissue or quarterly, whichever is sooner.

(c) Mattresses and pillows shall be cleaned quarterly.

(7) Each inmate shall be issued a clean towel upon admission to an inmate living area. Towels shall be laundered every fourth day.

(8) All floors, toilets, and sinks in the jail shall be washed daily or more often as necessary.

(9) All showers shall be cleaned on at least a weekly basis.

(10) All inmates assigned to inmate living areas shall be permitted to purchase [issued] the following hygienic items:

(a) Soap.

(b) Toothbrush.

(c) Toothpaste.

(d) Toilet paper.

(e) Female sanitary supplies (where applicable).

(f) Indigent inmates shall be furnished the items in this subsection by the jail at no cost. [these items by the jail.]

(11) All inmates shall be permitted to shave daily. If a communal

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razor is used, it shall be sanitized before each use. No inmate shall be forced to shave except for medical purposes and under the specific orders of the medical authority.

(12) Hair cutting services or sanitized hair cutting equipment shall be available to all inmates. Inmates shall not be forced to cut their hair except for medical purposes and under the specific orders of the medical authority.

(13) All inmates shall be provided shower facilities within twenty-four (24) hours of admission. Inmates shall be permitted to shower daily.

(14) All inmates in the jail shall be provided with hot and cold running water in showers and lavatories.

(15) As required in KRS 441.064, the jail shall be inspected by the Department of Corrections biannually.

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 10:100. Food services.

RELATES TO: KRS 441.057

STATUTORY AUTHORITY: KRS 441.057

NECESSITY AND FUNCTION: KRS 441.057 requires the Department of Corrections to promulgate regulations establishing minimum standards for facilities. This regulation sets forth procedures for proper food services in local facilities.

Section 1. Procedures. (1) The jail shall comply with the Kentucky Food Service Establishment Act and State Food Service Code (KRS 219.011 through 219.081) and the Kentucky Occupational Safety and Health Standards for General Industry (803 KAR 2:020 and 29 CFR Part 1910).

(2) The jailer shall provide adult inmates with a nutritionally adequate diet containing at least 2,400 calories per day. Juvenile inmates shall be provided a nutritionally adequate diet containing at least 3,000 calories per day.

(3) Inmates shall receive three (3) meals per day, two (2) of which shall be hot. Not more than fourteen (14) hours shall elapse between any two (2) meals.

(4) The jailer shall provide for religious diets.

(5) The jailer shall provide for medical diets where prescribed by a medical authority.

(6) The jailer shall maintain accurate records of all meals served.

(7) Food shall not be used for disciplinary or reward purposes.

(8) A nutritionist or dietician shall approve the nutritional value of the jail menu on an annual basis.

(9) A staff member shall directly supervise all food prepared within the jail.

(10) All food shall be served under the direct supervision of a staff member.

(11) The jail shall have sufficient cold and dry food storage facilities.

(12) The jailer or his designee shall inspect the food service area daily.

(13) No food shall be prepared in inmate living areas, however, canteen food items purchased by inmates may be stored in reasonable amounts that do not pose a threat to the health or security of the institution.

JACK C. LEWIS, Commissioner

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DEPARTMENT OF CORRECTIONS Division of Local Facilities (As Amended)

501 KAR 10:130. Inmate programs; services.

RELATES TO: KRS 441.055

STATUTORY AUTHORITY: KRS 13A.350, 441.055

NECESSITY AND FUNCTION: KRS 441.055 requires the Department of Corrections to promulgate regulations establishing minimum standards for jails. This regulation sets forth procedures for inmate programs and services.

Section 1. Work Programs. (1) Written policy and procedure shall provide that inmate programs and services are available and include but are not limited to social services, religious services, recreation and leisure time activities and library services.

(2) ~~[Sentenced inmates who perform work as authorized by KRS 441.068 may receive rewards in the form of sentence reductions or other privileges, if granted by proper authority.]~~

(3) Written policy and procedure shall provide that unsentenced inmates are not required to work except to do personal housekeeping.

Section 2. Education Programs. (1) The jail shall develop a policy and procedure which encourage the implementation of education programs in the jail. The utilization of community resources in these efforts shall also be encouraged to offset the costs of such programs.

(2) Education programs may be made available in accordance with KRS 439.179.

Section 3. Library Services. Where resources are available in the community, library services may be made available to all inmates.

Section 4. Religious Programs. Written policy and procedure shall ensure the constitutional rights to inmates to voluntarily practice their own religious activities, subject only to those limitations necessary to maintain the order and security of the jail.

Section 5. Recreation Programs. (1) Written policy and procedure shall provide all inmates with the opportunity to participate in at least one (1) hour of physical exercise per day with at least three (3) exercise periods per week outside the cell. There shall be available one (1) hour of outdoor recreation two (2) times per week when weather permits. Inmates who pose a threat to the safety and security of the jail may be denied outdoor recreation.

(2) Leisure time and recreation programs shall be scheduled to permit inmates to participate in, but not be limited to, such activities as board games, arts and crafts, radio and television to relieve idleness and boredom.

JACK C. LEWIS, Commissioner

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TRANSPORTATION CABINET
Department of Highways
Division of Planning
Department of Vehicle Regulation
Division of Motor Carriers
Division of Motor Vehicle Enforcement
(As Amended)

603 KAR 5:070. Motor vehicle dimension limits.

RELATES TO: KRS 189.222, 23 CFR Part 658

STATUTORY AUTHORITY: KRS 189.222(1), 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. The State Primary Road System consists of those roads maintained by the Department of Highways. Further, 23 CFR Part 658 requires that a five (5) mile access on state-maintained highways and a one (1) mile access on locally controlled highways be included with the list of highways over which motor vehicles with increased dimensions are allowed to operate. The federal regulation also requires that vehicles with increased dimensions which are transporting household goods and truck tractors towing only one (1) semitrailer which does not exceed twenty-eight (28) feet be provided statewide access unless a route is specifically excluded for safety reasons. This regulation is adopted to set the maximum motor vehicle dimensions for all classes of highways. However, bus dimension limits are set forth in 603 KAR 5:071.

Section 1. Definitions. (1) "Length exclusion safety device" means an appurtenance at the front or rear of a commercial motor vehicle semitrailer or trailer whose function is related to the safe and efficient operation of the semitrailer or trailer and [A device excluded from length determination] shall not be designated, designed or used for carrying cargo.

(2) "Width exclusion safety device" means an appurtenance at the side of a commercial motor vehicle semitrailer or trailer whose function is normally related to the safe and efficient operation of the semitrailer or trailer and [A device excluded from width determination] shall not be designated, designed or used for carrying cargo.

Section 2. (1) [(a)] The following items shall be designated as width exclusion safety devices:

- (a) [1-] Rearview mirrors;
- (b) [2-] Turn signal lamps;
- (c) [3-] Hand holds for cab entry or egress;
- (d) [4-] Splash and spray suppressant devices; and
- (e) [5-] Load induced tire bulge.

(2) [(b)] The following items shall be designated as width exclusion safety devices as long as they do not extend beyond three (3) inches on either side of the vehicle:

- (a) [1-] Corner cap;
- (b) [2-] Rear and side door hinges and their protective hardware;
- (c) [3-] Rain gutters;
- (d) [4-] Side marker lamps;
- (e) [5-] Lift pads for piggyback trailers;
- (f) [6-] Hazardous materials placards;
- (g) [7-] Tarp and tarp hardware;
- (h) [8-] Tiedown assembly on platform trailers;
- (i) [9-] Wall variation from true flat; and
- (j) [10-] Weevil pins and sockets on low bed trailers.

Section 3. [2-] [(4-)] Except as provided in Section 4 [3] [2] of this administrative regulation, the maximum dimensions for all motor vehicles except buses using all classes of highways shall be as follows

- (1) Height: including body and load, not to exceed thirteen (13)

feet and six (6) inches.

(2) Width: including body and load, not to exceed eight (8) feet, excluding any width exclusion safety device.

(3) Length. The maximum lengths listed below shall not include length exclusion safety devices.

(a) The length of a single unit motor vehicle, including any part of the body or load, shall not exceed forty-five (45) feet.

(b) A single unit motor vehicle transporting utility poles or pipes in which the vehicle and load do not exceed forty-five (45) feet shall not be required to obtain an overdimensional permit.

(c) If the front or rear overhang of a single unit motor vehicle exceeds five (5) feet, an overdimensional permit shall be obtained prior to the operation of the vehicle.

(d) A motor vehicle and trailer or semitrailer combination, including any part of the body or load, shall not exceed sixty-five (65) feet.

(e) If a truck tractor or semitrailer unit is exclusively engaged in the transportation of motor vehicles or boats, a three (3) foot front and four (4) foot rear overhang shall not be included in the measurement of the sixty-five (65) feet limit established in paragraph (d) of this subsection.

Section 4. [2-] [(2-)] (1) Motor vehicles except buses with dimensions greater than those specified in Section 3 [2] [(4)] of this administrative regulation but which do not exceed the dimensions set forth in subsection (2) of this section may be operated without an overdimensional permit only on the highways listed in Section 5 [4] [(3)](1) of this administrative regulation, on the five (5) mile access authorized in Section 5 [4] [(3)](2) of this administrative regulation and on the one (1) mile access authorized in Section 5 [4] [(3)](3) of this administrative regulation.

(2) Motor vehicles shall not exceed, without an overdimensional permit, the following width and length dimensions when operating on those highways listed in Section 5 [4] [(3)](1) of this administrative regulation:

(a) Width - 102 inches including any part of the body or load except for width exclusion devices.

(b) Length.

1. Semitrailers - excluding length exclusion devices, fifty-three (53) feet including body and load when operated in tractor semitrailer combination.

2. Trailers - excluding length exclusion safety devices, twenty-eight (28) feet including body and load when operated in a tractor-semitrailer-trailer combination, not to exceed two (2) trailers per truck tractor. Twenty-eight (28) feet, excluding length exclusion safety devices, shall be the maximum length of a trailer including body and load when operated in a truck-trailer combination.

3. If the load overhangs the body of the trailer or semitrailer by more than five (5) feet an overdimensional permit shall be required regardless of the overall length of the unit, except in truck tractor and semitrailer units exclusively engaged in the transportation of motor vehicles or boats, a three (3) foot front and four (4) foot rear overhang of the transported vehicles or boats shall be excluded in the measurement.

4. There shall be no overall length limitation on motor vehicles operating on highways listed in Section 5 [4] [(3)](1) of this administrative regulation or on the five (5) mile local access authorized in Section 5 [4] [(3)](2) of this administrative regulation as long as the requirements set forth in this subsection are met.

5. In a tractor semitrailer-trailer combination vehicle in which the two (2) trailing units are connected with a rigid frame extension attached to the rear frame of the first semitrailer which allows for a fifth wheel connection point for the second semitrailer, the length of the extension shall be excluded from the measurement of semitrailer length; however, when there is no second semitrailer mounted to the fifth wheel, the length of the extension shall be included in the length measurement for the semitrailer.

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(3) The [No] dimensions specified in this section shall not be subject to any enforcement tolerances provided in any other section.

Section 5. [4.] [3-] (1) The following highways are designated to permit the operation of motor vehicles with increased dimensions but which do not exceed the limitations stated in Section 4 [3] 2 of this regulation:

The Interstate and National Defense Highway System.

Audubon Parkway - from Pennyriple Parkway at Henderson to US 60 Bypass in Owensboro.

Bluegrass Parkway - from I-65 in Elizabethtown to US 60 near Versailles.

Cumberland Parkway - from I-65 near Smiths Grove to US 27 west of Somerset.

Daniel Boone Parkway - from US 25 north of London to KY 15 north of Hazard.

Green River Parkway - From I-65 in Bowling Green to US 60 Bypass in Owensboro.

Purchase Parkway - from Tennessee state line to I-24 in Marshall County.

Mountain Parkway and Extension - from I-64 at Winchester to US 460 at Salyersville.

Pennyriple Parkway - From US 41A in Hopkinsville to US 41 near Henderson.

Western Kentucky Parkway - from I-24 south of Eddyville to US 31W in Hardin County.

KY 3 - From the junction with US 23 at Auxier to the junction with KY 645 south of Inez.

KY 4 - The entire circle of Lexington.

KY 8 - From the junction with KY 19 at Augusta to a point one (1) mile east of the junction with KY 1597.

KY 11 - from the junction with KY 32 in Fleming County to US 62-68 in Maysville.

KY 15 - from US 119 in Whitesburg to the Mountain Parkway at Campton.

KY 18 - from KY 338 at Burlington to KY 1017 in Florence.

KY 19 - From the junction with KY 546 to the junction with KY 8 at Augusta.

KY 21 - from I-75 near Berea to US 25 south in Berea.

US 23 - from KY 610 at Dorton to the Ohio state line.

US 23 - from the Virginia state line to US 119 near Jenkins.

US 23 Spur - from US 23/60 in Ashland to the Ohio state line.

US 25 - from KY 461 in Rockcastle County to I-75 in Rockcastle County.

US 25 - from US 421 south of Richmond to KY 876 in Richmond.

US 25 - from KY 418 southeast of Lexington to KY 4.

US 25 - from US 42 in Florence to **Ohio State Line** [KY 471 near Alexandria].

US 25E - from Virginia state line to I-75 north of Corbin.

US 27 - from Tennessee state line to **KY 471 near Alexandria** [Ohio state line] (via KY 4 in Lexington).

US 31E - from Tennessee state line to KY 90 at Glasgow (via the Scottsville Bypass and the Glasgow Bypass).

US 31E 1150 - From the junction with I-265 in southeast Jefferson County to the junction with I-264 north of West Buchel.

US 31W - from Tennessee state line to KY 73 north of Franklin.

US 31W - from the Green River Parkway to US 68 north of Bowling Green.

US 31W - from US 31W Bypass in Elizabethtown to I-264 in Shively.

US 31W Bypass - from Western Kentucky Parkway to US 31W in Elizabethtown.

KY 32 - from KY 11 in Fleming County to US 60 at Morehead.

KY 35 - from US 127 at Bromley to I-71 north of Sparta.

KY 36 - from I-64 south of Owingsville to US 60 at Owingsville.

KY 36 - from the Kawneer Corporation Plant Road in Carroll County (running concurrently with US 42 in Carrollton) to KY 227.

US 41 - from US 68 (Main Street) in Hopkinsville to US 68 (McLean Avenue) in Hopkinsville.

US 41 - concurrent with Pennyriple Parkway from south of Nortonville to north of Madisonville.

US 41 - from Pennyriple Parkway at Henderson to Indiana state line.

US 41A - from Tennessee state line to Pennyriple Parkway at south city limits of Hopkinsville.

US 41A - from KY 112 in Earlington to KY 281 and KY 1751 in Madisonville.

US 42 - from I-264 northeast of Louisville to Oldham County line.

US 42 - from I-75 in Florence to US 25 in Florence.

US 42 - from KY 36 in Carroll County at milepoint 4.519 (running concurrently with KY 36 for 2.699 miles) north to KY 47 at Ghent.

US 45 - from the Jackson Purchase Parkway north of Mayfield to US 60 in Paducah.

US 45 Bypass - concurrent with the Jackson Purchase Parkway from southwest of Mayfield to US 45 north of Mayfield.

US 49 - Concurrent with KY 55 south of Lebanon to north of Lebanon.

US 51 - from Jackson Purchase Parkway in Fulton County to Illinois state line.

KY 52 - from KY 876 in Richmond to KY 499 at Irvine.

KY 55 - from Cumberland Parkway in Columbia to US 150 at Springfield, via US 68 and KY 49.

US 60 - from US 51 in Wickliffe to US 62 east of Paducah.

US 60 - from KY 109 at Sullivan in Union County to KY 425, the Henderson Bypass.

US 60 - from US 60 Bypass west of Owensboro to KY 69 at Hawesville.

US 60 - from KY 144 in Meade County to US 31W at Tip Top.

US 60 - from I-264 east of Louisville to KY 1531 at Eastwood.

US 60 - from US 421/460 at Frankfort to I-75 near Lexington (via Versailles and KY 4 in Lexington).

US 60 - from junction of KY 180 near Cannonsburg to US 23 in Ashland.

US 60 Bypass - from US 60 west of Owensboro to US 60 east of Owensboro.

KY 61 - from Tennessee state line to KY 90 at Burkesville.

KY 61 - from the junction with US 31E in Hodgenville to US 31W in Elizabethtown.

US 62 - from US 60 east of Paducah to Western Kentucky Parkway east of Eddyville.

US 62 - from US 150 at Bardstown to KY 245 at Bardstown.

US 62 - from US 421 west of Midway to US 421 in Scott County, concurrent with US 421.

US 62 - from KY 353 southwest of Cynthiana to US 27 at Cynthiana.

US 62 - from US 68 at Washington to the Ohio state line at Maysville.

US 68 - from US 62 at Reidland to KY 284 in McCracken County.

US 68 - from I-24 in Trigg County to Green River Parkway at Bowling Green via US 41 in Hopkinsville.

US 68 - from KY 55 southwest of Campbellsville to KY 55 in Lebanon.

US 68 - from its east intersection with US 150 in Perryville to its west intersection with US 150 in Perryville.

US 68 - from US 127 south in Harrodsburg to US 127 north in Harrodsburg.

US 68 - from US 27 at Paris to US 62 at Washington (via Paris Bypass).

KY 69 - from US 60 at Hawesville to Indiana state line.

KY 70 - from I-65 west of Cave City to KY 90 southeast of Cave City.

KY 79 - from KY 1051 in Brandenburg to Indiana state line.

KY 80 - from KY 80B at Somerset to US 25 north of London.

KY 80 - from KY 15 at Hazard to US 23 at Watgap.

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KY 80B - From US 27 at Somerset to KY 80 east of Somerset.
 KY 90 - from KY 70 at Cave City to Cumberland Parkway at Glasgow.
 KY 90 - from KY 61 at Burkesville to US 27 at Burnside.
 KY 109 - from KY 670 in Webster County to US 60 in Union County.
 KY 114 - from US 460 east of Salyersville to US 23/460 at Prestonsburg.
 KY 118 - from US 421 and KY 80 northwest of Hyden to the Daniel Boone Parkway.
 US 119 - from KY 15 at Whitesburg to US 23 at Jenkins.
 US 119 - from US 25E south of Pineville to US 421 at Harlan.
 US 119 - from US 23 at Pikeville to KY 1441 northeast of Pikeville.
 KY 121 - from the Jackson Purchase Parkway at Mayfield to US 51 in Wickliffe.
 US 127 - from KY 90 west to KY 90 east in Clinton County (concurrent with KY 90).
 US 127 - from US 127 Bypass north of Danville to KY 151 north of Lawrenceburg via the Lawrenceburg bypass.
 US 127 - from I-64 west of Frankfort to US 421 in Frankfort.
 US 127 - from KY 22 in Owenton to KY 35 at Bromley.
 US 127 Bypass - from US 127 south of Danville to US 127 north of Danville.
 KY 144 - from KY 448 south of Brandenburg to US 60.
 US 150 - from US 62 at Bardstown to US 27 at north city limits of Stanford (via the US 150 Bypass in Danville).
 US 150B - from US 127 south of Danville to US 150 east of Danville.
 KY 151 - from US 127 near Lawrenceburg to I-64 near Graefenburg.
 KY 180 - from I-64 near Cannonsburg to US 60 at Cannonsburg.
 KY 191 - from KY 205 north to KY 205 south in Wolfe County, concurrent with KY 205.
 KY 192 - from I-75 south of London to Daniel Boone Parkway east of London.
 KY 205 - from Mountain Parkway at Helechawa to US 460 west in Morgan County, concurrent with KY 191.
 KY 212 - from KY 20 to Greater Cincinnati Airport (Boone County).
 KY 227 - from KY 355 near Worthville to KY 36 at Carrollton.
 US 231 - from US 60 Bypass in Owensboro to Indiana state line.
 US 231 - from I-65 east of Bowling Green to US 31W in Bowling Green.
 KY 236 - from US 25 at Erlanger to KY 212 near the Greater Cincinnati Airport.
 KY 237 - from KY 18 east of Burlington to I-275 in Boone County.
 KY 245 - from US 150 east of Bardstown to I-65 south of Shepherdsville.
 KY 259 - from Western Kentucky Parkway to US 62 in Leitchfield.
 KY 281 - from US 41A in Madisonville to the Pennyryle Parkway, concurrent with US 41.
 KY 338 - from the junction with I-75 west of Richwood to the junction with US 25 in Richwood.
 KY 341 - from US 62/421 near Midway north to I-64.
 KY 348 - from Jackson Purchase Parkway west of Benton to US 641 in Benton.
 KY 418 - from US 25 south of Lexington to I-75.
 US 421 - from 0.1 mile south of Harlan Appalachian Regional Hospital.
 US 421 - from Daniel Boone Parkway to 2nd Street in Manchester.
 US 421 - from KY 4 in Lexington to US 62 east in Scott County.
 US 421 - from US 460 in Frankfort to US 127 north.
 US 421 - from KY 55 south of Newcastle in Henry County to I-71 west of Campbellsburg.
 KY 425 - from US 60 at Henderson to the Pennyryle Parkway.

US 431 - from US 60 Bypass in Owensboro to US 60 (4th Street) in Owensboro.
 KY 446 - from US 31W northeast of Bowling Green to I-65.
 KY 448 - from KY 144 to KY 1051 at Brandenburg.
 US 460 - from I-64 north of Mt. Sterling to KY 686.
 US 460 - from Mountain Parkway Extension to US 23 near Paintsville.
 KY 461 - from KY 80 in Pulaski County to US 25 in Rockcastle County.
 KY 471 - from US 27 in Campbell County to the I-275/471 junction.
 KY 546 - from I-275/KY 9 at Wilder to KY 59 south of Vanceburg.
 KY 555 - from US 150 at Springfield to Bluegrass Parkway.
 US 641 - from Tennessee state line to US 641A south of Benton.
 US 641A - from US 641 south of Benton to the Jackson Purchase Parkway.
 KY 645 - from US 23 south of Ulysses to KY 3 south of Inez.
 KY 676 - from US 127 in Frankfort to US 60.
 KY 686 - from US 460 north of Mt. Sterling to KY 11 south of Mt. Sterling.
 KY 841 - from I-71 in Jefferson County to US 42 northeast of Louisville.
 KY 841 - from US 31W (Dixie Highway) in southwestern Jefferson County to I-65.
 KY 859/KY 57 - from I-64 east of Lexington to Lexington - Bluegrass Army Depot.
 KY 876 - from I-75 at Richmond to KY 52 east of Richmond.
 KY 922 - from KY 4 in Lexington north to I-64 and I-75.
 KY 1017 - from US 25 in Florence to I-75.
 KY 1051 - from KY 79 to KY 448 south of Brandenburg.
 KY 1597 - From KY 435 north of Maysville to KY 8 all in Mason County.

KY 1682 - from US 68 west of Hopkinsville to Pennyryle Parkway.
 KY 1958 - from KY 627 south of Winchester to I-64 at Winchester.

KY 1998 - from US 27 at Cold Springs to KY 8 at Silver Grove.
 (2) Motor vehicles with the increased dimensions specified in Section 4 [3] [2] of this administrative regulation shall be allowed five (5) driving miles on state maintained highways from the highway segments specified in subsection (1) of this section for the purpose of attaining reasonable access to terminals; facilities for food, fuel, repairs and rest.

(3) Motor vehicles with the increased dimensions specified in Section 4 [3] [2] of this administrative regulation shall be allowed one (1) driving mile on nonstate maintained public use highways from the highway segments specified in subsection (1) of this section for the purpose of attaining reasonable access to terminals, facilities for food, fuel, repairs and rest.

Section 6 [5.] [4.] (1) Household Goods Transporters. Motor vehicles with the increased dimensions specified in Section 4 [3] [2] of this administrative regulation and which are used to transport household goods by a motor carrier certificated by either the Interstate Commerce Commission or the Kentucky Transportation Cabinet to transport household goods shall have access to any public roadway in the Commonwealth of Kentucky.

(2) Single unit semitrailers. Motor vehicles with the increased dimensions specified in Section 4 [3] [2] of this regulation and which consist of only a truck tractor and single semitrailer which does not exceed twenty-eight (28) feet excluding any length exclusion safety device shall have access to any public roadway in the Commonwealth of Kentucky.

Section 7. [6.] [5.] Nonstate Maintained Exceptions to One (1) Mile Automatic Access. The following local governments have adopted ordinances which exempt for safety reasons certain locally maintained roadways from the automatic one (1) mile access

provision of Section ~~5 [4]~~ ~~[3]~~(3) of this administrative regulation: The city of Anchorage in Jefferson County - the streets all within the corporate city limits of Anchorage listed in the city ordinance which shall not be used by STAA-dimensioned vehicles are:

- (1) Evergreen Road;
- (2) Bellewood Road;
- (3) Lucas Lane; and
- (4) Old Harris Creek Road.

Section 8. ~~[7-]~~ ~~[6-]~~ State-maintained Exceptions to Automatic Five (5) Mile Access. The Department of Highways has found the following road segments for safety reasons to be exempt from the five (5) mile automatic access on state-maintained highways set forth in Section ~~5 [4]~~ ~~[3]~~(2) of this administrative regulation. These road segments shall not be used by STAA-dimensioned vehicles without an overdimensional permit: KY 146 - from the west boundary of the city of Anchorage at milepoint 4.258 to the east boundary of the city of Anchorage at milepoint 5.878.

Section 9. ~~[8-]~~ Length Measurements. (1) The Federal Highway Administration interpretation of truck length and width exclusive devices published in the "Federal Register" on March 13, 1987 shall govern measuring the length of a semitrailer or trailer. Pages 7834 through 7840 of the March 13, 1987 "Federal Register" are incorporated by reference as a part of this administrative regulation.

(2) The material incorporated by reference may be viewed, copied or obtained from the Transportation Cabinet, Division of Motor Vehicle Enforcement, 8th Floor, 501 High Street, Frankfort, Kentucky 40622. The telephone number is (502)564-3276. The business hours of the division are 8 a.m. to 4:30 p.m. eastern time on weekdays.

NORRIS BECKLEY, Commissioner
J.M. YOWELL, State Highway Engineer
JERRY ANGLIN, Deputy Secretary, Commissioner of Highways
DON C. KELLY, P.E., Secretary
APPROVED BY AGENCY: February 16, 1993
FILED WITH LRC: March 1, 1993 at 11 a.m.

EDUCATION PROFESSIONAL STANDARDS BOARD (As Amended)

704 KAR 20:510. Recruitment plan for teachers of exceptional children.

RELATES TO: KRS 161.020, 161.028, ~~[161.025-]~~ 161.030
STATUTORY AUTHORITY: KRS 161.020, 161.028 ~~[161.025-]~~ ~~[161.030]~~

NECESSITY AND FUNCTION: KRS 161.020~~[161.025-]~~ and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board ~~[Kentucky Council on Teacher Education and Certification and approved by the State Board of Education]~~; furthermore, the teacher education institutions are required to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures ~~adopted [recommended]~~ by the Education Professional Standards Board ~~[Council and approved by the State Board]~~. This administrative regulation establishes a plan for recruiting certified classroom teachers into positions for teachers of exceptional children.

Section 1. Definition. For purposes of this regulation "qualified" shall mean a teacher who holds the appropriate certification as a teacher of exceptional children unless the superintendent of the employing school district has documented evidence that the teacher is unsuitable for appointment.

Section 2. ~~[4-]~~ If a ~~qualified [fully certified]~~ teacher is not available for the position of teacher of exceptional children as attested by the local school superintendent, the superintendent, on behalf of the local board of education, may request a one (1) year probationary certificate be issued as provided in this administrative regulation. ~~[For purposes of this administrative regulation "qualified" shall mean a teacher who holds the appropriate certification as a teacher of exceptional children unless the superintendent of the employing school district has documented evidence that the teacher is unsuitable for appointment.]~~

(1)(a) A valid classroom certificate or internship statement of eligibility for grades K-4, 1-8, or 5-8 shall be a prerequisite for a one (1) year certificate for learning and behavior disorders, grades K-12; for trainable mentally handicapped, grades K-12; for hearing impaired, grades K-12; and for an endorsement for teaching the visually impaired, grades 1-8. Further, the applicant shall have enrolled in a preparation program in the certification area for which application is being made, and shall have completed a [the following] minimum preparation of nine (9) semester hours of credit from the special education component of the approved curriculum. [-

1. For the 1988-89 academic year, a minimum of six (6) semester hours of credit;

2. For the 1989-90 academic year and thereafter, a minimum of nine (9) semester hours of credit.]

(b) A valid classroom certificate or internship statement of eligibility for grades 7-12 or 9-12 shall be a prerequisite for a one (1) year certificate for learning and behavior disorders, grades 7-12 and for an endorsement for teaching the visually impaired, grades 7-12. Further, the applicant shall have enrolled in a preparation program in the certification area for which application is being made, and shall have completed three (3) semester hours in the teaching of reading and a [the following] minimum preparation of nine (9) semester hours of credit from the special education component of the approved curriculum. [-

1. For the 1988-89 academic year, a minimum of six (6) semester hours of credit;

2. For the 1989-90 academic year and thereafter, a minimum of nine (9) semester hours of credit.]

(2) The applicant shall complete twelve (12) clock hours of training as required [participate in two (2) day workshop to be conducted] by the Office of Special Instructional Services. ~~[Education for Exceptional Children (OEEC). This workshop shall be conducted during a weekend period, arranged on a regional basis, and offered a minimum of two (2) times during each school year. Participation shall be required at the earliest session scheduled after employment as a teacher of exceptional children.]~~

(3) The applicant shall complete an additional six (6) clock hours of training during the [participate in an additional two (2) day workshop to be conducted by OEEC in conjunction with the OEEC] fall conference conducted by the Division of Exceptional Children Services. Teachers employed after the fall conference shall complete these six (6) hours of training during [participate in] the spring conference of the Council ~~for [on]~~ Exceptional Children.

Section 3. ~~[2-]~~ The renewal of the one (1) year certificate for teachers of exceptional children shall require completion of six (6) semester hours of additional credit from the special education component to be completed by September 1 or the year of expiration.

Section 4. ~~[3-]~~ Three (3) years of teaching experience performed under a succession of one (1) year certificates in a full-time position requiring certification for teachers of exceptional children shall be substituted for the special education portion of the student teaching requirement.

~~[Section 4. This regulation shall become effective for those to be certified for the 1988-89 academic year and thereafter.]~~

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JANICE WEAVER, Chair

APPROVED BY AGENCY: March 2, 1993

FILED WITH LRC: March 4, 1993 at 10 a.m

PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance

(As Amended)

806 KAR 1:010. Liability self-insurance groups.

RELATES TO: KRS 304.1-120, 304.39-080

STATUTORY AUTHORITY: KRS 304.2-110, 304.39-300

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.39-300 provides that the Commissioner of Insurance may adopt reasonable administrative regulations to provide effective administration of KRS 304.39. This administrative regulation establishes minimum standards for liability self-insurance groups to assure that such groups are providing adequate coverage for professional or public liability risks, have established a comprehensive loss prevention and risk management program coordinated with an effective claims management system, and have provided the appropriate information to the Department of Insurance.

~~Section 1. [Scope. This regulation applies to liability self-insurance groups established or which have expanded the kinds of risks protected by such groups pursuant to KRS 304.1-120 on or after July 15, 1986. Groups which are issued a certificate of filing by the commissioner shall not be deemed to be insurers or insurance companies and shall not be subject to the provisions of the Kentucky Insurance Code and regulations except as provided in this regulation.~~

~~Section 2.] Definitions. (1) "Administrator" means an individual, partnership, corporation, association, or other legal entity engaged by a liability self-insurance group's board of trustees to carry out the policies established by the group's board of trustees and to provide day-to-day management of the group.~~

~~(2) "Bona fide association" as used in KRS 304.1-120 is an association which has a substantial noninsurance purpose or has other characteristics of stability in finances, membership, etc.~~

~~(3) "Commissioner" means the Commissioner of the Kentucky Department of Insurance.~~

~~(4) "Deceptive" refers to an act, practice, or statement which has the tendency or capacity to deceive, without regard to whether there is intent to deceive or whether any person has suffered loss or injury as a result of the act, practice, or statement.~~

~~(5) "Governmental entity" means the Commonwealth of Kentucky, other states, or the United States, their political subdivisions, municipal corporations, or public agencies.~~

~~(6) "Insolvent" or "insolvency" means the inability of a liability self-insurance group to pay its outstanding lawful obligations as they mature in the regular course of business, as may be shown either by an excess of its required reserves and other liabilities over its assets or by its not having sufficient assets to reinsure all of its outstanding liabilities after paying all accrued claims owed by it.~~

~~(7) "Liability self-insurance group" means a group established pursuant to KRS 304.1-120(6).~~

~~(8) ["Person" has the meaning set forth in KRS 304.1-120.~~

~~(9) "Qualified actuary" means a member of the American Academy of Actuaries or a fellow of the Casualty Actuarial Society.~~

~~(10) ["Service company" means a person or entity which provides services not provided by the administrator, including, but not limited to, claims adjustment, safety engineering, compilation of statistics in preparation of contribution and assessment, loss, and tax~~

reports, preparation of other required self-insurance reports, development of members' contributions, assessments, and fees, and administration of a claim fund.

~~(10) [(11)] "Unfair" refers to an act, practice, or statement which is unconscionable.~~

Section 2. Scope. This administrative regulation applies to liability self-insurance groups established or which have expanded the kinds of risks protected by such groups pursuant to KRS 304.1-120 on or after July 15, 1986. Groups which are issued a certificate of filing by the commissioner shall not be deemed to be insurers or insurance companies and shall not be subject to the provisions of the Kentucky Insurance Code and administrative regulations except as provided in this administrative regulation.

Section 3. Filing With the Commissioner Required. No person shall act as a liability self-insurance group unless it has been issued a certificate of filing by the commissioner.

Section 4. Qualifications for Initial Filing and Continued Authority to Act as a Liability Self-insurance Group. (1) A proposed liability self-insurance group shall file with the commissioner its application for a certificate of filing accompanied by a nonrefundable filing fee of five (5) dollars. The application shall include the group's name, location of its principal office, date of organization, name and address of each member (if known at the time of application - if unknown, a description of the group to be solicited for membership), identification of its fiscal year, and shall be in the form set forth in Appendix A (such other information as the commissioner may reasonably require), together with the following:

(a) Proof of compliance with the provisions of subsection (2) of this section:

(b) A copy of the articles of association.

(c) If requested by the commissioner, a copy of agreements with the administrator and with any service company.

(d) A copy of the bylaws of the proposed group.

(e) A copy of the agreement between the group and each member jointly and severally binding the group and each member thereof to comply with the provisions of this administrative regulation and the decision of the trustees for operation of the liability self-insurance group. If the liability self-insurance group is composed of governmental entities and received its certificate of filing prior to July 29, 1992, the agreement may provide that it does [shall] not jointly and severally bind group members to pay the debts of others. Liability self-insurance groups may limit group members' joint and several liability, such limits to be established in terms of members' annual contributions.

(f) Designation of the initial board of trustees and administrator.

(g) The address where books and records of the group will be maintained at all times.

(h) A pro forma financial statement in the [on-a] form of Appendix B [acceptable to the commissioner] showing financial ability of the group to pay the professional or public liability obligations of its members.

(2) To obtain and to maintain its certificate of filing a liability self-insurance group shall have sufficient financial strength to pay all public or professional liabilities covered by the group, including both known claims and expenses and incurred but not reported claims and expenses. If the commissioner is not satisfied with the financial strength of a liability self-insurance group, he may require any or all of the following:

(a) Liability self-insurance groups to provide security in the form and the amount prescribed by the commissioner as follows:

1. A surety bond issued by a corporate surety authorized to transact business in Kentucky; or

2. Any financial security endorsement issued as part of an acceptable excess insurance contract issued by an authorized insurer

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may be used to meet all or part of the security requirement. The bond or financial security endorsement shall be for the benefit of the insured creditors solely to pay claims and associated expenses and payable upon the failure of the group to pay professional or public liability claims it is legally obligated to pay. The commissioner may establish and adjust from time to time the requirements for the amount of security based on differences among groups in their size, type or business, years in existence, or other relevant factors.

(b) Specific and aggregate excess insurance in a form, in an amount, and issued by an insurer acceptable to the commissioner.

(c) A liability self-insurance group to provide a fidelity bond for the administrator and a fidelity bond for the service company in forms and amounts prescribed by the commissioner. The commissioner may also require the service company providing claim service to furnish a performance bond in a form and amount prescribed by the commissioner.

(3) A liability self-insurance group shall notify the commissioner immediately of any change in the information required to be filed under subsection (1) of this section or in the manner of its compliance with subsection (2) of this section.

(4) The commissioner shall issue to the liability self-insurance group a certificate of filing upon finding that the proposed group has met all requirements or the commissioner shall issue a written statement refusing such certificate, setting forth the reasons for such refusal.

(5) Any liability self-insurance group accepting a certificate of filing pursuant to this administrative regulation is deemed to have appointed the Secretary of State as its attorney to receive service of legal process issued against it in this state. Such appointment shall be irrevocable, shall bind any successor in interest, and shall remain in effect as long as there is in this state any professional or public liabilities.

Section 5. Termination of Certificate of Filing. (1) A certificate of filing remains in effect until terminated at the request of the group or suspended or revoked by the commissioner pursuant to Section 16 of this administrative regulation.

(2) The commissioner shall not grant the request of a liability self-insurance group to terminate its certificate of filing unless the group has filed with the commissioner a statement describing what arrangements, if any, have been made to pay obligations of the group, including both known claims and expenses and incurred but not reported claims and expenses.

(3) Subject to filing with the commissioner, a liability self-insurance group may merge with another liability self-insurance group. As a result of any such merger, the resulting liability self-insurance group must assume in full all obligations of the constituent groups.

Section 6. Board of Trustees: Membership, Powers, Duties, and Prohibitions. (1) Each group shall be operated by a Board of Trustees which shall consist of not less than two (2) persons selected in the manner prescribed by the liability self-insurance group. Except for liability self-insurance groups formed by governmental entities, the trustees shall not be officers, employees, or agents of an administrator or servicing organization. All trustees shall be residents of Kentucky or officers of corporations authorized to do business in Kentucky. The trustees shall have the authority to administer the operations of the liability self-insurance group, such as (including, but not limited to,) assuring that there is adequate funding to cover professional or public liabilities, assuring that all claims are paid promptly, and that all necessary precautions are taken to safeguard the assets of the group.

(2) The Board of Trustees shall:

(a) Maintain responsibility for all moneys collected or disbursed from the group and segregate all moneys into a claims fund account and an administrative fund account.

(b) Maintain minutes of its meetings and make the [such] minutes

available to the commissioner.

(c) Designate an administrator to carry out the policies established by the Board of Trustees and to provide day-to-day management of the group, and delineate in the written minutes of its meetings the areas of authority it delegates to the administrator.

(d) Retain an independent certified public accountant and a qualified actuary to prepare the statement of financial condition required by Section 9 of this administrative regulation.

(3) The Board of Trustees shall not:

(a) Extend credit to individual group members for payment of contributions or assessments, except pursuant to payment plans filed with the commissioner.

(b) Permit the loan of any moneys to or borrow any moneys from the group or in the name of the group. However, a liability self-insurance group formed by governmental entities may borrow monies in the name of the group.

(4) In its discretion, the liability self-insurance group may refer to its trustees as directors. When this is done, the provisions of this administrative regulation referring to trustees shall be construed as referring to such directors.

Section 7. Group Membership, Termination, and Liability. (1) An employer joining a liability self-insurance group after the group has been issued a certificate of filing shall submit an application for membership to the Board of Trustees or its administrator and enter into the indemnity agreement required by Section 4(1)(e) of this administrative regulation. Membership takes effect no earlier than each member's date of application. The application for membership and its approval shall be maintained as permanent records of the Board of Trustees.

(2) Individual members of a liability self-insurance group shall be subject to cancellation by the group pursuant to the bylaws of the group. In addition, individual group members may elect to terminate their participation in the group.

(3) A liability self-insurance group shall pay all professional and public liabilities which are covered under the terms, conditions, and exclusions of the group's evidence of coverage for which each member incurs liability during its period of membership. Except as provided in Section 4(1)(e) of this administrative regulation [to liability self-insurance groups formed by governmental entities], a member who elects to terminate its membership or is cancelled by a group remains jointly and severally liable for professional or public liability obligations of the group and its members which were incurred during the cancelled or terminated group members' period of membership. A group member is not relieved of its professional or public liabilities incurred during its period of membership except through payment by the group or the member of liabilities.

(4) The insolvency or bankruptcy of a group member does not relieve the liability self-insurance group or any other group member of liability for the payment of professional or public liabilities which are covered under the terms, conditions and exclusions of the group's evidence of coverage and incurred during the insolvent or bankrupt group member's period of membership.

~~[(5) This section does not negate any statutes or judicial decisions limiting defenses.]~~

Section 8. Service Companies. (1) No service company or its employees, officers, or directors shall be an employee, officer, or director of, or have either a direct or indirect interest in, an administrator. No administrator or its employees, officers, or directors shall be an employee, officer, or director of, or have either a direct or indirect financial interest in, a service company.

(2) This section does not apply to liability self-insurance groups formed by public entities.

Section 9. Financial Statements and Other Reports. (1) Each liability self-insurance group shall submit to the commissioner a

statement of financial condition audited by an independent certified public accountant on or before ninety (90) [sixty (60)] days from the end of the group's fiscal year for the immediately preceding fiscal year. The financial statement shall be in the form of Appendix B and shall ~~on a form prescribed by the commissioner and shall include, but not be limited to,:~~

(a) Actuarially appropriate reserves for:

1. ~~[(a)]~~ Known claims and expenses associated therewith

2. ~~[(b)]~~ Claims incurred but not reported and any expenses associated therewith.

3. ~~[(c)]~~ Unearned contributions and assessments.

4. ~~[(d)]~~ Bad debts, which reserves shall be shown as liabilities.

(b) ~~[(e)]~~ An actuarial opinion by a qualified actuary and supporting reserve study regarding reserves for known claims and expenses associated therewith. The reserve study shall include documentation sufficient for another actuary practicing in the same field to evaluate the work. The documentation shall describe clearly the sources of data, material assumptions, and methods.

(c) ~~[(f)]~~ An actuarial opinion by a qualified actuary and supporting reserve study regarding reserves for claims incurred but not reported and expenses associated therewith. The reserve study shall include documentation sufficient for another actuary practicing in the same field to evaluate the work. The documentation shall describe clearly the sources of data, material assumptions, and methods.

(2) No person shall make any deceptive statement or fail to make any statement which would make a statement not deceptive in connection with the solicitation of membership of a group.

(3) For actuarial opinions rendered prior to the effective date of the 1993 amendment to this administrative regulation, the work papers and calculations of the qualified actuary shall be provided to the commissioner upon his request. [The commissioner may prescribe the format and frequency of other reports which may include, but not be limited to, summary loss reports and quarterly financial statements.]

(4) Records of a liability self-insurance group shall be made freely available to the commissioner so that the commissioner may determine whether the group is in compliance with KRS 304.1-120(6) and this administrative regulation.

(5) The financial statements required by this section shall be completed.

(a) If the liability self-insurance group is not composed of governmental entities, in accordance with Financial Accounting Standards Board Statement Number 60, June, 1982, incorporated by reference and available for inspection and copying at the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601-1847, Monday through Friday, 8 a.m. to 4:30 p.m. (ET); or

(b) If the liability self-insurance group is composed of governmental entities, in accordance with Government Accounting Standards Board Statement Number 10, November, 1989, incorporated by reference and available for inspection or copying at the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601-1847, Monday through Friday, 8 a.m. to 4:30 p.m. (ET).

Section 10. Trade Practices. (1) No person shall make any materially deceptive statement or omit material facts in connection with solicitation for membership in a liability self-insurance group.

(2) Unfair claims settlement practices. Liability self-insurance groups shall:

(a) Respond to claimant inquiries which reasonably suggest that a response is expected within fifteen (15) working days.

(b) Liability self-insurance groups shall respond to Department of Insurance inquiries concerning claims within fifteen (15) working days.

(c) Complete investigation of losses within thirty (30) days from the date the group has notice of a loss. Additional thirty (30) day periods may be taken if reasonably necessary and upon written notice to the claimant.

(d) Not continue negotiations for settlement of a claim directly with

a claimant who is neither an attorney nor represented by an attorney until the claimant's rights may be affected by a statute of limitations or a policy or contract time limit without giving the claimant written notice at least sixty (60) days before the date on which such time limit may expire that the time limit may be expiring and may affect the claimant's rights

(e) Not commit any other unfair or deceptive act or practice relating to claim settlement.

(3) Liability self-insurance groups shall not commit unfair or deceptive acts or practices under its certificate of filing from the commissioner.

Section 11. Investments. Funds not needed for current obligations may be invested by the Board of Trustees in investments recognized as sound investments.

Section 12. Rates and Underwriting Guidelines. Liability self-insurance groups shall file with the commissioner their rates, underwriting guidelines, evidence of coverage, and any changes therein prior to effectuation. The [Such] filings shall be accompanied by a five (5) dollar filing fee per filing [rate or guideline].

Section 13. Contribution and Assessment Payments; Reserves.

(1) Liability self-insurance groups shall establish contribution and assessment payment plans.

(2) Liability self-insurance groups shall establish and maintain appropriate loss reserves which shall include reserves for:

(a) Known claims and expenses associated therewith, and

(b) Claims incurred but not reported and expenses associated therewith.

(3) Liability self-insurance groups shall establish and maintain bad debt reserves based on the historical experience of the group or other groups. The commissioner may waive this requirement for good cause shown.

Section 14. Deficits and Insolvencies. (1) If the assets of a liability self-insurance group are at any time insufficient to enable the group to discharge its legal liabilities and other obligations and to maintain the reserves required of it under this administrative regulation, the group shall immediately levy an assessment upon its members for the amount needed to make up the deficiency.

(2) In the event of a deficiency in any fund year, the [such] deficiency shall be made up immediately, either from surplus from a fund year other than the current fund year, administrative funds, assessment of the membership, if ordered by the group, or [such] alternate methods as the commissioner may approve or direct. The commissioner shall be notified prior to any transfer of surplus funds from one fund year to another.

(3) If a liability self-insurance group fails to assess its members to make up such deficit within thirty (30) days, the commissioner shall order it to do so. This subsection does not apply to liability self-insurance groups formed by governmental entities which do not have joint and several liability under Section 4(1)(e) of this administrative regulation.

(4) If a liability self-insurance group fails to make the required assessment of its members within thirty (30) days after the commissioner orders it to do so, or if the deficiency is not fully made up within sixty (60) days after the date on which such assessment is made, or within such longer period of time as may be permitted by the commissioner, the group shall be deemed to be insolvent.

Section 15. Evidence of Coverage. (1) Every member of a liability self-insurance group shall receive written evidence of coverage by the group.

(2) All evidences of coverage issued pursuant to this section shall contain coverage terms, conditions, and exclusions.

(3) All evidences of coverage issued pursuant to this section,

other than those issued by liability self-insurance groups formed by governmental entities which do not have joint and several liability under Section 4(1)(e) of this administrative regulation, shall contain the following disclosure in prominent, contrasting type: THIS COVERAGE HAS BEEN PLACED WITH A LIABILITY SELF-INSURANCE GROUP WHICH HAS RECEIVED A CERTIFICATE OF FILING FROM THE COMMONWEALTH OF KENTUCKY. CLAIMS AGAINST GROUP MEMBERS ARE NOT COVERED BY THE KENTUCKY INSURANCE GUARANTY ASSOCIATION. GROUP MEMBERS MAY BE ASSESSED IN THE EVENT OF INSOLVENCY OF THE LIABILITY SELF-INSURANCE GROUP.

(4) All evidences of coverage issued pursuant to this section by liability self-insurance groups formed by governmental entities which have joint and several liability pursuant to Section 4(1)(e) of this administrative regulation, shall contain the following disclosure in prominent, contrasting type: THIS COVERAGE HAS BEEN PLACED WITH A LIABILITY SELF-INSURANCE GROUP WHICH HAS RECEIVED A CERTIFICATE OF FILING FROM THE COMMONWEALTH OF KENTUCKY. CLAIMS AGAINST GROUP MEMBERS ARE NOT COVERED BY THE KENTUCKY INSURANCE GUARANTY ASSOCIATION.

Section 16. Inclusion of Motor Vehicle Liability Coverage. (1) If the liability self-insurance group is formed by governmental entities and coverage is provided for motor vehicle liability, the group is not required to comply with 806 KAR 39:050, Self insurance, unless its members elect to become obligated governments for the payment of basic reparation benefits or are required by law to provide basic reparation benefits, in which case the group shall provide the security required by 806 KAR 39:050.

(2) If a liability self-insurance group formed by entities other than governmental entities chooses to provide coverage for motor vehicle liability and basic reparation benefits, its application shall be analyzed under both this administrative regulation and 806 KAR 39:050 and authority to self-insure motor vehicle liability and basic reparation benefits coverages shall not be granted unless the group complies with this administrative regulation and 806 KAR 39:050.

(3) All applications for a certificate of filing shall state whether motor vehicle liability or basic reparation benefits coverages are to be covered by the group.

Section 17. Disciplinary Measures. (1) After a hearing or upon agreement by the liability self-insurance group, the commissioner may suspend or revoke the certificate of filing of a liability self-insurance group, impose a civil penalty of up to \$5,000 per violation on a liability self-insurance group, or both, for:

- (a) Violations of KRS 304.1-120 or this administrative regulation;
- (b) Obtaining a certificate of filing by unfair or deceptive means;
- (c) Operating in a financially hazardous manner;
- (d) Misappropriation, conversion, illegal withholding, or refusal to pay over upon proper demand any moneys that belong to a member, an employee of a member, or a person otherwise entitled thereto by the group or its administrator; or
- (e) Unfair or deceptive business practices.

(2) In his discretion and without advance notice or a hearing thereon, the commissioner may suspend or revoke the certificate of filing of any liability self-insurance group as to which proceedings for receivership, conservatorship, rehabilitation, or other delinquency proceedings have been commenced.

~~[Section 18. Severability. If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of each provision to other persons or circumstances shall not be affected thereby.]~~

Section 19. Effective Date. This regulation shall become effective

~~upon completion of its review pursuant to KRS Chapter 13A.]~~

DON W. STEPHENS, Commissioner
EDWARD J. HOLMES, Secretary
APPROVED BY AGENCY: February 23, 1993
FILED WITH LRC: March 3, 1993 at 11 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(As Amended)

810 KAR 1:030. Simulcast facilities.

RELATES TO: KRS 230.377(1), 230.380

STATUTORY AUTHORITY: KRS 230.300(1), 230.380(1), (4)

~~[Chapter 13A]~~

NECESSITY AND FUNCTION: KRS 230.300(1) and 230.380(1) require the Commission, pursuant to KRS 230.300, to establish criteria by administrative regulation, for application for, and licensure of, simulcast facilities. This administrative regulation establishes the criteria for application for, and licensure of, simulcast facilities. [Defines the procedures necessary for a licensed host track, tracks, or entity wholly owned by two (2) or more licensed tracks to obtain approval from the commission for the initial license and the annual renewal license of a simulcast facility as required by statute.]

Section 1. **Definitions.** (1) "Applicant" means:

- (a) a licensed track; or
- (b) an entity established, and wholly owned, by licensed tracks that have entered in a joint agreement to establish or operate a simulcast facility;
- (2) "Host track" is defined by KRS 230.210(15);
- (3) "Track" is defined by KRS 230.210(10).

Section 2. (1) ~~[Initial]~~ License Application. (1) Prior to Commission approval of an application to establish a simulcast facility, an applicant shall submit the information required by the provisions of this section to the commission.

(2) An applicant shall file an application containing the following information:

- (a) The name of the applicant;
- (b) If the applicant is an entity defined by Section 1(1)(b) of this administrative regulation:
 - 1. The name of the entity;
 - 2. A copy of the organizational documents;
 - 3. A copy of the joint agreement;
 - 4. The location of the principle office; and
 - 5. The names of the officers and directors;
- (c) The name of the county and city in which the applicant intends to locate the simulcast facility.

(3)(a) The location of any licensed track located within any radius specified in subparagraphs 1 and 2 of this paragraph:

- 1. Within fifty (50) miles of any county line of the county in which the simulcast facility will be located;
- 2. Greater than fifty (50) miles, but less than seventy-five (75) miles of any county line of the county in which the simulcast facility will be located;

(b) The location of any licensed track located within any radius specified in subparagraphs 1 and 2 of this paragraph:

- 1. Within fifty (50) miles of the city limits of the city in which the simulcast facility will be located;
- 2. Greater than fifty (50) miles, but less than seventy-five (75) miles of the city limits of the city in which the simulcast facility will be located.

(4) The commission may request, in writing, information

necessary to determine the financial soundness of the applicant.

(5) After the commission has transmitted the notice required by KRS 230.380(2), it shall:

(a) Approve or reject an application; and

(b) Inform the applicant, in writing, of:

1. Its decision; and

2. The reasons for its decision.

(6) If the commission approves an application, it shall inform, in writing, the applicant that he may establish the simulcast facility if, within sixty (60) days, the local governing body of the jurisdiction in which the simulcast facility is to be located does not exercise its right to reject the facility as provided by the provisions of KRS 230.380(2).

(7) After receipt of commission approval of an application, at least twenty (20) days prior to wagers being accepted at the simulcast facility, an applicant shall file the following information with the commission:

(a) The schedule of race meets to be simulcast;

(b) The complete address of the simulcast facility;

(c) The telephone number of the simulcast facility;

(d) A description of simulcast facility, including:

1. Its total capacity;

2. The seating capacity, excluding dining;

3. The capacity of dining area;

4. The number of washrooms;

5. Parking, including:

a. Its location; and

b. The distance to the simulcast facility;

(e) The name, address, and home telephone number of the on-site manager of the simulcast facility;

(f) The name and address of the owner of the real property at which the simulcast facility will be located;

(g) If there is a business enterprise occupying the real property at which the simulcast facility is located, its:

1. Name;

2. Address;

3. Type of business; and

4. Owner;

(h) The name of the supplier of:

1. Concessions;

2. Food; and

3. Alcohol;

(i) The authority for the sale of alcohol;

(j) The name of the totalizator service and mutuel manager;

(k) 1. Name of, location, and distance to, the nearest other licensed track; and

2. Written consent of a licensed track that is located within a radius that is more than fifty (50) miles, but less than seventy-five (75) miles, from the simulcast facility, if this has not already been provided;

(l) The location of, and distance to, the nearest lottery vendor; and

(m) A statement that the applicant has complied with applicable fire, safety, building, and health codes.

(8)(a) If information submitted to the commission, or required to be submitted to the commission by the provisions of this administrative regulation, changes, an applicant shall immediately inform the commission in writing of the change;

(b) The change shall be reviewed by the commission to determine whether the applicant has complied with the provisions of applicable statutes and this administrative regulation.

(9) The commission may refuse to approve an application, and may suspend or revoke a license to establish a simulcast facility on the following grounds:

(a) Failure to comply with the provisions of KRS Chapter 230 and this administrative regulation;

(b) Denial, suspension, or revocation of a license in another

rating jurisdiction;

(c) Conviction of a crime, or a determination by an administrative body with appropriate jurisdiction of a violation of a statute or administrative regulation, relating to a controlled substance;

(d) Falsification, misrepresentation, or willful omission of information in an application or with regard to matters pertaining to racing;

(e) Failure to comply with an order or ruling of the commission or its representatives;

(f) Ownership of an interest in, or participation in any manner, in an illegal enterprise, such as bookmaking, touting, bet solicitation, pool-selling;

(g) Association with a person engaged in an illegal activity;

(h) Unqualified by experience or confidence to perform the activity permitted by the license;

(i) Intoxication, profanity, fighting, or other conduct of a disorderly nature on simulcast facility property;

(j) Employment or harboring of persons who are not licensed as required by applicable statute or administrative regulation;

(k) Possession on simulcast facility property of firearms without written permission, or compliance with applicable statute and administrative regulation;

(l) Use of profane, abusive, or insulting language to the Commission or its staff;

(m) Offering, promising, giving, accepting or soliciting a bribe, directly or indirectly, to or by a person having a connection with the outcome of a race;

(n) Failure to report knowledge of items specified in paragraph (m) of this subsection;

(o) Addiction to controlled substances or alcohol;

(p) Prior conviction of a crime, subject to the provisions of KRS 335B.010 and 335B.020; and

(q) Substantiation that an applicant does not possess good moral character;

(r) Failure to comply with the provisions of:

1. This administrative regulation and applicable statutes relating to the licensure of simulcast facilities; and

2. Any other applicable statute or administrative regulation.

(10) The commission shall:

(a) Review the information submitted to it by the licensee, pursuant to subsection (7) of this section;

(b) Determine whether it meets the requirements of KRS Chapter 230 and this administrative regulation; and

(c) If it determines that the licensee has not met the requirements of KRS Chapter 230 and this administrative regulation, inform the licensee:

1. Of its determination;

2. Of the reasons for its determination. [A licensed host track, tracks, or entity wholly owned by two (2) or more licensed tracks, shall submit the following list of information to apply for a license to operate each simulcast facility. Any changes in the information provided must be supplied to the commission as changes occur and any such changes shall be subject to commission approval.

(1) Name of host track, tracks, or entity as defined in this section operating the simulcast facility. If the applicant is an entity wholly owned by two (2) or more licensed tracks, provide: the name of the participating licensed tracks; copies of organizational documents; name of the entity; location of principle office; and names of officers and directors.

(2) Location of simulcast facility.

(3) Owner of the real property on which the simulcast facility shall be located, including street address.

(4) Name, type, and owner of any business enterprise that may be at that same location, building, or street address.

(5) Name, address, and home phone number of on-site manager of the simulcast facility.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(As Amended)

907 KAR 1:428. Incorporation by reference of the Adult Day Health Care Services Manual.

RELATES TO: KRS 205.520, Title XIX of the Social Security Act
STATUTORY AUTHORITY: KRS 194.050, 32 CFR 440.180, 42 USC 1396a, b, d, n

- (6) Schedule of races to be simulcast identifying the host tracks.
- (7) Description of facilities including:
 - (a) Total capacity;
 - (b) Seating capacity excluding dining;
 - (c) Dining;
 - (d) Washrooms;
 - (e) Parking; give location and distance to simulcast facility.
- (8) Identify the authority for the sale of alcohol if applicable.
- (9) Name of supplier of concessions, food, and alcohol services.
- (10) Name of totalizator service and mutual manager.
- (11) Name of and distance to nearest other licensed racing association or ITW facility as allowed by KRS 230.210(10).
- (12) Location of and distance to nearest lottery vendor.

Section 2. The information required in Section 1(3), (4), (5), (7), (9), (10), (11) and (12) of this administrative regulation may be supplied after the initial application, but not later than five (5) days before the facility would commence operations.]

Section 3. [Annual Review for] Renewal. [A licensed host track, tracks, or entity as defined in Section 1 of this administrative regulation, shall submit the following list of information for the commission to renew the license for an existing simulcast facility.

(1) ~~The~~ **An** application to renew a license for a simulcast facility shall be filed no later than November 1 in the year preceding the **calendar** year for which **renewal is requested** [the license may be issued] and shall include all information required by Section 1(1) through (10) of this administrative regulation.

(2) The provisions of KRS 230.380 (2) and (3) shall not apply to the annual renewal of a license for a simulcast facility.

Section 4. General Requirements. (1) **A** ~~All~~ simulcast **facility** ~~shall [facilities must] be:~~

(a) Kept in an excellent state of repair; and ~~[shall be]~~
(b) Operated to ensure that the image of racing and pari-mutuel wagering is enhanced.

(2) **A simulcast facility** ~~All simulcast facilities~~ shall provide adequate security for the public to assure the perception and fact of an honest enterprise free of corrupt practices.

(3) ~~[(1) All pari-mutuel wagering must be conducted through a host track licensed by the commission.]~~ All interstate wagering shall be received only through a host track licensed by the commission.

(4) **A** ~~Any~~ malfunction of the totalizator shall be immediately reported to the host track and to the commission.

(5) ~~[any]~~ Action needed to correct the mutual pools at a simulcast facility shall be calculated by the mutual manager of the host track.

(6) Pools shall be limited to the host track's pools and all payoffs shall be consistent with the common pools of the host track.

(7) **A simulcast facility** ~~[(2) All simulcast facilities]~~ shall meet ~~[all]~~ local and state fire and life safety codes at all times. ~~[All accidents resulting in injury shall be reported to the commission and any crimes on the property shall also be reported.]~~

(8) **A simulcast facility shall report to the commission:**

(a) **An accident that results in injury; and**

(b) **A crime committed on the property of the facility.**

(9) ~~[(3)]~~ Food and dining services **shall** ~~[must]~~ be of good quality, so as to promote the image of racing and that of a quality establishment.

(10) ~~[(4)]~~ Proper smoke ventilation shall be provided to ensure adequate fresh air for ~~[all]~~ designated smoking sections.

WAYNE G. LYSTER, III, Chairman

APPROVED BY AGENCY: December 21, 1992

FILED WITH LRC: December 22, 1992 at 4 p.m.

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medicaid [Medical Assistance] Program [in accordance with Title XIX of the Social Security Act and KRS 205.520]. KRS 205.520 empowers the cabinet to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the adult day health care services component of the Medicaid [Medical Assistance] program. [In the event of a conflict between manual materials incorporated by reference in this administrative 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 Adult Day Health Care Services Manual, revised March 1, 1993 [April 1, 1990], used in the implementation of this component of the Kentucky Medicaid [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.

JANIE A. MILLER, Acting Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: February 22, 1993

FILED WITH LRC: March 15, 1993 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(As Amended)

907 KAR 1:512. Incorporation by reference of the psychiatric residential treatment facility services manual.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a-d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medicaid program. KRS 205.520 empowers the cabinet to comply with any requirement that is imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation incorporates into regulatory form, by reference, materials used by the cabinet in the implementation of the psychiatric residential treatment services component of the Medicaid program. [In the event of a conflict between manual materials incorporated by reference in this administrative regulation and 907 KAR 1:505, Psychiatric residential treatment facility services, the latter shall

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prevail.]

Section 1. Incorporation by Reference. the cabinet hereby incorporates by reference the Psychiatric Residential Treatment Facility Services Manual, dated March 1, 1993, used in the implementation of this component of the Kentucky Medicaid 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.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR, Secretary

APPROVED BY AGENCY: February 16, 1993

FILED WITH LRC: March 2, 1993 at 4-p.m.

ADMINISTRATIVE REGULATIONS AMENDED AFTER HEARING

CABINET FOR HUMAN RESOURCES
Department for Mental Health and
Mental Retardation Services
(Amended After Hearing)

908 KAR 1:310. Administrative procedures for DUI facilities and programs.

RELATES TO: KRS Chapter 189A

STATUTORY AUTHORITY: KRS 189A.040(6), 194.030(9)

NECESSITY AND FUNCTION: KRS Chapter 189A requires the Cabinet for Human Resources to promulgate administrative regulations to prescribe standards for the licensing and operation of education and treatment facilities and programs, for offenders receiving assessment, education, or treatment under the driving while impaired law.

Section 1. Definitions. As pertaining to the cabinet's regulations regarding DUI programs unless the content otherwise requires:

(1) "Cabinet" means the Cabinet for Human Resources, Office of the Inspector General, Division of Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40621.

(2) "Division" means the Cabinet for Human Resources, Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, Fairoaks Lane, Leestown Square, 4th Floor, [275 East Main Street,] Frankfort, Kentucky 40601 [40621].

(3) "DUI" means driving while under the influence of alcohol, drugs or intoxicating substances.

(4) "Program" means any public, private or government entity eligible to deliver DUI assessment, education and treatment services.

(5) "Certification" means the process by which the Division of Substance Abuse recognizes and authorizes any program, assessor or instructor to provide DUI services.

(6) "Services" means the level of care appropriate for a client based on an evaluation of the client's needs.

(7) ~~"Licensee" means the individual or entity approved and licensed by the Cabinet for Human Resources, Office of Inspector General, Division of Licensing and Regulation.~~

(8) "Assessment" means the procedure used to obtain information about a client's use of alcohol and other drugs and to determine the problems and needs of a client in order to recommend appropriate services.

(9) ~~(10)~~ "Education" means a course which delivers factual information about alcohol and other drugs to increase awareness, knowledge, and change a client's attitude and behavior in relation to substance abuse.

(9) ~~(10)~~ "Treatment" means outpatient, intensive outpatient, inpatient, residential, or detoxification services provided to clients in need of substance abuse services.

~~(11) "Program survey form" means a form issued by the division to the program to collect all necessary program information.~~

~~(12) "Program code" means a three (3) digit number issued to a program by the division when certification is granted.~~

~~(13) "Survey report of change form" means a form used by a program when submitting any new or revised information to the division.~~

(10) ~~(14)~~ "Program administrator" means the person responsible for the services provided in a program and who has responsibility for determining if a client satisfactorily completes all required services.

~~(15) "Memorandum of understanding (MOU)" means a written communication between programs outlining the duties and responsibilities of each program.~~

(11) ~~(16)~~ "Certified assessor" means a person who has been

trained and approved by the division to evaluate the needs of clients and to recommend appropriate services.

(12) ~~(17)~~ "Certified instructor" means a person who has been trained and approved by the division to provide education services in a DUI program.

(13) ~~(18)~~ "Approved curriculum" means "talking about alcohol driving unimpaired nine (9) hour," "talking about alcohol driving unimpaired twenty (20) hour," "Kentucky alcohol and other drug education program nine (9) hour," and "Kentucky alcohol and other drug education program twenty (20) hour."

~~(19) "Individual" means a person certified by the division to conduct assessment and education services.~~

~~(20) "Uniform citation" means the citation given to the defendant when the defendant is arrested for driving under the influence.~~

~~(21) "Administrative Office of the Courts (AOC) Form 494" means the form completed by the circuit clerk on the day of the defendant's conviction and which is sent to the program where the defendant is referred for assessment.~~

~~(22) "Cabinet for Human Resources (CHR) Form PAM MHMR 052" means the form completed by the program which conducts the client's assessment, and which is then used to notify the court, the client, Department of Transportation (DOT), and the division when a client has satisfactorily completed any required services.]~~

(14) ~~(23)~~ "Computerized screening instrument" means the Kentucky driver risk inventory (DRI).

~~(24) "Completion notice" means the client's copy (pink) of CHR Form PAM MHMR 052.]~~

(15) ~~(25)~~ "Case management" means an administrative function to insure coordination of client services and continuity of care.

(16) ~~(26)~~ "Court" means the court where a client is convicted of DUI.

~~(27) "Department of Transportation (DOT)" means the Commonwealth of Kentucky, Transportation Cabinet, Department of Vehicle Regulation, Division of Driver Licensing, State Office Building, Frankfort, Kentucky 40622.~~

~~(28) "Nine (9) hour basic education course" means an education service for low risk first-time offenders consisting of a minimum of nine (9) hours of instruction and group interaction.~~

~~(29) "Twenty (20) hour early intervention education course" means an education service for first or multiple offenders consisting of a minimum of twenty (20) hours of instruction and group interaction.]~~

(17) ~~(30)~~ "Client" means any individual receiving services in a DUI program.

(18) ~~(31)~~ "First offender" means a person convicted of DUI for the first time within a five (5) year period.

(19) ~~(32)~~ "Multiple offender" means a person convicted of a second or subsequent DUI within a five (5) year period.

~~(33) "Low risk" means a client who has been assessed as not having an alcohol or substance abuse problem requiring treatment.~~

~~(34) "Medium risk" means a client who has been assessed as having an alcohol or substance abuse problem but is not chemically dependent.]~~

(20) ~~(35)~~ "Satisfactorily completed" means a client has fulfilled all requirements of the program and has received maximum benefits from the services received.

~~(36) "Negative certification action" means an action by the division to revoke, modify, suspend, or deny certification or recertification of a DUI program, assessor or instructor.~~

~~(37) "Hearing officer" means the person designated by the division to conduct a hearing and make a recommendation to the division on any appeal of negative certification action.]~~

(21) ~~(38)~~ "DUI services" means assessment, education, or treat-

ment services provided by an eligible DUI program.

~~[(39) "Applicant" means any individual or entity who has been licensed by the cabinet, and is making application for certification to the division.]~~

~~[(22) [(40)] "Facility" means the physical area, including the grounds and buildings where program functions take place.~~

~~[(41) "Release of information" means a client's written authorization for a program to release information from that client's case file.~~

~~[(42) "Clinical services supervisor" means a person who meets the qualifications pursuant to the definition in 908 KAR 1:190.]~~

Section 2. Licensing Requirements. (1) An individual or entity desiring to provide DUI services as an assessment facility and program, education facility and program, or treatment facility and program shall first obtain a license from the cabinet in accordance with the drug abuse treatment and education center (DATE center) regulations, 908 KAR 1:150 through 908 KAR 1:260; and the nonmedical alcohol treatment and education center (NATE center) administrative regulations, 908 KAR 1:010 through 908 KAR 1:140.

(2) Programs conducted in a facility established and maintained by a licensed federal hospital shall be exempt from state licensing requirements, as such facilities are created subject to federal licensure and regulatory requirements, in accordance with 38 USC 301 [204], 38 USC 1720A [620A], 38 USC 7333 [4133], and 38 USC 7334 [4134].

(3) Programs conducted in a facility established and maintained by a hospital licensed by the cabinet shall be exempt from obtaining a DATE or NATE center license in accordance with 908 KAR 1:160, Section 1(1)(c).

(4) The cabinet shall notify the division in writing when an individual or entity:

- (a) Is granted a license as a DATE or NATE center;
- (b) Has stated in its application that it desires to provide DUI services; and
- (c) If its license has been renewed, suspended or revoked.

Section 3. Certification Requirements. (1) An individual or entity, properly licensed, and desiring to provide DUI assessment or education services, shall obtain program certification from the division. A properly licensed treatment facility may provide DUI treatment services without receiving program certification from the division. A certified program may operate statewide if it is properly licensed and certified in all service locations. All service locations shall be subject to the same qualifications as the central office location. A program may be certified to provide assessment, or education services or assessment and education services. A program shall have at least one (1) individual on staff who has been certified by the division, to be a certified program. The program administrator shall be knowledgeable of the requirements for operating a DUI program and is responsible for the services delivered by the program. The program administrator shall be responsible for insuring that all staff having primary responsibility for the delivery of DUI services, are knowledgeable of the DUI law and administrative regulation.

(2) Any individual or entity eligible to be certified as a program shall make application in writing to the division, sign a statement of ethical practice contained on the application for DUI program certification, and agree to abide by the standards stated in this administrative regulation. The division shall provide an application for program certification along with a program survey form to be completed by the applicant and returned to the division. The applicant shall be required to submit to the division a separate program survey form for each location where the applicant is licensed, and where the applicant desires to provide DUI assessment or education services. The applicant shall designate on the program survey form the types of services that will be provided, the fees charged for such services, ~~and~~ the names and titles of all certified staff providing assessment or education services at that location, and the name of the clinical

services supervisor for that location. The clinical services supervisor shall be an individual with a masters degree or greater in psychiatry, psychology, social work, or nursing with a specialty in psychiatric or mental health nursing or other mental health program; or a certified chemical dependency counselor (CCDC). The individual shall also have eighty (80) clock hours of training in chemical dependency treatment within a maximum of four (4) years prior to employment with the program. The individual shall maintain on an annual basis twenty (20) clock hours of continuing education in chemical dependency treatment. The division shall issue a three (3) digit program code to the program when certification is granted and include the name and location of the program on any published list of certified programs. A program shall complete a program survey form at the time of application for initial program certification and whenever a program opens a new clinic location.

(a) The division shall publish, on an annual basis, on July 1, a directory listing all programs certified to provide assessment services, the fees charged for such services, and the program service location addresses. The division shall issue the directory to all district court judges, district court clerks, and certified programs, and shall make it available to the public upon request.

(b) The division may ~~shall~~ issue directory additions, revisions and corrections on October 1, January 1, and April 1 each year. A program shall submit all additions, revisions and corrections, in writing, on a ~~program survey~~ report of change form obtained from the division, at least thirty (30) days prior to the publication dates.

(3) The application for DUI program certification, the program survey form, and the report of change form are hereby incorporated by reference. Copies of the application for DUI program certification, the program survey form, and the report of change form may be inspected or obtained at the Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, Fair Oaks Lane, Leestown Square, 4th Floor, Frankfort, Kentucky 40601 between the hours of 8 a.m. through 4:30 p.m., eastern time, Monday through Friday.

(4) The program certification shall remain in effect for a [the] period of two (2) years and [licensure not to exceed one (1) year.] is renewable for a like period, [and shall expire simultaneously with the expiration of the program's license.] unless earlier suspended or revoked. The program shall request recertification, in writing, thirty (30) [forty-five (45)] days prior to the expiration of certification. If certification has lapsed for more than sixty (60) days, programs shall submit a new application and shall [will] be considered as a new applicant. The division shall notify the program, in writing, when certification is issued, renewed, suspended or revoked.

(5) ~~[(4)]~~ The program certification shall apply only to the program so certified and is not transferable. The program shall be responsible for notifying the division, in writing, when there is a change in ownership or control, a change in location, a change in the types of services provided, or a change in fees charged for such services. If there is a change [in the event of a change] of ownership, a new application for certification shall be made to the division in the same manner as if the owner were applying for a new program.

(6) ~~[(5)]~~ A program shall accept referrals from other programs or from the courts. A program may refuse a client referral because of inadequate staff, lack of an appropriate service, or because of a client waiting list. With a client's written authorization for [proper] release of information [forms signed by the client], copies of the DUI assessment and other client records pertinent to the client's treatment shall be released by the referring agency. The assessment results and any interview notes or other information pertaining to the assessment shall be confidential and shall remain in the client's file.

(7) ~~[(6)]~~ A program making or receiving client referrals shall execute a written memorandum of understanding (MOU) with all other programs involved in the referrals. The MOU shall fully outline the duties and responsibilities of the programs to each other and the terms of agreement in the MOU shall remain in effect until one (1) of

the programs terminates the agreement.

(8) ~~(7)~~ The division shall conduct at least one (1) ~~unannounced~~ inspection of the program's facility annually to determine whether the program is in compliance with the applicable certification standards. In their discretion, the division may conduct more than one (1) inspection annually. The inspection may be at any of the program's locations. Any inspection conducted by the division may be unannounced. The division shall notify the program, in writing, within sixty (60) ~~thirty (30)~~ days of the results of the inspection.

(9) ~~(8)~~ The division shall have the right to inspect any office, files, client records or other materials of any certified program to insure compliance. The division shall have the right to attend and observe any assessment or education session conducted by the program. During these inspections a program shall cooperate with the division's representatives and shall provide such records or materials requested. The client record shall contain all information pertinent to the provision of services. Program records shall be confidential and shall not be released without written consent of the client, unless court ordered or requested by the division, as part of a compliance review. A program shall maintain client records for a minimum of five (5) years. When records are discarded they shall be burned or shredded.

(10) ~~(9)~~ The division shall suspend or revoke the certification of any program that is not in compliance with the applicable certification standards. The division shall notify the program, in writing, of any pending certification action, and shall provide written reports citing observed deficiencies as they relate to the certification standards. The program shall ~~must~~ submit an acceptable plan of correction for cited deficiencies to the division within ten (10) working days from the date the program receives the inspection report. The revocation or suspension of program certification shall be effective on the date stated in the notice sent to the program by the division. Programs shall have the right to appeal any suspension or revocation of their program certification. Hearing procedures involving certification shall be conducted in accordance with this regulation.

(11) ~~(10)~~ All individuals desiring to provide assessment or education services shall meet the requirements for certification and receive certification from the division. A program shall employ individuals who hold valid certification from the division to provide DUI assessment and DUI education services. It shall be the duty and responsibility of the program to insure that any individual in their employ providing DUI assessment services or DUI education services complete all training required by the division. Only training approved by the division shall suffice as proper training for DUI assessment and DUI education services. An individual shall make application for DUI assessor or DUI instructor certification by submitting an application for DUI assessor or DUI instructor training. The application shall be accompanied by a copy of any required transcript, diploma, certificate, certification, or proof of work experience. An individual certified by the division shall not provide DUI assessment services or DUI education services except in a program that is certified by the division.

(a) An individual providing DUI assessment or DUI education services for a program shall be considered an agent of the program and the program shall share the responsibility for all acts performed by the individual within the scope of employment.

(b) If a certified DUI assessor or DUI instructor terminates association with a program, the program shall notify the division in writing.

(12) ~~(11)~~ The division shall notify the program and the individual, in writing, within thirty (30) days after completion of a DUI assessor or DUI instructor training session that the individual has satisfactorily completed the training, has met all of the requirements for certification, and has been certified. The division shall notify the program and the individual, in writing, of any observed deficiencies, as they relate to DUI assessor and DUI instructor certification, within thirty (30) days after completion of a training session. The division shall state the reasons for withholding DUI assessor or DUI instructor certification

and shall notify the program and the individual of any required corrective plan of action.

(13) ~~(12)~~ An individual desiring certification as a DUI assessor shall demonstrate minimum competency in order to successfully complete the requirements for DUI assessor certification.

(a) An individual desiring ~~DUI~~ certification as a ~~DUI~~ assessor shall have the following education or work experience ~~training~~:

1. Bachelor level degree in Human Services with certified chemical dependency counselor (CCDC) trainee status; working under ~~weekly~~ clinical supervision where in weekly personal contact meetings, DUI assessments and ~~[-]~~ treatment plans ~~and staff notes~~ are reviewed and cosigned by ~~in a personal contact meeting with~~ a clinical services supervisor, as defined in subsection (2) of this section ~~Section 3(2) of this administrative regulation.~~ Individuals holding CCDC trainee status have ~~has~~ until their ~~the~~ date of application for ~~their~~ DUI assessor recertification to become a CCDC; or

2. Qualified mental health professional defined as:

- a. Psychiatrist - board certified or board eligible;
- b. Psychologist - licensed clinical psychologist, certified psychologist, or a psychological associate;
- c. Psychiatric nurse - or registered nurse with one (1) of the following combinations of education and experience:
 - (i) Master of science in nursing (MSN) with specialty in psychiatric or mental health nursing;
 - (ii) Bachelor of science in nursing (BSN) and a minimum of one (1) year of work experience in a mental health setting;
 - (iii) Three (3) year educational program diploma with two (2) years of work experience in a mental health setting;
 - (iv) Associate degree in nursing (ADN) with three (3) years of work experience in a mental health setting; or
- d. Psychiatric social worker - MSW or MSSW; or
- e. Professional equivalent as defined by the Division of Substance Abuse; or

~~[f. Mental health associate - an individual with a bachelor's degree in a mental health related field, working under the supervision of a clinical services supervisor; or]~~

3. Certified chemical dependency counselor (CCDC); ~~[-] or~~

~~4. Certified chemical dependency counselor (CCDC) trainee, with two (2) years clinical work experience in the substance abuse treatment field, working under weekly clinical supervision of a CCDC, an individual with a bachelor's degree in the human services field, or a qualified mental health professional as defined in this regulation. An individual holding CCDC trainee status who was certified by the division prior to January 1, 1992 has until January 1, 1995 to become a CCDC.]~~

(b) An individual desiring certification as a DUI assessor shall successfully complete the following training requirements:

- 1. Attend and participate in all sessions of the assessor training;
- 2. Obtain an eighty (80) percent or above overall score on performance in the following areas:
 - a. A written pretest and posttest on general course content;
 - b. A written pretest and posttest on the computerized assessment instrument;
 - c. A demonstration of ability to conduct an assessment interview; and
 - d. A demonstration of ability to make a client referral based on a case study.
- 3. Receive the recommendation of the trainer(s) and the division's representative.

4. Sign a statement ~~[agreeing to abide by a code]~~ of ethical practice contained in ~~on~~ the DUI assessor certification application packet and agree to abide by the standards stated in this administrative regulation ~~these regulations~~.

(14) ~~(13)~~ An individual desiring certification as a DUI instructor shall demonstrate minimum competency in order to successfully complete the requirements for DUI instructor certification.

(a) An individual desiring certification as a DUI instructor shall have the following education or work experience [training]:

1. Bachelors degree in a related field - social work, psychology, sociology, counseling, or education; or

2. Associate degree and two (2) years of work experience in the substance abuse field; or

3. High school diploma or a general education development (GED) equivalency certificate and four (4) years of work experience in the substance abuse field; or

4. Professional equivalent as defined by the Division of Substance Abuse.

(b) An individual desiring certification as a DUI instructor shall successfully complete DUI instructor training in one (1) of the curricula approved by the division. The individual shall attend and participate in all sessions of the training; take a pretest and obtain a score of eighty (80) out of a possible 100 points on a written posttest; demonstrate ability to make an oral presentation of assigned material; demonstrate group facilitation skills; receive the recommendation of the trainer(s) and the division's representative; and sign a statement [agreeing to abide by a code] of ethical practice contained in [on] the DUI instructor certification application packet and agree to abide by the standards stated in this administrative regulation [these regulations].

(15) The application packet for DUI assessor and DUI instructor certification is hereby incorporated by reference. Copies of the application packet may be inspected or obtained at the Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, Fair Oaks Lane, Leestown Square, 4th Floor, Frankfort, Kentucky 40601 between the hours of 8 a.m. through 4:30 p.m., eastern time, Monday through Friday.

(16) ~~[(14)]~~ Certification for DUI assessors and DUI instructors shall be for a period of five (5) years from the effective date of this administrative regulation or from the date of the individual's initial certification as a DUI assessor or DUI instructor, whichever is longer, is renewable for a like period, and shall expire on the anniversary date of certification, unless earlier suspended or revoked. It shall be the duty and responsibility of the individual, to submit to the division, a completed recertification application and all other required forms, at least sixty (60) days prior to the date of expiration of the DUI assessor or DUI instructor certification. An individual shall have achieved the standards for clinical services supervisor as defined in Section 3(2) of this administrative regulation at the time of application for recertification as a DUI assessor. If an individual has not achieved such standards the individual's application for DUI assessor recertification shall be denied and any previous DUI assessor certification shall expire. An individual desiring recertification as a DUI instructor shall attend, participate and demonstrate competency at a training seminar authorized by the division prior to application for DUI instructor recertification. [An individual shall attend any recertification training required by the division, during the previous sixty (60) month period.] If certification has lapsed for more than one (1) year, an individual's recertification application shall be processed as a new application, and the individual shall attend all additional training required by the division. An individual shall have the right to appeal any suspension or revocation of their DUI assessor or DUI instructor certification. Hearing procedures involving certification shall be conducted in accordance with this regulation.

(17) ~~[(15)]~~ All complaints relating to a certified program, a certified DUI assessor, or a certified DUI instructor, that are not resolved by the program through their agency grievance procedures, shall be sent to the division, in writing, and signed by the complainant. The division shall investigate the complaint and take any necessary action [notify the complainant, in writing, within thirty (30) days, of the action taken].

Section 4. Assessment Requirements. (1) The courts shall refer all convicted first and multiple DUI offenders for an assessment to a certified program, listed in a directory, provided to the courts by the

division. The court clerk, shall on the day of conviction, send a copy of the [client's] uniform citation issued to the client at the time of arrest for DUI, attached to the Administrative Office of the Courts (AOC) Form 494, to the program which will conduct the client's assessment.

(2) AOC Form 494 is hereby incorporated by reference. Copies of the form may be inspected or obtained at the Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, Fair Oaks Lane, Leestown Square, 4th Floor, Frankfort, Kentucky 40601 between the hours of 8 a.m. through 4:30 p.m., Eastern time, Monday through Friday.

(3) A program providing DUI assessment services shall use only the computerized screening instrument approved by the division. The DUI assessment shall be conducted by an assessor holding valid certification from the division. The computerized screening instrument portion of the assessment may be administered individually or in groups. A program shall arrange for the oral reading of the assessment questions and instructions for clients who are unable to read the written instructions. The long form of the computerized screening instrument shall be administered in all cases except when administered to a group of more than ten (10), when administered to a reading disabled individual, or when administered to an individual being reassessed within thirty (30) days of their initial assessment. In such cases a program may administer the short form of the computerized screening instrument. A program shall maintain a roster of all clients assessed, in a format approved by the division; ~~[and]~~ a copy of such roster shall be maintained in the program's central administrative files and made available to the division upon request.

(4) An assessment shall include the administration of the approved computerized screening instrument; a ~~[structured]~~ private clinical interview between the certified DUI assessor and the client; a discussion of referral options and client resources; a determination of the severity of a client's problem; and referral to a program of the client's choice offering services at the level of care needed by the client. A program shall not conduct an assessment for a client, if the client has received an assessment for that conviction at another DUI program. A program shall refer a client back to the court, if a client previously received an assessment for that conviction, at another DUI program. A client shall pay all required fees for the assessment to the program.

(5) An assessor shall refer any client assessed as needing education or treatment services to any program eligible to provide substance abuse or chemical dependency education or treatment services. The assessor shall refer a client to receive the type of service appropriate to the client's needs at their own program or to any other eligible program of the client's choice. The client shall choose the program where the client desires to receive education or treatment services but the client shall not choose the level of care or type of service that the client is to receive.

(6) A program shall identify any client with special needs at the time of assessment in order to make an appropriate referral. Specifically, the computerized screening instrument shall contain a set of questions designed to identify whether or not a client is pregnant, and if so, the stage of pregnancy, at the time of assessment. This information shall be used to determine the type and level of treatment or education services needed by the client. The assessor shall consider the special needs of the client when making the referral.

(7) A program shall maintain a case file on each client assessed. The assessment results and any interview notes or other information pertaining to the assessment shall be maintained in the client's file. There shall be written documentation in each client's case file of all actions related to any referral to education or treatment services. Each client file shall contain the Cabinet for Human Resources (CHR) Pamphlet Mental Health Mental Retardation 052 form (PAM MHMR 052). [and] This form shall be used as a referral notice to transfer a client's records to another program, [and] as a completion notice to notify the court, the client, the Transportation Cabinet, Department of

Vehicle Regulation, Division of Drivers Licensing, and the division when a client has satisfactorily completed any required services and as a notice of noncompliance to notify the court, the client, and the division when a client fails to satisfactorily complete any required services.

(8) CHR Form PAM MHMR 052 is hereby incorporated by reference. Copies of the form may be inspected or obtained at the Department for Mental Health and Mental Retardation Services, Division of Substance Abuse, Fair Oaks Lane, Leestown Square, 4th Floor, Frankfort, Kentucky 40601 [40624] between the hours of 8 a.m. through 4:30 p.m. Eastern time, Monday through Friday.

(9) A program providing assessment services, shall maintain case management responsibilities, for every client the program assesses, whether the client receives DUI education or treatment services at the program conducting the assessment, or at another eligible program. The case management process shall include the coordination of services provided to each client; the responsibility of communicating with the court such information as the court requests on each client; the responsibility of notifying the court, the client and the division when a client is noncompliant; and the responsibility of notifying the Transportation Cabinet, Department of Vehicle Regulation, Division of Drivers Licensing [Department of Transportation (DOT)], the court, the client and the division when a client has satisfactorily completed the required services. The program shall issue to each client, who has successfully completed the required services, a copy of their completion notice contained in CHR Form PAM MHMR 052, as referred to in Section 3(7) of this administrative regulation [subsection (6) of this section].

(10) A Program discontinuing operations while still maintaining case management responsibility for a client, shall notify the client in writing, and shall refer the client and transfer case management responsibility of the client's case to the program of the client's choice. The program discontinuing operations, shall submit to the division in writing, a list of all clients for whom the program maintains case management responsibility, and a copy of each client's CHR PAM MHMR 052 referral form, as defined in Section 3(7) of this administrative regulation, with the name of the program receiving the client referral listed on the form. [transfer the client's case file to the division. The division shall then maintain case management responsibility for the client until the client satisfactorily completes any required services.]

Section 5. Education Requirements. (1) A program desiring to provide DUI education services, shall use a curriculum approved by the division, and instruction shall be provided by an instructor holding valid certification from the division. Two (2) levels of DUI education services; a nine (9) hour basic education course, and a twenty (20) hour early intervention education course shall be provided. Two (2) nine (9) hour curricula and two (2) twenty (20) hour curricula have been approved by the division. A program may provide any or all levels of DUI education courses, and may use any or all of the approved curricula. The maximum number of clients in a class shall be no more than twenty-five (25). An instruction session shall not exceed three (3) hours per day.

(a) The nine (9) hour DUI basic education course shall be for first offenders only and shall consist of a minimum of nine (9) hours of instruction and group interaction. Those first offenders assessed as low risk, not having an alcohol or substance abuse problem requiring treatment, shall be enrolled in a nine (9) hour education course.

(b) The twenty (20) hour DUI early intervention education course shall be for first offenders or multiple offenders and shall consist of a minimum of twenty (20) hours of instruction and group interaction. A program may enroll first offenders and multiple offenders in the same session.

(2) The approved curricula are hereby incorporated by reference. Copies of the curricula may be inspected or obtained at the Department for Mental Health and Mental Retardation Services, Division of

Substance Abuse, Fair Oaks Lane, Leestown Square, 4th Floor, Frankfort, Kentucky 40601 [40624] between the hours of 8 a.m. through 4:30 p.m., Eastern time, Monday through Friday.

(3) A client shall attend and complete all sessions of class instruction, in the required sequence, and shall comply with all standards of behavior required by the program to satisfactorily complete a DUI education service. If a client cannot attend a session of class instruction, due to an emergency, the client may be permitted to attend that session of class instruction when the missed class session is repeated. If a client demonstrates a need for services at a different level of care, the program administrator shall refer the client to any eligible program for the required services, and notify the program, which conducted the assessment of such action. The program administrator shall make the determination as to whether a client has satisfactorily completed the DUI education service, and shall be responsible for notifying the program, which conducted the client's assessment, when a client has satisfactorily completed the required DUI education services, or when a client is noncompliant.

(4) All required fees for an education service shall be paid to the program by the client and such fees shall cover the cost of all course materials.

(5) A client not residing in the state may receive DUI education services in an out-of-state program that is licensed and eligible as determined by the division, based on the standards in this regulation, to provide comparable services at the level of care determined necessary to meet the client's individual needs.

Section 6. Treatment Requirements. (1) A program desiring to provide treatment services shall be licensed by the cabinet to provide the services offered, shall conform to the state licensure standards for treatment facilities, and shall employ qualified staff members, who have training and experience in dealing with the physical and psychological complications of alcohol and drug dependence. A program may provide outpatient, intensive outpatient, inpatient, residential or detoxification chemical dependency or substance abuse treatment services.

(a) The service a DUI client is assigned depends on the severity of symptoms, available support resources, and individual dynamics to be determined by the assessment. A client may be referred to outpatient, intensive outpatient, inpatient, residential, or detoxification services.

1. A program may provide outpatient or intensive outpatient treatment services to a client individually or in a group. A group may include first and multiple offenders in the same session. The maximum number of clients in a group shall be no more than fifteen (15).

a. A client shall receive a minimum of one (1) hour of individual outpatient treatment each week or a minimum of one and one-half (1 1/2) hours of group outpatient treatment each week. If a client receives outpatient treatment services less than one (1) time each week, to meet the individual clinical needs of the client, the program administrator shall maintain proper documentation in the client's case file to show cause.

b. A client may receive intensive outpatient treatment services, more often, and in longer sessions, each week to meet the individual clinical needs of the client.

2. A client may be referred to a self-help group to supplement but not to replace the outpatient or intensive outpatient treatment services.

(b) A client needing more restrictive services than paragraph (a)1a or b of this subsection shall be referred to detoxification, inpatient, residential or transitional living services.

(2) A program providing DUI treatment services shall be responsible for developing a treatment plan for each client accepted for treatment services. The treatment plan shall be individualized for the needs of each client and shall include a written statement of treatment goals and measurable objectives together with a realistic time schedule for achieving them. The treatment plan shall be signed by

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the client and the clinician. A client's treatment plan shall be reviewed at least once every 180 days and all changes shall be recorded in the client's case file.

(3) A client shall comply with all attendance requirements of the treatment plan to satisfactorily complete a required treatment service. If a client demonstrates a need for service at a different level of care the program administrator shall refer the client to any eligible program for the required services, and notify the program which conducted the client's assessment of such action. The program administrator shall make the determination as to whether a client has satisfactorily completed the treatment service, and shall be responsible for notifying the program, which conducted the client's assessment, when a client has satisfactorily completed the required treatment services, or when a client is noncompliant.

(4) All required fees for treatment services shall be paid to the program by the client.

(5) Any client may receive treatment services at an out-of-state program that is licensed, and eligible, as determined by the division, based on the standards in this regulation, to provide comparable services at the level of care determined necessary to meet the client's individual needs.

Section 7. Hearing Requirements. (1) Any program or individual may appeal negative certification action taken by the division by notifying the division to revoke, modify, suspend or deny certification or recertification of a DUI program, assessor, or instructor, in writing within twenty (20) days of the issuance of notice of negative certification action. Upon receipt of notice of appeal, the director of the division shall designate a hearing officer to conduct a hearing and make a recommendation to the division.

(2) Notice of hearing shall be mailed to the program or individual not less than ten (10) days prior to the commencement of the hearing. The notice of hearing shall contain the reasons for negative certification action. The notice of hearing shall be mailed by certified mail, return receipt requested to the parties.

(3) The program, individual and the division may be represented by counsel and make oral or written argument, offer testimony, cross-examine witnesses, or take any combination of such actions. No depositions shall be permitted for the purpose of discovery, however, the hearing officer may authorize depositions or witnesses, who for good cause shown, cannot be present at the hearing. A hearing officer shall reside 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.

(4) 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.

(5) The hearing officer may place reasonable time limits upon the presentation of testimony, evidence and argument and may terminate or exclude irrelevant or redundant evidence, testimony or argument.

(6) The hearing officer shall send a written determination to the division including findings of fact and conclusion of law. With the determination, the hearing officer shall forward to the division the record consisting of all documents, exhibits, and recorded testimony introduced in the hearing.

(7) The division shall issue the hearing officer's final determination of certification status within ten (10) days of receipt of the determination from the hearing officer.

(8) No hearing officer shall participate in any hearing involving a program or individual with which the hearing officer has had in the past twelve (12) months preceding the hearing, any ownership, in whole or in part, employment, staff, fiduciary, contractual, creditor or consultative relationship.

(9) The division shall retain all records related to a hearing for a period of five (5) years.

DENNIS D. BOYD, Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 6, 1993

FILED WITH LRC: May 6, 1993 at 11 a.m.

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, MAY 15, 1993

GENERAL GOVERNMENT CABINET
State Board of Accountancy
(Proposed Amendment)

201 KAR 1:045. Examination subjects, grading and reexamination.

RELATES TO: KRS 325.261, 325.270

STATUTORY AUTHORITY: KRS 325.240

NECESSITY AND FUNCTION: This administrative regulation governs examination subjects, grading and reexamination.

Section 1. Examination Subjects. (1) Examinations shall include questions or problems in:

- (a) Accounting practice;
- (b) Theory of accounts;
- (c) Auditing; and
- (d) Business law.

(2)(a) A person who is licensed to practice law in any state shall be exempt from the business law portion of the examination.

(b) An attorney seeking exemption shall submit with his examination application a document from the appropriate state licensure authority certifying that he is:

1. Duly licensed; and
2. In good standing to practice law.

Section 2. Grading and Reexamination Procedures. (1)(a) A passing score for an examination shall be a score of at least seventy-five (75) on each subject of an examination.

(b) Grades shall be mailed ninety (90) days after the examination to the grade release address submitted to the board by the candidate.

(c) Grades shall not be reported over the telephone, or prior to the grade release date announced at the examination.

(2)(a) Except as provided in paragraph (b) of this subsection for each examination, if a candidate fails to achieve a score of at least seventy-five (75) on each examination subject, he shall receive conditional credit for each subject passed if he receives:

1. A passing grade in two (2) subjects; or
2. A passing grade in accounting practice; and
3. A grade of fifty (50) or more on the subjects he failed.

(b) If during one (1) examination, a candidate receives a passing grade in three (3) examination subjects, he shall receive conditional credit for those subjects regardless of the grade received on the final subject.

Section 3. A conditioned candidate may add conditional credits at subsequent examinations if he receives a passing grade on the subjects reexamined and a grade of not less than fifty (50) on each subject not passed. Previously attained conditional credits shall not be affected by the failure to receive a grade of fifty (50).

Section 4. (1) A candidate who receives conditional credit, shall pass the subjects he failed within the next six (6) examinations following the examination at which the first conditional credit was earned.

(2) An additional number of examinations may be granted at the discretion of the board for good cause.

(3)(a) If a candidate fails to pass all of the examination subjects within the prescribed period, he shall be considered to have failed the examination.

(b) He may make a new application as a first time candidate.

Section 5. (1) At any examination, the candidate shall take all

subjects for which he has not yet received a passing grade.

(2) The failure of a candidate to submit an answer paper for any subject of an examination shall disqualify all papers submitted by him at that examination, unless the board, in its discretion, finds good cause not to disqualify the papers submitted.

Section 6. A person who took the same examination given by the board in a state other than Kentucky may have conditional credits obtained in the other state accepted by the board if:

(1) The standards under which the conditional credits were obtained are the same as those required by Sections 1 through 5 of this administrative regulation; and

(2) He meets all other standards required for approval as an examination candidate in Kentucky.

Section 7. An examination candidate who fails an examination shall be entitled to take future examinations if he complies with the reexamination requirements of 201 KAR 1:130.

Section 8. The following sections of this administrative regulation shall become effective on and after February 3, 1994 and will apply to all examination candidates.

Section 9. Examination Subjects. Examinations shall include questions or problems in:

(1) Accounting & Reporting - Taxation, Managerial, and Governmental and Not-for-Profit Organizations (ARE);

(2) Financial Accounting & Reporting - Business Enterprises (FARE);

(3) Auditing (AUDIT); and

(4) Business Law & Professional Responsibilities (LPR).

Section 10. Grading and Reexamination Procedures. (1) A candidate shall pass all subjects of the examination to be considered for a certificate.

(2) The passing score shall be seventy-five (75) on each subject.

(3) If during one (1) examination administration a candidate receives a passing score on two (2) or more subjects and grade of fifty (50) or more on each subject not passed, he shall receive conditional credit for those subjects passed.

(4) A conditioned candidate may add conditional credits at subsequent examinations if he receives a passing grade on one (1) of the subjects reexamined and a grade of fifty (50) or more on the subject not passed. Previously attained conditional credits shall not be affected by the failure to receive a grade of fifty (50).

(5)(a) A candidate awarded conditional credit shall pass the subjects he failed within the next six (6) examinations following the examination at which the first conditional credit was earned.

(b) An additional number of examinations may be granted at the discretion of the board for good cause.

(c) 1. If a candidate fails to pass all of the examination subjects within the prescribed period, he shall be considered to have failed the examination.

2. He may make a new application as a first time candidate.

(6) At any examination, the candidate shall take all subjects for which he has not yet received a passing grade.

(7) The failure of a candidate to submit an answer paper for any subject of an examination shall disqualify all papers submitted by him at that examination, unless the board, in its discretion, finds good cause not to disqualify the papers submitted.

(8) A person who took the same examination given by the board in a state other than Kentucky may have conditional credits obtained in the other state accepted by the board if:

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(a) The standards under which the conditional credits were obtained are the same as those required by this administrative regulation; and

(b) He meets all other standards required for approval as an examination candidate in Kentucky.

Section 11. Transfer of Credit. (1) Current candidates who received conditional credit for some sections of the examination prior to May 1994 shall have the credit transferred to the new sections as follows:

(a) Accounting Practice to Accounting & Reporting- Taxation, Managerial, and Governmental and Not-for-Profit Organizations, (ARE);

(b) Theory of Accounts to Financial Accounting & Reporting - Business Enterprises, (FARE);

(c) Auditing to Auditing (AUDIT); and

(d) Business Law to Business Law & Professional Responsibilities (LPR).

(2) A licensed attorney who previously obtained an exemption from the business law portion of the examination may retain the exemption if he maintains his current examination candidacy.

ASA L. HORD, President

APPROVED BY AGENCY: April 26, 1993

FILED WITH LRC: May 4, 1993 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1993, at 9 a.m. at the administrative offices of the board located at 332 W. Broadway, Suite 310, Louisville, Kentucky 40202. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, five days prior to the meeting, 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 the 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.

CONTACT PERSON: Susan G. Stopher, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, KY 40202, (502) 588-3037.

REGULATORY IMPACT ANALYSIS

Contact person: Susan G. Stopher

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: 1,200 CPA exam candidates annually.

1. First year: These changes reflect a new uniform CPA exam format. The changes are revenue neutral to the board.

2. Continuing costs or savings: Same as 1.

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

(b) Reporting and paperwork requirements: No impact.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Will encounter personnel costs to reprogram computer, redesign some reports, and letters. Cost can be assimilated within budget.

2. Continuing costs or savings: No continued costs/savings after changes are made.

3. Additional factors increasing or decreasing costs: Previously addressed in 1.

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternatives, since this is the only national exam for CPAs.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no overlapping or conflicting statute/regulation.

(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: No

TIERING: Is tiering applied? No. Only one class of CPA exam candidates exist.

GENERAL GOVERNMENT CABINET State Board of Accountancy (Proposed Amendment)

201 KAR 1:130. Examination application procedure.

RELATES TO: KRS 325.261, 325.270

STATUTORY AUTHORITY: KRS 325.240, 325.270

NECESSITY AND FUNCTION: This administrative regulation establishes the procedures to apply for admission to the Uniform Certified Public Accountant Examination.

Section 1. Definitions. (1) "Official transcript" means an official statement from a college or university which indicates the college course work completed, degrees awarded and contains an authorizing signature or seal.

(2) "Quarter hour" shall be equal to 66/100ths of a semester hour.

(3) "Major or concentration" in accounting means a minimum of thirty-nine (39) semester hours in business-related subjects of which twenty-seven (27) semester hours shall consist of accounting subjects.

(4) "Business-related subjects" means courses that contain in the course prefix or title an indication that the course subject matter is one (1) of the following: business, finance, marketing, management, economics, computers, statistics, or accounting.

(5) "Accounting course" means a course that contains in the course prefix, or title, the word accounting or some variation.

Section 2. First Time Examination Applicants. The applicant shall submit:

(1) A completed "Application for Admission to the CPA Examination" (1992) that has been signed and acknowledged before a notary public. The application is incorporated by reference and may be inspected or obtained at the board office, 332 W. Broadway, Suite 310, Louisville, KY 40202, between 8:30 a.m. and 4:30 p.m., Monday through Friday;

(2) Two (2) photographs taken within ninety (90) days preceding the filing of the application, which bear the applicant's signature on the back;

(3) An official transcript which evidences completion of the educational requirements specified in KRS 325.261 which includes a major or concentration in accounting as defined in this administrative regulation. The educational requirements shall have been completed at a:

(a) College or university:

1. Within the United States; and

2. Whose course credits are accorded full recognition by a Kentucky state-funded four (4) year institution of higher education; or

(b) A postsecondary educational institution:

1. Outside the United States; and

2. Whose course credits are certified by the Foreign Academics

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Credentialing Service (FACS) or another credentialing agency that is a member of the National Association of Credential Evaluation Services, Inc.;

(c) The certification required by paragraph (b) of this subsection shall state that the:

1. Foreign degree is equivalent to a baccalaureate degree earned in an accredited United States college or university; and

2. Applicant had a major or concentration in accounting;

(d) A FACS application is incorporated by reference and may be inspected or obtained at the board office, 332 West Broadway, Suite 310, Louisville, Kentucky 40202, between 8:30 a.m. and 4:30 p.m., Monday through Friday.

(4) A fee of \$125 dollars, in the form of a check or money order made payable to the "Kentucky State Board of Accountancy".

Section 3. An application for the May examination shall be filed with the board or postmarked no later than March 1st. Applications for the November examination shall be filed with the board or postmarked no later than September 1st.

Section 4. Provisional Examination Applicants. A person who expects to satisfy the educational requirements of KRS 325.261 and this administrative regulation within ninety (90) days following an administration of the examination shall be eligible to submit an application for the examination if he:

(1) Satisfies the requirements of Sections 2 and 3 of this administrative regulation;

(2) Submits a transcript of college courses completed;

(3)(a) Submits an official statement from his college or university stating that the applicant will complete the course of study required by KRS 325.261 and this administrative regulation within ninety days following the examination;

(b) The statement shall include a list of all course titles and credit hours in which the applicant is currently enrolled; and

(c) Submits a final official transcript showing completion of all educational requirements within ninety (90) days following the administration of the examination.

(d) If a provisional examination candidate fails to submit the information specified in this section, the results of his examination shall not be released and for any future examinations he shall apply as a first-time candidate.

Section 5. Upon approval by the board of the application, the applicant shall be considered an examination candidate.

Section 6. Letter of Intent to Attend the Examination. (1) The board shall mail a letter of intent with information about the dates, times and location of the next scheduled examination to candidates. The letter of intent shall be mailed to the most recent address provided by the candidate.

(2)(a) The candidate shall return the letter of intent to the board stating whether or not he intends to sit for the next scheduled examination.

(b) The letter of intent shall be postmarked or filed with the board no later than:

1. April 1, for the May examination; and
2. October 1, for the November examination.

(3)(a) Except as provided in paragraph (b) of this subsection, the candidate shall return the letter of intent with the examination fee.

(b) A candidate who is taking the examination for the first time shall submit the examination fee with his application.

(c) Except as provided in paragraph (d) of this subsection, the examination fee shall be twenty-five (25) dollars per subject. After February 1, 1994, the examination fee shall be thirty-five (35) dollars per subject.

(d) The fee for accounting practice shall be fifty (50) dollars.

(e) The examination fee shall be paid by check or money order

made payable to the Kentucky State Board of Accountancy.

(4)(a) A conditional examination candidate who fails to file a letter of intent with regard to the examination shall:

1. Remain a conditional examination candidate;
2. Not be permitted to sit for the examination; and
3. Forfeit deferred examination fees.

(b) The examination, for which the conditional examination candidate fails to file a letter of intent, shall count as one (1) of the six (6) additional sittings.

(5)(a) A nonconditional candidate who fails to comply with the deadlines specified in this administrative regulation shall:

1. Not be permitted to sit for the examination;
2. Forfeit fees paid; and
3. Have his application cancelled.

(b) If an application has been cancelled under the provisions of this section, a subsequent application shall be filed as a first-time application under Section 2 of this administrative regulation.

Section 7. (1) Except as provided by subsections (2) and (3) of this section, an examination fee shall be deferred to the next scheduled examination if:

(a) The candidate has filed a:

1. Letter of intent within the period specified in Section 5 of this administrative regulation; and

2. Written request to defer the fee; and

(b) No later than five (5) days following the examination, the request specified in paragraph (a)(2) of this section has been:

1. Received by the board; or
2. Postmarked.

(2) A candidate shall be granted one (1) deferral.

(3) A candidate shall not be entitled to the refund of a deferred fee, if he fails to attend the next scheduled examination after deferral.

Section 8. (1) A person, who is registered with another state to sit for the Uniform CPA Examination, may request to sit for the examination in Kentucky if:

(a) A seat is available; and

(b) He has submitted the items specified in subsection (2) of this section on or before:

1. March 15, for the May examination; or
2. September 15, for the November examination.

(2) Items required by subsection (1) of this section are:

(a) A written request from the State Board of Accountancy of the state in which he intends to be licensed;

(b) One (1) photograph taken within ninety (90) days prior to the filing of his written request to the board;

(c) A check or money order:

1. In the amount of \$100;
 2. Payable to the Kentucky State Board of Accountancy; and
- (d) The letter of intent required by Section 6 of this administrative regulation.

ASA L. HORD, President

APPROVED BY AGENCY: April 26, 1993

FILED WITH LRC: May 4, 1993 at 1 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1993, at 9 a.m. at the administrative offices of the Board located at 332 W. Broadway, Suite 310, Louisville, Kentucky 40202. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, five days prior to the meeting, 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 the 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

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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.

CONTACT PERSON: Susan G. Stopher, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, KY 40202, (502) 588-3037.

REGULATORY IMPACT ANALYSIS

Contact person: Susan G. Stopher

(1) Type and number of entities affected:

(a) Direct and indirect costs or savings to those affected: 1,200 CPA exam candidates annually.

1. First year: Will increase total exam cost by \$15.

2. Continuing costs or savings: See 1 above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No effect on competition; small size of increase will not adversely effect candidate population.

(b) Reporting and paperwork requirements: No impact.

(2) Effects on the promulgating administrative body: This change reflects a new national exam format of 4 rather than 5 sections.

(a) Direct and indirect costs or savings:

1. First year: The increase of \$15 per candidate will be negated by increased future costs for answer book security.

2. Continuing costs or savings: No impact either negatively or positively.

3. Additional factors increasing or decreasing costs: No impact either negatively or positively.

(b) Reporting and paperwork requirements: This does not apply; same system used.

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Reflects national uniform CPA examination format.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no overlapping or conflicting statute/regulation.

(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: No

TIERING: Is tiering applied? No. Only one class of CPA exam candidates exist.

GENERAL GOVERNMENT CABINET

Kentucky Board of Nursing

(Proposed Amendment)

201 KAR 20:056. Advanced registered nurse practitioner registration, program requirements, recognition of a national certifying organization.

RELATES TO: KRS 314.011(6), 314.042, 314.161

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY AND FUNCTION: KRS Chapter 314 provides for the registration of advanced registered nurse practitioner. It is necessary to assure that applicants meet qualifications as set forth by the board as necessary for safe practice.

Section 1. The application for registration as an advanced registered nurse practitioner in Kentucky required by the board is hereby incorporated by reference. A copy of the form may be obtained at the Board of Nursing office, 4010 Dupont Circle, Suite 430, Louisville, Kentucky during regular business hours [~~between the hours of 8:30 a.m. and 5 p.m.~~].

Section 2. Postbasic Program of Study and Clinical Experience. An organized postbasic program of study and clinical experience shall conform to the following criteria in order to be acceptable to the board:

(1) Be an established, ongoing and organized program offered on a routine basis to enrollees.

(2) Be accredited or approved for the education of nurses by a recognized accreditation or approval body, or the sponsoring organization holds such accreditation or approval.

(3) Have a program design which prepares enrollees to function in a role consistent with the advanced registered nursing practice specialty designation.

(4) Have a program design which includes purpose, philosophy, objectives, curriculum content, and plan to evaluate achievement of objectives and measurement of learning outcomes of students.

(5) Have a designated faculty responsible for planning, development, implementation, and evaluation of curriculum and students.

(6) Include didactic components.

(7) Include a supervised clinical experience.

(8) Upon successful completion award a diploma or certificate.

(9) Extend over an enrollment period of not less than nine (9) months. An organized postbasic program of study and clinical experience with an enrollment period of less than nine (9) months shall be evaluated by the board on an individual basis to determine if the program is acceptable to the board by sufficiently preparing students for advanced registered nursing practice.

Section 3. National Certifying Organizations. (1) A nationally established organization or agency which certifies registered nurses for advanced nursing practice shall be recognized by the board if it meets the following criteria:

(a) Certifying body is an established national nursing organization or a subdivision thereof.

(b) Full membership privileges are restricted to registered nurses.

(c) Eligibility requirements for certification are delineated.

(d) Valid and current registered nurse licensure is required for initial and continuing certification.

(e) Certification is offered in speciality areas of clinical practice.

(f) Scope and standards of practice statements are promulgated and include:

1. Belief statement.

2. Statement on scope of practice.

3. Standards for specialty area clinical practice.

4. Guidelines for development of practice protocols.

5. Guidelines for the provision of comprehensive client care.

(g) Mechanism for determining continuing competency is established.

(h) Procedures are established for determining qualifications for initial or continuing certification for members having had disciplinary action taken on license by any jurisdiction.

(2) The board shall maintain a list of recognized national certifying organizations which is hereby incorporated by reference. A copy of the list may be obtained at the Board of Nursing office, 4010 Dupont Circle, Suite 430, Louisville, Kentucky during regular business hours [~~between the hours of 8 a.m. and 5 p.m.~~].

Section 4. Practice Pending Registration [~~Processing~~]. (1) An applicant who meets all the requirements for practice as an advanced registered nurse practitioner except for certification by a national certifying organization may be authorized to practice as an advanced registered nurse practitioner subject to the following conditions:

(a) The applicant shall apply for certification from a recognized national certifying organization for the first time.

(b) The applicant shall obtain an advanced registered nurse practitioner of the same specialty, or a licensed physician, to supervise the applicant. For the purposes of this section, supervision shall include, at a minimum, periodic observation and evaluation of

the applicant's practice to validate that the practice has been performed according to established standards. The supervisor shall be immediately available either onsite or by telephone.

(c) The applicant shall verify to the board that he has applied for certification and has obtained a supervisor.

(d) Practice pursuant to this provision shall extend only until the applicant has learned the results of the request for certification~~[-but in no case longer than one (1) year from application].~~

(e) Applicants who have previously applied for and been denied certification by a recognized national certifying organization shall be ineligible to practice as an advanced registered nurse practitioner until they have been certified.

(2) A registered nurse who meets all the requirements for practice as an advanced registered nurse practitioner and who holds a registered nurse temporary work permit issued pursuant to 201 KAR 20:090 pending licensure by endorsement shall be authorized to practice as an advanced registered nurse practitioner for a period of time not to exceed the expiration date of the temporary work permit.

(3) Authorization to practice pursuant to subsections (1) or (2) of this section shall be in the form of a letter from the board acknowledging that the applicant has met all the requirements of this section. An applicant shall not practice until the authorization letter has been issued.

(4) An individual authorized to practice pursuant to subsection (1) of this section may use the title "ARNF Applicant" or "ARNP App."

Section 5. Registration Renewal. (1) The advanced registered nurse practitioner registration shall expire or lapse at the time the registered nurse license expires or lapses.

(2) To be eligible for renewal of registration as an advanced registered nurse practitioner, the applicant shall:

(a) Renew the registered nurse license on an active status.

(b) Submit a completed application form for renewal of registration as an advanced registered nurse practitioner;

(c) Submit current renewal application fee; and

(d) Maintain current certification by a recognized national certifying organization.

(3) An advanced registered nurse practitioner who fails to renew the registered nurse license or is issued a license on an inactive status may not practice as or use the title of advanced registered nurse practitioner until a current active license has been issued by the board and the advanced registered nurse practitioner registration has been reinstated.

Section 6. Registration Reinstatement. (1) If a nurse fails to renew the advanced registered nurse practitioner registration as prescribed by law and administrative regulation, the registration shall lapse on the last day of the licensure period.

(2) To be eligible for reinstatement of advanced registered nurse practitioner registration, the applicant shall:

(a) Submit a completed application form;

(b) Submit current reinstatement application fee; and

(c) Maintain current certification by a recognized national certifying organization.

Section 7. Certification or Recertification. (1) An advanced registered nurse practitioner who has met requirements and has applied for current, active recertification by one (1) of the national organizations recognized in Section 3 of this administrative regulation may practice as an advanced registered nurse practitioner until the results of the recertification have been received.

(2) A nurse who fails to attain current, active certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation shall not be registered as an advanced registered nurse practitioner and may not practice or use the title of advanced registered nurse practitioner until the requirements of this administrative regulation have been met.

(3) An advanced registered nurse practitioner who is decertified by the appropriate national organization shall notify the board of that fact and he shall not practice as or use the title of advanced registered nurse practitioner during the period of decertification.

Section 8. An application is valid for a period of one (1) year from date of submission to board. After one (1) year from date of application, the applicant shall be required to reapply.

Section 9. The requirements of this administrative regulation shall not prohibit the supervised practice of nurses enrolled in postbasic educational programs for preparation in advanced registered nursing practice or enrolled in advanced registered nurse practitioner refresher courses.

Section 10. Any registered nurse who holds himself out as a clinical specialist or is known as such, shall be required to register as an advanced registered nurse practitioner if his practice includes the performance of advanced registered nursing procedures.

Section 11. Any nurse practicing as an advanced registered nurse practitioner who is not registered as such by the board, any advanced registered nurse practitioner whose practice is inconsistent with the specialty to which he has been designated, or any advanced registered nurse practitioner who does not recertify and continues to practice as an advanced registered nurse practitioner shall be subject to the disciplinary procedures set in KRS 314.091.

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

(1) Type and number of entities affected: Approximately 150 advanced registered nurse practitioner applicants yearly.

(a) Direct and indirect costs or savings to those affected: The amendments do not add or delete any 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: The amendments do not add additional reporting requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amendments do not add or delete any costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

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

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

(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: Is tiering applied? Tiering is not applicable.

GENERAL GOVERNMENT CABINET

Kentucky Board of Nursing

(Proposed Amendment)

201 KAR 20:057. Scope and standards of practice of advanced registered nurse practitioners.

RELATES TO: KRS 314.011(7), 314.193(2)

STATUTORY AUTHORITY: KRS 314.131(1), 314.193(2)

NECESSITY AND FUNCTION: KRS Chapter 314 [The Nursing Practice Act] requires that standards in the performance of advanced registered nursing practice be established by administrative regulation to safeguard the public health and welfare.

Section 1. The practice of the advanced registered nurse practitioner shall be in accordance with the standards and functions defined in the scope and standards of practice statements for each specialty area as adopted by the board. The board has adopted the following scopes and standards of practice of those national certifying organizations recognized pursuant to 201 KAR 20:056, Section 3(2):

(1) American Nurses' Association, The Scope of Practice of the Primary Health Care Nurse Practitioner, 1985;

(2) American Nurses' Association, Statement on Psychiatric and Mental Health Nursing Practice, 1976, Standards of Psychiatric and Mental Health Nursing Practice, 1982 and Standards of Child and Adolescent Psychiatric and Mental Health Nursing Practice, 1985;

(3) American Nurses' Association, Statement on the Scope of Medical-Surgical Nursing Practice, 1980;

(4) American Nurses' Association, The Role of the Clinical Nurse Specialist, 1986;

(5) American Association of Nurse Anesthetists, Scope of Practice, 1992 Standards for Nurse Anesthesia Practice, 1989, and Patient Monitoring Standards, 1992;

(6) American College of Nurse-Midwives, Standards for the Practice of Nurse-Midwifery, 1987;

(7) Nurses' Association of the American College of Obstetricians and Gynecologists (now known as the Association of Women's Health, Obstetric, and Neonatal Nurses), The OB/GYN Women's Health Nurse Practitioner, Role Definition, Competencies and Educational Guidelines, 1990; and

(8) National Association of Pediatric Nurse Associates and Practitioners, Scope of Practice for Pediatric Nurse Practitioners, 1990, Standards of Practice for Pediatric Nurse Practitioners, 1987, [developed by the national organizations recognized in 201 KAR 20:056 (American Nurses' Association, The Scope of Practice of the Primary Health Care Nurse Practitioner, 1985; American Nurses' Association, Statement on Psychiatric and Mental Health Nursing Practice, 1976; American Nurses' Association, A Statement on the Scope of Medical-Surgical Nursing Practice, 1980; American Nurses' Association, The Role of the Clinical Nurse Specialist, 1986; American Association of Nurse Anesthetists, American Association of Nurse Anesthetists Guidelines for the Practice of the Certified Registered

Nurse Anesthetist, 1983; American College of Nurse-Midwives, Functions, Standards and Qualifications, 1983; Nurses' Association of the American College of Obstetricians and Gynecologists and American College of Obstetricians and Gynecologists, The Obstetric/Gynecologic Nurse Practitioner, Role Delineation, Role Description and Educational Guidelines, 1984; and the National Association of Pediatric Nurse Associates and Practitioners, Scope of Practice: Pediatric Nurse Associates/Practitioners, 1993) herein incorporated by reference. Said scope and standards of practice statements were adopted by the board of nursing pursuant to KRS 314.011(7) and KRS 314.193(2). (A copy of the statements may be reviewed Kentucky Board of Nursing office, 4010 Dupont Circle, Suite 430, Louisville, Kentucky, during business hours, and said statements may be obtained from the national organizations.) In adopting such scopes and standards of practice, the board of nursing may solicit the recommendations of the nurse practice council and other appropriate groups. The advanced registered nurse practitioner shall accept the responsibility, accountability and obligation to practice in accordance with the accepted standards of care as defined by the nursing profession and as stated in KRS 314.011(7).]

Section 2. In the performance of advanced registered nursing practice acts, the advanced registered nurse practitioner shall practice in accordance with established protocol and shall seek consultation and/or referral in those situations where practice requirements are not included in the established protocol. The term "established protocol" shall mean a written document jointly approved by the physician and the advanced registered nurse practitioner delineating the areas of practice for the advanced registered nurse practitioner, and shall be reviewed at least annually. The established protocol shall include those areas of practice related to diagnostic tests, and prescription of medications and treatments. In delineating the areas of practice in the protocol, the advanced registered nurse practitioner shall conform to the standards of practice of the appropriate national nursing organization incorporated by reference in Section 1 of this administrative regulation. Any limitations beyond that set out in the scope and standards of practice statements shall be delineated in the established protocol.

Section 3. Advanced registered nursing practice does not preclude the practice by the advanced registered nurse practitioner of registered nursing practice as defined in KRS 314.011(5).

[Section 4. A list of advanced registered nurse practitioners by designation will be made available to the Cabinet for Human Resources, Kentucky Board of Pharmacy and any other agency upon request.]

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

(1) Type and number of entities affected: Approximately 1000 advanced registered nurse practitioners.

(a) Direct and indirect costs or savings to those affected: The amendments do not add or delete any 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: The amendments do not add additional reporting requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amendments do not add or delete any costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

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

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

(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: Is tiering applied? Tiering is not applicable.

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(Proposed Amendment)

201 KAR 20:161. Investigation and disposition of complaints.

RELATES TO: KRS 314.011(13), 314.031, 314.071(4), 314.091, 314.991(3)

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY AND FUNCTION: To protect and safeguard the health and safety of the citizens of Kentucky and to provide for procedures in the receipt and disposition of complaints.

Section 1. Receipt of Complaints. (1) The board shall receive and process each complaint made against any licensee, applicant or unlicensed individual if the complaint alleges acts which may be in violation of the provisions of KRS Chapter 314.

(2) ~~Complaints shall be received by the executive director or staff member designated by the board to investigate complaints.~~

(3) All complaints shall be in writing and shall be dated and fully identify the complainant by name and address. The ~~executive director or~~ president of the board or the executive director or his designee may file a complaint based upon information received by oral, telephone or written communications if the facts of the complaint are determined to be accurate and indicate acts which may be in violation of the provisions of KRS Chapter 314.

(3) ~~[(4)]~~ A certified copy of a court record for a misdemeanor or felony conviction shall be considered a valid complaint.

~~[(6)]~~ ~~The person responsible for receiving~~ Complaints shall be investigated ~~[make an investigation to verify facts in complaints and to collect additional information]~~. The staff may request an informal conference with the individual against whom the complaint has been made.

~~[(6)]~~ ~~The person responsible for receiving~~ Complaints shall be evaluated ~~[evaluate information received]~~ to determine if an apparent violation of the provisions of KRS Chapter 314 has been committed. The credentials review panel, the executive director or his designee shall make the determination as to the disposition of the complaint pursuant to Section 2 of this administrative regulation. ~~[consult with legal counsel as indicated, and shall make recommendations for disposition of complaint.]~~

~~[(7)]~~ All preliminary information shall be treated as confidential during the investigation and shall not be disclosed to board members or to the public. If a board member has participated in the investigation or has substantial knowledge of facts prior to a hearing on the complaint that may influence an impartial decision by the member, that member shall not participate in the adjudication of the complaint.

Section 2. Disposition of Complaints. (1) Disposition of complaints shall be as follows:

(a) The complaint may be filed away if there is a determination that there is insufficient evidence of a violation or that a violation has not occurred;

(b) The complaint may be referred to the credentials review panel of the board by the executive director or his designee for disposition pursuant to this section; or

(c) It may be determined that there is probable cause that a violation of KRS 314.091 has occurred.

(2) Upon determination that there is probable cause that a violation of KRS 314.091 has occurred, the complaint shall be handled as follows:

(a) An administrative hearing may be scheduled pursuant to subsection (3) of this section; or

(b) An agreed order may be offered pursuant to subsection (4) of this section; or

(c) A consent decree may be offered, pursuant to subsection (5) of this section.

(3) Administrative hearings.

(a) Hearings shall be held pursuant to KRS 314.091 and 201 KAR 20:162.

(b) Notice of the hearing and charges shall be mailed by certified mail to the last known address of the licensee or applicant. Service shall be deemed complete upon mailing whether or not the notice is claimed.

(c) Notice of the hearing and charges shall be signed by the executive director or his designee. ~~Administrative hearing.~~

~~(a) The board may schedule a formal administrative hearing to determine whether disciplinary action shall be taken on the grounds set out in KRS 314.091.~~

~~(b) At least thirty (30) days prior to an administrative hearing, the individual shall be sent a letter of the specific charges by certified mail and shall be advised of legal rights in accordance with KRS 314.091. Service of process shall be deemed complete upon mailing a copy of the letter of charges by certified mail to the last known address of the licensee or applicant, whether or not said letter is subsequently claimed by addressee.~~

~~(c) All subpoenas shall be issued by the executive director on behalf of the board. The person requesting the subpoenas shall bear the cost of serving the subpoenas, paying witness fees and expenses. The board shall bear the cost of witnesses subpoenaed in the board's behalf.~~

(4) ~~[(2)]~~ Agreed order.

(a) The board may enter into an agreement with an applicant or licensee for voluntary surrender, suspension, probation, reinstatement, limitation of license or ~~public~~ reprimand, and to impose a civil penalty. The terms of the agreement may include other conditions or requirements to be met by applicant or licensee, such as those listed in Section 4 of this administrative regulation.

(b) The agreed order may contain terms which insure protection of public health and safety, or which serve to educate or rehabilitate

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the applicant/licensee.

(c) The agreed order when approved by the board shall terminate the investigation of a specific complaint.

(5) [(3)] Consent decree.

(a) If a licensee [nurse] or applicant agrees to waive his [her] right to a hearing and there is no evidence of intentional violation of the mandatory licensure provisions of KRS Chapter 314, the board may issue a consent decree in accordance with the provisions of KRS 314.991 to impose a civil penalty against a licensee [nurse] or [an] applicant [for licensure as a nurse or for registration as an advanced registered nurse practitioner] who has:

1. Practiced as a nurse in the Commonwealth of Kentucky without a temporary work permit or a current, active license issued by the board prior to filing an application for licensure.

2. Practiced as an advanced registered nurse practitioner in the Commonwealth of Kentucky without current, active registration issued by the board prior to filing an application for registration.

3. Practiced as an advanced registered nurse practitioner after expiration of the current certification granted by the appropriate national organization or agency.

4. Obtained [~~Practiced pursuant to~~] a license or work permit [~~obtained~~] on the basis of a check for an application fee which was returned unpaid by the bank.

5. Qualified for a consent decree to cure noncompliance with continuing education requirements, as set forth in 201 KAR 20:215, Section 3.

6. Executed an affidavit of reasonable cause concerning the AIDS education requirement and obtained the required education after the expiration of the six (6) months.

(b) The use of a consent decree shall be restricted to only those applicants or licensees [nurses] described above and who have not violated any other provision of KRS Chapter 314 or any other laws of the Commonwealth of Kentucky or of the United States.

(c) The license or registration may be issued by board staff after the applicant or licensee [nurse] meets all requirements for licensure or registration and after payment of the civil penalty by the applicant or licensee [nurse].

(d) Upon ratification by the board of the consent decree the investigation of the specific complaint shall be terminated.

(e) If consent decree is not ratified by the board, [a letter of] charges may be brought [issued] pursuant to KRS 314.091 and the matter resolved as directed therein.

(f) Consent decrees which have been ratified by the board shall not be reported to other state boards of nursing, the national council of state boards of nursing or other organization, unless required by law.

Section 3. The executive director or his designee [person responsible for receiving complaints] shall notify the complainant and the person against whom the complaint was made of the final disposition of the case.

Section 4. The restrictions or conditions imposed by the board on a limited temporary work permit or limited license may include but are not limited to the following:

(1) Prohibiting the performance of specific nursing acts such as access to, responsibility for, or the administration of controlled substances; administration of any medication; supervisory functions; or any act which the licensee or applicant cannot safely perform.

(2) Requiring the applicant or licensee have continuous, direct, onsite supervision by a registered nurse, physician, or dentist.

(3) Specifying the applicant's or licensee's practice setting.

(4) Specifying the types of patients to whom the applicant or licensee may give nursing care.

(5) Requiring the applicant or licensee to notify the board in writing of any change in name, address, or employment.

(6) Requiring the applicant or licensee to have his employer

submit to the board written reports of performance or compliance with the requirements set by the board.

(7) Requiring the applicant or licensee to submit to the board evidence of physical or mental health evaluations, counseling, therapy or drug screens.

(8) Meeting with representatives of the board.

(9) Issuing the license or temporary work permit for a specified period of time.

Section 5. A limited temporary work permit or limited license may be issued to:

(1) An applicant or licensee who has been subjected to disciplinary action by the board pursuant to KRS 314.091; or

(2) An applicant or licensee who holds a license with restrictions or conditions in another jurisdiction as a result of disciplinary action and has had action by the board pursuant to KRS 314.091.

Section 6. 201 KAR 20:115, Limited licensure, is hereby repealed.

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

(1) Type and number of entities affected: Approximately 44,000 registered nurses and licensed practical nurses.

(a) Direct and indirect costs or savings to those affected: The amendments do not add or delete any 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: The amendments do not add additional reporting requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amendments do not add or delete any costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

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

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

(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: Is tiering applied? Tiering is not applicable.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(Proposed Amendment)**

201 KAR 20:162. Procedures for disciplinary hearings.

RELATES TO: KRS 314.011, 314.031, 314.071(4), 314.091, 314.161, 314.991

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY AND FUNCTION: To provide for the orderly conduct of hearings and to protect the due process rights of nurses and applicants.

Section 1. Purpose and Rule of Construction. The purpose of this regulation is to enable the board to conduct an orderly and reasonably expeditious search for the truth while ensuring that due process is afforded to the licensee or applicant. Accordingly, this regulation shall be liberally construed so as to aid that process.

Section 2. Composition of the Hearing Panel. (1) Disciplinary actions shall be heard by a hearing panel consisting of two (2) members of the board and a hearing officer, who may be an assistant attorney general or other attorney designated by the board.

(2) A hearing officer and one (1) member of the board may conduct a hearing for consideration of reinstatement of a revoked or suspended license and consideration of removal of a license from probationary status.

(3) A board member who has participated in the investigation of a disciplinary action or who has discussed the merits of an action with the agency staff or who has personal knowledge of the facts giving rise to a disciplinary action shall not sit on a panel hearing that particular action nor participate in the adjudication of the matter.

(4) The hearing shall be transcribed by a court stenographer.

Section 3. Rights of the Licensee or Applicant. The licensee or applicant shall have the right to be present and to be heard by the hearing panel, to be represented by legal counsel, to present evidence, to cross examine witnesses presented by the board, and to make both opening and closing statements. The licensee or applicant shall also have the right to have subpoenas issued. The licensee or applicant shall bear the cost of serving the subpoenas in accordance with 201 KAR 20:161.

Section 4. Prehearing Disclosure of Evidence. (1) By the board. The names, addresses and telephone numbers of witnesses expected to be called by the board and copies of documents to be introduced at the hearing shall be made available upon request of the licensee or applicant. The licensee or applicant shall also be permitted to examine any items of tangible evidence in the possession of the board, upon request.

(2) By the licensee or applicant. At least ten (10) days prior to the scheduled hearing date the licensee or applicant shall furnish to the legal counsel for the board copies of any documents which the licensee or applicant intends to introduce at the hearing, and a list of the names, addresses, and [home and work] telephone numbers of any witnesses to be presented to the hearing panel by the licensee or applicant. The licensee or applicant shall also produce for inspection any items of tangible evidence within its possession or control which it intends to introduce at the hearing.

(3) At least ten (10) days prior to the scheduled hearing date the licensee or applicant shall also file with the board written response to

the specific allegations contained in the notice of charges. Allegations not properly answered will be deemed admitted. The panel may for good cause permit the late filing of an answer.

(4) Sanctions for failure to comply with prehearing disclosure. If a party fails to comply with this section the panel hearing the disciplinary action may refuse to allow into evidence such items or testimony as have not been disclosed, may continue the action to allow the opposing party a fair opportunity to meet the new evidence, or may make such other order as it deems appropriate. Sanctions shall be applied by the hearing officer but may be overridden by the unanimous vote of the board members of the panel.

(5) Continuing duty to disclose. After disclosure has been completed each party shall remain under an obligation to disclose any new or additional items of evidence or witnesses which may come to its attention. Such additional disclosure shall take place as soon as practicable. Failure to disclose may result in the exclusion of the new evidence or testimony from the hearing.

Section 5. Order of Proceeding. (1) The hearing officer shall call the meeting to order and shall identify the parties to the action and the persons present. The hearing officer shall ask the parties to state for the record any objections or motions. The hearing officer shall rule upon any objections or motions, subject to be overridden by the unanimous vote of the board members of the panel. Opening statements shall then be made, with the attorney for the board proceeding first. Either side may waive its opening statement, but opening statements may not be reserved.

(2) The taking of proof shall commence with the calling of witnesses on behalf of the board. Such witnesses shall be examined first by the attorney for the board, then by the licensee or applicant or that person's attorney, and finally by members of the hearing panel. Rebuttal examination of witnesses shall proceed in the same order. Documents or other items may be introduced into evidence as appropriate.

(3) Upon conclusion of the case for the board the licensee or applicant shall call its witnesses. Such witnesses shall be examined first by the licensee or applicant or that person's attorney, then by the attorney for the board, and finally by the members of the hearing panel. Rebuttal examination of those witnesses shall proceed in the same order. Documents or other evidence may be introduced as appropriate.

(4) At the conclusion of the proof the parties shall be afforded the opportunity to make a closing statement, with the attorney for the board always proceeding last. The hearing officer may impose reasonable limitations upon the time allowed for opening and closing statements.

(5) The hearing officer shall also be responsible for enforcing the general rules of conduct and decorum and expediting the hearing by keeping the testimony and exhibits relevant to the case.

Section 6. Rules of Evidence. (1) The hearing panel shall not be bound by the technical rules of evidence. The hearing panel may receive any evidence which it considers to be reliable, including testimony which would be hearsay if presented in a court of law. Documentary evidence may be admitted in the form of copies or excerpts, and need be authenticated only to the extent that the panel is satisfied of its genuineness and accuracy. Tangible items may be received into evidence without the necessity of establishing a technical legal chain of custody so long as the hearing panel [board] is satisfied that the item is what it is represented to be and that it is in substantially the same condition as it was at the time of the events under consideration.

(2) The hearing panel retains the discretion to exclude any evidence which it considers to be unreliable, incompetent, irrelevant, immaterial or unduly repetitious. Rulings on objections to evidence shall be made by the hearing officer but may be overridden by the unanimous vote of the board members of the panel.

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Section 7. Recommendation by the Hearing Panel. (1) Upon the conclusion of the hearing the panel shall retire into closed session for purpose of deliberations. Each board member of the panel shall have one (1) vote. In case of a tie vote, the tie shall be broken by the hearing officer.

(2) At the conclusion of the panel's deliberations it shall propose an order based upon the evidence presented. The hearing officer shall draft a proposed decision including findings of fact and conclusions of law consistent with the panel's deliberations as well as a recommended order to be submitted to the full board. A copy of the proposed decision shall be sent to the licensee or applicant by certified mail and to all members of the board as well as the attorney for the board.

Section 8. Written Arguments or Exceptions to a Proposed Decision. The licensee or applicant shall have twenty (20) days from the date the proposed decision is mailed to file with the board written arguments or exceptions to any portion of the proposed decision. The twenty (20) day period may be extended at the discretion of the board president. The attorney for the board shall have ten (10) days from the expiration of the period allowed to the licensee or applicant to file responses on behalf of the board, which period may be extended at the discretion of the board president.

Section 9. Decision by the Board. The full board ~~[-at the next scheduled regular meeting or as seen thereafter as may be arranged;]~~ shall review the proposed decision and consider the evidence presented and, after consideration of any written arguments or exceptions which have been presented, shall make a final determination as follows:

- (1) Adopt the proposed decision as submitted; or
- (2) Modify the proposed decision as deemed necessary; or
- (3) Remand the case to the hearing panel for further evidence.

The hearing panel shall then schedule another hearing to obtain additional evidence. The board shall then consider the findings of fact and recommendations from the original hearing and any additional hearing as well as additional written arguments or exceptions as the parties have presented and shall render its final decision in the case.

Section 10. Record to be Maintained. A transcript of the testimony taken during the hearing shall be kept by the board. A copy of that transcript shall be available to the licensee or applicant from the court stenographer or, if the stenographer is unable to furnish a copy, from the board upon request and payment of the appropriate fee. A copy of the transcript of the hearing shall be available to all board members. Any documents or exhibits introduced into evidence shall be kept with the transcript or as ordered by the hearing officer.

Section 11. Continuances; Proceedings in Absentia. It shall be the policy of the board not to postpone cases which have been scheduled for hearings absent good cause. A request by a licensee or applicant for a continuance may be considered if communicated to the board reasonably in advance of the scheduled hearing date and based upon good cause. The decision whether to grant a continuance shall be made by the hearing officer ~~[executive director of the board or his designee]~~. However, the burden is upon the licensee or applicant to be present at a scheduled hearing. Failure to appear at a scheduled hearing for which a continuance has not been granted in advance shall be deemed a waiver of the right to appear and the hearing shall be held as scheduled.

Section 12. Hearing Fee. If the order of the board is adverse to a licensee or applicant, or if the hearing is scheduled at the request of a licensee or applicant, a hearing fee in an amount equal to the cost of stenographic services shall be assessed against the licensee or applicant for relief from sanctions previously imposed by the board pursuant to the provisions of KRS Chapter 314. In cases of financial

hardship, the board may waive all or part of the fee.

~~[Section 13. Copy to be Provided to Licensee or Applicant. A copy of this regulation shall be provided to the licensee or applicant prior to the hearing.]~~

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

(1) Type and number of entities affected: Approximately 44,000 registered nurses and licensed practical nurses.

(a) Direct and indirect costs or savings to those affected: The amendments do not add or delete any 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: The amendments do not add additional reporting requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amendments do not add or delete any costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

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

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

(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: Is tiering applied? Tiering is not applicable.

**GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(Proposed Amendment)**

201 KAR 20:215. Contact hours, recordkeeping and reporting requirements for renewal of licensure.

RELATES TO: KRS 314.011(11), 314.073
STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY AND FUNCTION: For administration of the continuing education requirement, it is necessary for the board to develop procedures and standards.

Section 1. Individuals licensed under KRS Chapter 314 shall complete thirty (30) contact hours of continuing education activities from an approved provider during the earning period of November 1 through October 31 of their current licensure period.

(2) A minimum of two (2) contact hours of the thirty (30) hours shall be an HIV/AIDS education course approved by the Cabinet for Human Resources pursuant to 902 KAR 2:160.

(3)(a) Partial credit for attendance at a continuing education activity shall not be given.

(b) An individual attending continuing education activities, whether as a teacher, participant or student, shall attend the entire offering to be eligible to receive the number of contact hours for which the activity has been approved.

(4) It is the responsibility of the licensee to determine whether a continuing education activity is offered by an approved provider.

Section 2. The following categories of programs shall not qualify as approved continuing education activities regardless of who the provider is:

(1) Course content included in prelicensure nursing programs, except for licensed practical nurses enrolled in prelicensure registered nurse programs;

(2) Business meetings or committee meetings of organizations; and

(3) In-service and orientation to specific institutional policies and practices.

Section 3. (1)(a) A licensee or applicant for licensure by renewal shall maintain records to substantiate earned contact hours.

(b) Records shall include a certificate furnished by the provider.

(c) Records shall be retained for at least five (5) years following the earning period in which the contact hours were earned.

(2)(a) A licensee or applicant for licensure by renewal shall, upon request, furnish to the board or staff, legible copies of the records required to be maintained by subsection (1) of this section.

(b) Copies shall be furnished within thirty (30) days of the date a written request is mailed by first class to the last known address of the licensee or applicant.

(c) Failure to furnish records as required by this administrative regulation shall be cause for the issuance of a complaint pursuant to 201 KAR 20:161 for failure to comply with KRS 314.073(2).

(3)(a) A licensee or applicant for licensure by renewal who is determined to be in noncompliance with continuing education requirements shall be allowed to cure the noncompliance if he:

1. Meets continuing education requirements within ninety (90) days of notification of noncompliance;

2. Enters a consent decree with the board; and

3. Pays a civil penalty.

(b) ~~[Consent decrees shall constitute disciplinary action by the board.]~~

(e) The provisions of paragraph[s] (a) ~~and (b)~~ of this subsection shall not apply to cases in which:

1. The licensee or applicant fails to furnish records as requested pursuant to subsection (2) of this section; or

2. There is evidence of fraud or deceit in procuring or attempting to procure a license to practice nursing.

(4) Cases described in subsection (3)(b) ~~[(e)]~~ of this section shall be dealt with pursuant to the complaint procedures of 201 KAR 20:161.

Section 4. (1) Successful completion of postlicensure academic courses at a college, university or postsecondary vocational institution shall qualify as continuing education activities obtained from an approved provider if they are:

(a) Relevant to nursing practice; and

(b) Not excepted by Section 2 of this administrative regulation.

(2)(a) A copy of the transcript or grade reports shall be submitted upon request of the board.

(b) A description of the course from the school catalog or institution syllabus may be requested, as needed.

(3) Contact hours shall be calculated as follows:

(a) One (1) semester or trimester hour of academic credit equals fifteen (15) contact hours.

(b) One (1) quarter hour of academic credit equals twelve (12) contact hours.

(4) The following courses shall be relevant to nursing practice:

(a) A nursing course, designated by a nursing course number, and beyond the prelicensure curriculum of the individual licensee.

(b) An academic course applicable to nursing practice and appropriate for the nurse engaged in clinical practice, administration, education, or research and which is beyond the prelicensure curriculum of the individual licensee.

(5) A licensee may request course review for approval of applicable nursing content pursuant to Section 5 of this regulation.

Section 5. (1) A licensee may request an individual review of a nonapproved continuing education activity completed during the earning period if, within thirty (30) days after the expiration of the earning period, he has:

(a) Requested the review by submitting an "Application for Individual Review"; and

(b) Paid a fee of thirty-five (35) dollars.

(2) The review shall be based on the standards established by:

(a) This administrative regulation; and

(b) 201 KAR 20:220.

(3) Approval by the board of a nonapproved continuing education activity:

(a) Shall qualify it as obtained from an approved provider for the individual requesting the review; and

(b) Is limited to the particular offering upon which the request for individual review is based.

(4)(a) "Application for Individual Review (1992)" is incorporated by reference.

(b) It may be reviewed, inspected or copied at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222-5172, during regular business hours ~~[8 a.m. to 4:30 p.m., Monday through Friday]~~.

Section 6. Current certification of advanced registered nurse practitioners as required by KRS 314.042 and 201 KAR 20:056 shall be accepted as documentation of compliance with continuing education requirements for renewal of the ARNP's registered nurse license.

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this

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agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

(1) Type and number of entities affected: Approximately 44,000 registered nurses and licensed practical nurses.

(a) Direct and indirect costs or savings to those affected: The amendments do not add or delete any costs.

1. First year:

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(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amendments do not add or delete any costs.

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

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

(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: Is tiering applied? Tiering is not applicable.

GENERAL GOVERNMENT CABINET

Kentucky Board of Nursing (Proposed Amendment)

201 KAR 20:240. Fees for applications and for services.

RELATES TO: KRS 314.041(5), 314.042(3), (6), 314.051(3), 314.071(1), (2), 314.073(4), (6), ~~314.131(1)~~, 314.161

STATUTORY AUTHORITY: KRS ~~61.874(2)~~, Chapter 314.131
NECESSITY AND FUNCTION: To establish fees to carry out the provisions of KRS Chapter 314.

Section 1. Fees for Licensure and Registration Applications. (1) The board shall collect fees for applications for licensure or for registration, and for renewal or reinstatement thereof.

(2) The fees shall not exceed the amounts indicated for the following applications:

(a) Licensure as a registered nurse - ninety (90) ~~[seventy (70)]~~ dollars.

(b) Licensure as a licensed practical nurse - ninety (90) ~~[seventy~~

~~(70)]~~ dollars.

(c) Biennial renewal of active license - seventy (70) ~~[fifty (50)]~~ dollars.

(d) Biennial renewal of inactive license - fifty (50) ~~[thirty-five (35)]~~ dollars.

(e) Reinstatement of license - ninety (90) ~~[seventy (70)]~~ dollars.

(f) Active to inactive license status - fifty (50) ~~[thirty-five (35)]~~ dollars.

(g) Inactive to active license status - seventy (70) ~~[fifty (50)]~~ dollars.

(h) Endorsement verification of Kentucky licensure or registration - fifty (50) ~~[twenty (20)]~~ dollars.

(i) Duplicate license or registration card or letter - twenty (20) dollars.

(j) Registration as an advanced registered nurse practitioner - ninety (90) ~~[seventy (70)]~~ dollars.

(k) Biennial renewal of registration as an advanced registered nurse practitioner - seventy (70) ~~[fifty (50)]~~ dollars.

(l) Reinstatement of registration as an advanced registered nurse practitioner - ninety (90) ~~[seventy (70)]~~ dollars.

(3) An application shall not be evaluated unless current fee is submitted.

Section 2. Fees for Applications for Continuing Education Approvals. ~~[(4)]~~ The board shall collect fees for applications for approval of providers of continuing education and for renewal or reinstatement thereof not to exceed the following amounts:

~~(1) [(a)]~~ Initial provider approval - \$100.

~~(2) [(b)]~~ Reinstatement of provider approval - \$100.

~~(3) Biennial [(e) Annual]~~ renewal of approval - seventy-five ~~[forty-five (45)]~~ dollars.

~~(d) Individual review of continuing education offerings - thirty-five~~ (35) dollars.

~~[(2) The board shall collect fees for applications for approval of programs and offerings of continuing education for those approved providers who do not hold programming approval granted by an organization whose standards are deemed comparable to or exceed the approval standards of the board as stated in 201 KAR 20:206, 201 KAR 20:210 and Section 1(4) of 201 KAR 20:215. The application fees shall not exceed the following amounts:~~

~~(a) Annual program approval - \$300.~~

~~(b) Annual offering approval - fifty (50) dollars.~~

~~(3) An application for an individual offering approval shall not exceed fifty (50) dollars.]~~

Section 3. Fees for Services. (1) The board shall collect fees for the following services not to exceed the amounts indicated:

(a) Administration of examination for registered nurse licensure - sixty (60) dollars.

(b) Administration of examination for practical nurse licensure - thirty-five (35) dollars.

(c) Verification of licensure or registration letter - ten (10) ~~[five (5)]~~ dollars.

(d) Copy of examination results ~~[score(s)]~~ or transcripts - ten (10) dollars.

(e) Nursing certificate (optional) - thirty (30) dollars.

(2) The fee for copies of statutes, regulations, and duplicated or printed materials shall be one (1) dollar minimum or shall not exceed twenty-five (25) cents per page.

(3) An applicant for licensure who takes or retakes ~~[writes or rewrites]~~ the licensure examination shall pay the current examination fee as required by the national council of state boards of nursing in addition to the board application for licensure and administration of examination fees pursuant to subsection (5) of this section.

(4) A nurse who is licensed in another state, United States territory or country and who submits an application for licensure in Kentucky as a registered nurse or a licensed practical nurse, but who

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is required to take or retake ~~[write or rewrite]~~ the licensure examination, shall pay the current examination fee as required by the national council of state boards of nursing in addition to the board application for licensure and administration of examination fees.

(5) Applicants retaking ~~[rewriting]~~ the licensure examination shall:

(a) Submit fee for administration of examination prior to each time examination is taken.

(b) Submit new application and current fees if more than one (1) year has passed since date last examination was written or more than two (2) years have passed since the filing date of the original application.

(6) Graduates of foreign schools of nursing shall assume responsibility for costs incurred to submit credentials translated into English, commission on graduates of foreign nursing schools certificates, immigration documents and other documents needed to verify meeting licensure requirements.

Section 4. With the exception as stated in Section 3(5)(b) of this regulation, an application, which is not completed within one (1) year from the date the application form is filed with the board office, shall lapse and the fee shall be forfeited.

Section 5. An applicant who meets all requirements for approval, licensure or registration will be issued the appropriate approval, license or registration without additional fee.

Section 6. Refunds. (1) Current administration of examination fee on file for an examination candidate unable to be present for the administration of an examination due to unusual circumstances such as weather conditions, accidents, illness, family circumstances, will be refunded upon submission of written request by candidate.

(2) Overpayment of five (5) dollars or more of current fee will be refunded upon submission of written request by payer.

Section 7. A partial application fee may be held on record for one (1) year and may be applied toward the fee to meet the requirements for licensure or registration.

Section 8. Fees properly collected by the board are nonrefundable with the exceptions as stated in Section 6 of this regulation.

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

(1) Type and number of entities affected: Approximately 44,000 registered nurses and licensed practical nurses.

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

amendments increase the maximum fees that may be charged by the board. The board has not yet raised the present fees.

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: The amendments do not add additional reporting requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amendments do not add or delete any costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

(3) Assessment of anticipated effect on state and local revenues: Revenues to the board will eventually increase.

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

(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: Is tiering applied? Tiering is not applicable.

GENERAL GOVERNMENT CABINET

Kentucky Board of Nursing

(Proposed Amendment)

201 KAR 20:260. Organization and administration standards for prelicensure programs of nursing.

RELATES TO: KRS 314.041(1), 314.051(1), 314.111(1); ~~314.131(1)~~

STATUTORY AUTHORITY: KRS [Chapter] 314.131(1)

NECESSITY AND FUNCTION: It is necessary that standards be established to assure that programs of nursing prepare graduates for licensure as registered nurses or licensed practical nurses in organized settings where standards are met.

Section 1. Organization and Administration Standards for Prelicensure Registered Nurse and Practical Nurse Programs. To be eligible for approval by the board, a program must have:

(1) A governing institution.

(a) The institution which establishes and conducts the program of nursing shall be accredited by the southern association of colleges and schools or the appropriate accrediting body.

(b) The governing institution shall assume full legal responsibility for the overall conduct of the program of nursing.

(c) The governing institution shall designate a nurse administrator, establish administrative policies, provide financial support, resources, and facilities for the operation of the program of nursing.

(d) The governing institution shall provide an organizational chart which describes the organization of the program of nursing and its relationship to the governing institution.

(2) Administrative policies.

(a) There shall be written administrative policies for the program which are in accord with those of the governing institution and available to the board for review.

(b) The board shall be notified in writing of a change in the appointment of the nurse administrator.

(c) A written plan for the orientation of the faculty to the governing institution and to the program or to the extension program shall be

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implemented.

(d) There shall be written contracts between the governing institution and other agencies or institutions that provide learning experiences for students. Contracts shall not be required for observational experiences or field trips.

1. The contract shall clearly identify the responsibilities and privileges of both parties.

2. The contract shall bear the signature of the administrative authorities of each organization.

3. The contract shall vest in the faculty control of the student learning experiences subject to policies of the contractual parties.

4. The contract shall be current and reviewed annually.

(3) A nurse administrator who shall have authority and responsibility in the following areas:

(a) Development and maintenance of collaborative relationships with the administration of the institution, other divisions or departments within the institution, related facilities and the community.

(b) Participation in the preparation and administration of the program of nursing budget.

(c) Screening and recommendation of candidates for faculty appointment, retention, and promotion.

(d) Development of admission criteria.

(e) Development, implementation, and evaluation of the program of nursing.

(f) Development and implementation of program policies.

(g) Facilitation of continuing academic and professional development for the faculty.

(h) Development and negotiation of contracts with clinical facilities.

(i) Establishment of student/faculty ratio in the clinical practice experience. The criteria to determine the student/faculty ratio shall include but not be limited to:

1. Acuity level of the patient population.

2. Clinical preparation of faculty.

3. Behavioral objectives for students in clinical rotation.

4. Contract with clinical agency.

5. Physical setting for student experience.

6. Patient/client safety.

7. The student/faculty ratio (excluding observational experiences) shall not exceed a maximum of ten (10) [twelve-(12)] to one (1) in the clinical practice experience.

(4) Provision for a system of records and reports essential to the operation of the program of nursing. The system shall include records of:

(a) Enrolled and previously enrolled students.

(b) Program meetings.

(c) Faculty members.

(d) Program development, proposals, recommendations, plans and evaluation.

(5) Official publications which include:

(a) Description of the governing institution and program of nursing.

(b) Policies on admission, progression, dismissal, graduation and student grievance procedures.

(c) Description of student services.

(6) Written personnel policies for the faculty which include:

(a) Position descriptions.

(b) Faculty rights and responsibilities.

(c) Faculty evaluation process.

(7) Clerical assistance. The number of clerical assistants shall be determined by the number of students and faculty. There shall be secretarial and clerical assistants to meet the needs of the program.

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be

held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

(1) Type and number of entities affected: Approximately 50 programs of nursing.

(a) Direct and indirect costs or savings to those affected: The amendments do not add or delete any 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: The amendments do not add additional reporting requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amendments do not add or delete any costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

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

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

(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: Is tiering applied? Tiering is not applicable.

GENERAL GOVERNMENT CABINET Kentucky Board of Nursing (Proposed Amendment)

201 KAR 20:370. Applications for licensure and registration.

RELATES TO: KRS 314.041, 314.051, 314.071

STATUTORY AUTHORITY: KRS [Chapter] 314.131(1)

NECESSITY AND FUNCTION: To assure that applicants for licensure or registration meet minimum requirements as set forth by the board. To provide consistency in procedures.

Section 1. To be eligible for licensure by examination, endorsement, renewal, reinstatement, or change of status, or for advanced registered nurse practitioner registration, renewal or reinstatement applicants shall:

(1) Submit completed application to board office on original form

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supplied by the board;

- (2) Submit current application or examination fees, as applicable;
- (3) Submit official copy of court records of any misdemeanor and/or felony conviction with a letter of explanation;
- (4) Report any disciplinary action taken or pending on nurse licensure applications or license in other jurisdictions;
- (5) Have no disciplinary action pending by the board for violation of KRS Chapter 314;
- (6) Have paid all monies due to the board;
- (7) Submit copy of an official name change document (court order, marriage certificate, divorce decree), if applicable;
- (8) ~~Submit a detailed letter describing any handicap as stated in 201 KAR 20:115;~~
- (9) Submit additional information as requested by the board; and
- (9) ~~[(49)]~~ Meet additional requirements for:
 - (a) Licensure by examination as stated in 201 KAR 20:070.
 - (b) Licensure by endorsement as stated in 201 KAR 20:110.
 - (c) Licensure by reinstatement as stated in 201 KAR 20:225.
 - (d) Licensure by renewal as stated in 201 KAR 20:230.
 - (e) Inactive licensure status as stated in 201 KAR 20:095.
 - (f) Advanced registered nurse practitioner registration, renewal or reinstatement as stated in 201 KAR 20:056.

Section 2. A completed application form and all information needed to determine that an applicant meets requirements for licensure or ~~or~~ [f] registration must be postmarked or received by the board no later than the last day for renewal of license or ~~or~~ [f] registration or at least sixty (60) days prior to date of the national council licensure examination.

Section 3. With the exception of licensure by examination applications as stated in 201 KAR 20:240, Section 3(5)(b), an application which is not completed within one (1) year from the date the application form is filed with the board office shall lapse and the fee shall be forfeited.

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

- (1) Type and number of entities affected: Approximately 4000 applicants for licensure yearly.
- (a) Direct and indirect costs or savings to those affected: The amendments do not add or delete any 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: The amendments do not add additional reporting requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The amendments do not add or delete any costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

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

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

(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: Is tiering applied? Tiering is not applicable.

TOURISM CABINET

Department of Fish and 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 administrative regulation pertains to the deer gun and archery season and the turkey season on special areas. This administrative 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 administrative 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 Areas. Unless otherwise stated, the provisions of 301 KAR 2:171 ~~[2:479]~~ and 301 KAR 2:140 apply. These areas are open for deer or turkey hunting only on the dates specified below. Hunters on these areas shall possess the signature portion of a valid deer permit. A WMA tag ~~[special purpose tag]~~ to place on harvested deer shall be issued except on the Westvaco area.

(1) Land Between the Lakes Wildlife Management Area (LBL) located in Trigg and Lyon Counties. For LBL general hunting rules refer to administrative regulation 301 KAR 2:050.

(a) Deer archery hunts: any white-tailed deer the last Saturday in September through October 21 ~~[22]~~, October 26 ~~[27]~~ through November 11 ~~[42]~~ and December 15 through December 31.

(b) Quota hunt. Quota gun hunt: white-tailed or fallow deer and sex of deer as specified on permit November 27-28 ~~[28-29]~~.

(c) Quota youth hunt: one (1) white-tailed deer or fallow of either sex as specified on permit on October 23-24 ~~[24-25]~~. Statewide administrative regulations apply and participants shall possess an LBL Youth Hunt Permit.

(d) Bag limits. The deer bag limit for the Kentucky portion of LBL shall be ~~is~~ two (2) deer; except that no more than one (1) deer shall be taken during any quota gun or quota archery hunt, and no more than one (1) deer shall be taken during the deer archery hunt.

(e) Turkey archery hunts: one (1) turkey of either sex during the deer archery hunts as specified in subsection (1)(a) of this section. Statewide administrative regulations apply.

(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) Quota hunt applications. Hunters shall be selected by a drawing. Application forms are available from, and shall be submitted to, Quota Deer Hunt, 100 Van Morgan Drive, Land Between the Lakes, Golden Pond, Kentucky 42231. Completed applications shall be postmarked no later than July 31 [9:30 p.m. on the last Wednesday in July]. If unfilled quotas exist after the regular drawing, quotas may [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 shall be [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.

(k) The taking of coyotes. Hunters participating in the quota gun hunts may take coyotes if they possess a valid deer tag.

(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 20-21 [45-46] and 27-28 [22-23], 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 25 [26] through October 4 [6].

(b) Youth deer shotgun hunts: during the months of September, October, November and December on selected areas and dates. Any deer. For persons aged ten (10) through sixteen (16) who shall be accompanied by an adult. Shotguns only.

(c) Deer gun and archery season. Any deer: October 7 [8] through November 22 [23] and December 16 [42] through December 31 on selected areas.

(d) Wild turkey archery season: Any turkey. ~~[Statewide regulations apply.]~~ For deer hunters using archer equipment September 25 [26] through October 4 [6].

(e) Wild turkey shotgun only season: any turkey. October 21 [47] through November 22 [23].

(f) White turkey season: any white turkey. The post bag limit is one (1) white turkey. Statewide and post season limits and tagging requirements on wild turkey do not apply to the taking of white 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.

(g) Deer bag limits. The bag limit for Kentucky license holders

shall be two (2) deer taken by either gun or bow. Prior to November 22 [45], 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 16 [42]. 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.

(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 less than twenty-four (24) inches in length, equipped with broadhead barbless 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. First Saturday in October through November 14 [45] and December 20 [24] through January 2 [3].

(b) Deer gun hunt: any deer November 20-21 [24-22], November 27-28 [28-29], December 11-12 [5-6], and December 18-19 [49-20].

(c) Bag limits. The bag limit shall be [is] two (2) deer, only one (1) deer shall be taken by gun and one (1) by bow.

(d) Applications. Separate applications are required for archery and gun hunts. 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.

1. Archery hunts. Civilians not working on post may apply for weekend archery hunts by mail. 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 112.

2. Gun hunts. Civilians not working on post may apply by mail for a two (2) day gun hunt. Hunters shall be assigned one (1), two (2) day hunting period. Hunters who have not harvested a deer and active duty military personnel who did not apply for the quota hunt may sign up on a first-come first-served basis for hunting on December 18-19 [49-20].

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 an eighteen (18) dollar money order, certified check or cashier's check for each hunter, made payable to Treasurer of the United States. Mail applications to 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. Deer taken during the gun hunts shall be checked in at Building 7331 on 9th Avenue or the [attn:] North Mt. Eden Rd station. 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. Magazines 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.

(h) Hunter safety certificates. All deer hunters under the age of fifty (50) [forty-five (45)] shall possess a valid hunter safety certificate.

(i) Special equipment. All hunters shall possess a Fort Knox special hunting and fishing map and a flashlight.

(j) Intoxicants. Intoxicants are prohibited in vehicles and hunting areas.

(k) Post permit. All persons deer hunting on the Fort Knox Military Reservation shall possess 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 on selected dates.

(b) Deer gun hunts: during the month of November and December on selected dates.

(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. Applications for the drawings shall be made on a three (3) inch by five (5) inch card with only two (2) applicants allowed per card. More than one (1) 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 a single three (3) inch by five (5) inch card. Each applicant shall submit with their application a five (5) dollar check or money order, and mailed in an envelope. Each applicant shall furnish name and address (including zip code), date of birth, telephone number and specify their choice for shotgun or archery hunting. Hunters, their hunting dates and areas shall be selected by a drawing. All envelopes shall be postmarked no earlier than August 1 or later than August 30 to be eligible for the drawing. Improper applications shall be discarded. A twenty (20) [fifteen (15)] dollar 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) 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 .45 or larger caliber firing a single conical projectile shall be permitted. [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.

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

(g) 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) Quota hunts: any deer November 6, 7, 13, and 14, and lasting for one (1) day each. [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. Applications shall be accepted only during the month of July and shall be accompanied by an application fee of five (5) dollars.

(c) Archery hunt: any deer October 4-17 [~~11-20~~].

(d) Bag limits. The refuge bag limit is two (2) deer. 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. Archery hunters shall check their deer at the nearest state check station.

(f) All deer hunters shall 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 place a tree stand on Westvaco property within fifty (50) yards of a property line.

(c) No person shall ignite, feed or allow an open fire on the area.

(7) Zilpo and Twin Knobs Campgrounds in Bath and Rowan Counties.

(a) Persons applying and hunting shall follow the procedures and administrative regulations described in administrative regulation 301 KAR 2:171, Section 10.

(b) Only persons with a disability license issued by the Department of Fish and Wildlife Resources Federal Social Security may apply and must have this license in their possession when they hunt.

(c) Quota gun hunt: second Saturday in December for two (2) consecutive days.

DON R. MCCORMICK, Commissioner

CRIT LUALLAN, Secretary

DAVID H. GODBY, Chairman

APPROVED BY AGENCY: May 12, 1993

FILED WITH LRC: May 13, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 29, 1993 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, KY. Individuals interested in attending this hearing shall notify this agency in writing by June 25, 1993, 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 canceled. This hearing is open to the public. Any person who attends shall 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, 502/564-4406.

REGULATORY IMPACT ANALYSIS

Agency Contact: 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 10,000 persons will participate in wild turkey hunting. An unknown portion of these will avail themselves of the hunting opportunities offered on the federal installations spoken to in this administrative regulation.

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

1. First year: Persons participating in the deer hunting proposed for authorization by this administrative regulation would be required to possess a valid hunting license (\$12.50 for residents) and a deer permit (\$21) unless exempt by administrative regulations. Those participating in turkey hunting would be required to also purchase a turkey permit (\$17).

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): An additional hunting fee is charged by Fort Knox, Blue Grass Ordnance Depot Activity, 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 administrative regulation.

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

1. First year: The estimated department cost associated with establishing and carrying out the provisions of this administrative 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 administrative regulation if in conflict: Not applicable.

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

(6) Any additional information or comments: None

TIERING: Was tiering applied: Yes. Special seasons, limits and procedures are recognized for various federal installations based on deer densities and other use considerations.

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

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

3. State the aspect or service of local government to which this administrative regulation relates. The County Clerks office serves as a distribution system for the hunting licenses required by this administrative regulation. The County Courts are where violators of these administrative regulations are prosecuted.

4. How does this administrative regulation affect the local government or any service it provides? 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 or turkey tags. The County circuit courts are utilized for prosecution of cases made against violators of these administrative regulations and recover their costs as the court cost portion of any levied fines.

JUSTICE CABINET Office of the Secretary (Proposed Amendment)

500 KAR 4:060. Basic training: graduation requirements; records.

RELATES TO: KRS 15.550, 15.560

STATUTORY AUTHORITY: KRS 15A.160, 15.590

NECESSITY AND FUNCTION: This regulation prescribes requirements for graduation from a basic training course and for maintenance of basic training records.

Section 1. Basic Training Graduation Requirements. (1) A trainee in a basic training course shall participate in a minimum of forty (40) hours of training in a council certified or approved course. A trainee may have excused absences from the course with approval of the director of the certified school or his designee. An excused absence which causes a trainee to miss any of the required hours of basic training shall be made up through additional training assignment.

(2) To successfully complete a basic training course, a trainee shall ~~must~~:

(a) Participate in at least the minimum hours prescribed;

(b) Pass the final examination or a reexamination by at least a grade of seventy (70); only one (1) reexamination may be taken. The trainee shall ~~will~~ be able to demonstrate proficiency, via a graded practicum on the telephone and radio and shall ~~will~~ be able to satisfactorily answer questions, via a written examination, pertaining to knowledge gained. The examination shall be predicated on the goals and objectives set forth in the certified curriculum. The graded practicum shall constitute fifty (50) ~~twenty-(20)~~ percent of the final grade and the written examination shall constitute fifty (50) ~~eighty (80)~~ percent of the final grade; and

(c) Successfully complete all graded training areas and all other assignments, exercises, and projects included in the course.

(3) If a telecommunicator, who has been granted "grandfather" status pursuant to KRS 15.560(1), terminates employment ~~[by dismissal or retirement]~~ but becomes reemployed as a telecommunicator, shall be required to successfully complete a forty (40) hour basic training course for telecommunicators. A transfer of employment from one agency to another without a break in service, i.e., the transfer was prearranged before leaving the prior employment, shall not be considered to be a termination and a reemployment.

Section 2. Maintenance of Records. A school shall, at the conclusion of each basic or in-service training course complete KLEC Form, "Application for Training," (see 500 KAR 4:020) for each trainee who has attended the course attesting to the successful compliance with all requirements of the course. One (1) copy shall be retained by the school and one (1) copy shall be sent to the head of the trainee's agency. The original shall be sent to the Department of Criminal Justice Training for record retention purposes and the issuance of an appropriate certificate for and on behalf of the secretary. All such records shall be available to the council and the secretary for inspection or other appropriate purposes. All records shall be maintained in accordance with standards established by the State Archives and Records Commission.

BILLY G. WELLMAN, Secretary

APPROVED BY AGENCY: May 10, 1993

FILED WITH LRC: May 11, 1993 at 1 p.m.

PUBLIC HEARING: A public hearing on this administration regulation shall be held on Monday, June 21, 1993, at 10:30 a.m. at 403 Wapping Street, Bush Building, Second Floor, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1993, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing

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is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. Any disabled person desiring to attend or participate in this public hearing will be provided reasonable accommodation if requested at the time of notification of intent to attend. A transcript of the public hearing will not be made unless a written request for a transcript is made, with cost therefore to be borne by the requesting party. If you do not wish to attend the public hearing, you may submit written or oral comments on the proposed administrative regulation by June 16, 1993. Send written notification to attend the public hearing or comments on the proposed administrative regulations to: Paul F. Isaacs, General Counsel, Justice Cabinet, 403 Wapping Street, Bush Building, Second Floor, Frankfort, Kentucky 40601, (502) 564-3279, Fax: (502) 564-4840.

REGULATORY IMPACT ANALYSIS

Contact Person: Paul F. Isaacs

(1) Type and number of entities affected: All individuals required to attend telecommunications training.

(a) Direct and indirect costs or savings to those affected: No cost or savings.

1. First year: N/A

2. Continuing costs or savings: N/A

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

(b) Reporting and paperwork requirements: Justice Cabinet already engages in this training.

(2) Effects on the promulgating administrative body: None

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

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs: N/A

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

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

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

(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: None

(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: Is tiering applied? No. Regulation only applies to one class of affected people, i.e., individuals receiving telecommunications training.

FISCAL NOTE ON LOCAL GOVERNMENT

(1) Does this administrative regulation relate to any aspect of local government, including any service provided by that local government? Yes

(2) State what unit, part or division of local government this administrative regulation will affect. Police officer agencies.

(3) State the aspect of service of local government to which this administrative regulation relates. New grading procedures for telecommunications training.

(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 (+/-): None

Expenditures (+/-): None

Other Explanation:

DEPARTMENT OF CORRECTIONS (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 commissioner to adopt, amend or rescind administrative 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 administrative regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Department of Corrections the following policies and procedures, revised May 14 [April 15], 1993, are incorporated by reference and shall be referred to as Kentucky State Reformatory Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Department of Corrections, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

KSR 01-00-09	Public Information and News Media Relations
KSR 01-00-10	Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-15	Cooperation and Coordination with Oldham County Court
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates
KSR 02-00-01	Inmate Canteen
KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts
KSR 02-00-12	Institutional Funds and Issuance of Checks
KSR 04-00-02	Staff Training and Development
KSR 05-00-01	Officers' Daily Housing Security and Safety Log
KSR 05-00-02	Research Activities
KSR 05-00-03	Management Information Systems
KSR 06-00-01	Inmate Master File
KSR 06-00-02	Records Audit
KSR 06-00-03	Kentucky Open Records Law and Release of Psychological/ Psychiatric Information
KSR 07-00-02	Institutional Tower Room Regulations
KSR 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers
KSR 07-00-06	Asbestos Abatement
KSR 07-00-07	Discharge Monitoring Report (DMR)
KSR 07-00-08	Control of Hazardous Energy (Lockout or Tagout)
KSR 07-00-09	Inventory Control of Underground Storage Tanks
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 Limited Issue [Amended 4/15/93]
KSR 09-00-09	Contraband, Dangerous Contraband and Search

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	Policy	KSR 15-00-05	Differential Status for SU (QUIT) Inmates
KSR 09-00-21	Crime Scene Camera	KSR 15-00-06	Inmate I.D. Cards
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence	KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures
KSR 09-00-23	Drug Abuse Testing	KSR 15-00-08	Firehouse Living Area
KSR 09-00-25	Inmate Motor Vehicle Operator's License	KSR 15-00-09	Smoking and No Smoking Areas for Inmates and Staff [(Added 4/15/93)]
KSR 09-00-26	Contraband Outside Institutional Perimeter	KSR 15-00-10	Program Services for Special Housing Placement
KSR 09-00-27	Construction Crew Entry/Exit	KSR 15-01-01	Operational Procedures and Rules and Regulations for Unit A, B & C: Functions of Assigned Personnel
KSR 09-00-28	Restricted Areas	KSR 15-01-02	Operational Procedures and Rules and Regulations for Unit A, B, & C: Staff Operational Procedures
KSR 09-00-29	Transportation of Inmates	KSR 15-01-03	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Rules and Regulations
KSR 09-00-30	Parole Board	KSR 15-01-04	Institutional Medical and Fire Safety Service Unit Application
KSR 09-00-31	Forced Cell Move in Medium or Maximum Area	KSR 15-01-05	Operational Procedures Rules and Regulations for Unit A, B, & C: Institutional Inmate Services
KSR 10-00-10	Unit D - and Unit E - Special Management Inmate Legal Access	KSR 15-01-06	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Honor Housing Criteria and Regulations
KSR 10-00-11	Unit D - Behavior Problem Control	KSR 16-00-02	Inmate Correspondence and Mailroom Operations
KSR 10-00-13	Unit D - Property Room Access	KSR 16-00-03	Inmate Access to Telephones
KSR 10-01-01	Unit D - Staffing Pattern, Staff Allocation, Position Description, Staff Selection, Training and Evaluation, Time and Attendance, and Unit Personnel Records	KSR 16-01-01	Visiting Regulations
KSR 10-01-02	Unit D - General Operational Procedures	KSR 16-01-02	Lawn Visit Regulations
KSR 10-01-03	Unit D - Inmate Tracking System and Records System	KSR 16-01-03	Night Visit Regulations
KSR 10-01-04	Unit D - Administrative Segregation	KSR 17-00-05	Dormitory 10 Operations
KSR 10-01-05	Unit D - Disciplinary Segregation	KSR 17-00-06	Identification Department Admission and Discharge Procedures
KSR 10-01-06	Unit D - Protective Custody	KSR 17-00-07	Inmate Personal Property
KSR 10-01-07	Unit D - Geriatrics	KSR 17-00-08	Repair of Inmate Owned Appliances by Outside Dealers
KSR 10-01-08	Unit D - Safekeepers	KSR 18-00-04	Returns from Other Institutions
KSR 10-01-09	Unit D - Hold Ticket Residents	KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill
KSR 10-02-01	Mental Health Staffing Pattern	KSR 18-00-06	Classification and Special Notice Form
KSR 10-02-02	Unit E Designated Staff Visits	KSR 18-00-07	Kentucky State Reformatory Placement Committee
KSR 10-02-03	Unit E-1 Convalescent Care	KSR 19-00-01	Inmate Work Incentives
KSR 10-02-04	Unit E-General Operating Procedures	KSR 19-00-02	On-the-job Training Program
KSR 11-00-01	Meal Planning for the General Population	KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 11-00-02	Special Diets	KSR 19-00-05	Food Service On-The-Job Training and Workers Rules
KSR 11-00-03	Food Service Inspections	KSR 20-00-01	Technical and Adult Basic Level Learning Center Programs [(Amended 4/15/93)]
KSR 11-00-04	Dining Room Rules and Dress Code for Inmates	KSR 20-00-04	Criteria for Participation in A College Program
KSR 11-00-06	Health Standards/Regulations for Food Service Employees	KSR 21-00-01	Legal Aide Office and Inmate Law Library Services and Supervision
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates	KSR 21-00-02	Inmate Library Services
KSR 12-00-01	Inmate Summer Dress Regulations	KSR 21-00-03	Library Services for Unit D
KSR 12-00-03	State Items Issued to Inmates	KSR 22-00-03	Inmate Organizations
KSR 12-00-07	Regulations for Inmate Barbershop	KSR 22-00-07	Inmate Magazine
KSR 12-00-09	Treatment of Inmates with Body Lice	KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 13-00-02	Hospital Operations, Rules and Regulations	KSR 23-00-03	Religious Programming
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds	KSR 25-00-01	Discharge of Inmates to Hospital or Nursing Home
KSR 13-00-04	Medical and Dental Care (Amended 5/14/93)	KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 13-00-05	Medical Records (Amended 5/14/93)	KSR 25-00-03	Preparole Progress Report
KSR 13-00-08	Institutional Laboratory Procedures (Amended 5/14/93)		
KSR 13-00-09	Institutional Pharmacy Procedures		
KSR 13-00-10	Requirements for Medical Personnel		
KSR 13-00-11	Health Evaluation (Amended 5/14/93)		
KSR 13-00-12	Vision Care/Optomety Services (Amended 5/14/93)		
KSR 13-00-14	Periodic Health Examinations for Inmates		
KSR 13-00-15	Medical Alert System (Amended 5/14/93)		
KSR 13-00-16	Suicide Prevention and Intervention Program		
KSR 13-00-17	Special Care		
KSR 13-02-01	Mental Health Services		
KSR 13-02-02	Mentally Retarded Inmates		
KSR 13-02-03	Suicide Prevention and Intervention Program		
KSR 13-02-04	Division of Mental Health's Residential Services		
KSR 14-00-01	Inmate Rights		
KSR 14-00-04	Inmate Grievance Procedure		
KSR 15-00-02	Regulations Prohibiting Inmate Control or Authority Over Other Inmate(s)		

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 1993 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in

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writing: Jack Damron and William Seabold, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

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.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 525 employees of the Kentucky State Reformatory, 1407 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. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS (Proposed Amendment)

501 KAR 6:050. Luther Luckett Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439

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

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the commissioner to adopt, amend or rescind administrative regulations necessary and suitable for the proper administration of the department 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 administrative regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Department of Corrections the following policies and procedures, revised May 14 [January 15], 1993 are incorporated by reference and shall be referred to as Luther Luckett Correctional Complex Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Department of Corrections, State

LLCC 01-12-01	Duty Officer Responsibilities
LLCC 02-01-02	Fiscal Management: Accounting Procedures
LLCC 02-01-03	Fiscal Management: Agency Funds
LLCC 02-01-04	Fiscal Management: Insurance
LLCC 02-03-01	Fiscal Management: Audits
LLCC 08-01-01	Offender Records [(Amended 1/15/93)]
LLCC 08-04-01	Storage of Expunged Records [(Amended 1/15/93)]
LLCC 08-05-01	Psychological and Psychiatric Reports [(Amended 1/15/93)]
LLCC 10-03-09	Duties and Responsibilities of Building 1 and 2 Officer
LLCC 11-09-01	Rules and Regulations of the Unit [(Amended 1/15/93)]
LLCC 11-13-01	Inmate Dress and Use of Access Areas [(Amended 1/15/93)]
LLCC 11-18-02	Use of Monitor Telephone
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property [(Amended 1/15/93)]
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates
LLCC 12-01-01	Special Management Inmates [(Amended 1/15/93)]
LLCC 13-01-01	Dining Room Guidelines [(Amended 1/15/93)]
LLCC 13-04-01	Food Service: Meals [(Amended 1/15/93)]
LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets [(Amended 1/15/93)]
LLCC 13-05-02	Medical Screening of Food Handlers [(Amended 1/15/93)]
LLCC 13-06-01	Food Service: Inspections and Sanitation [(Amended 1/15/93)]
LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products [(Amended 1/15/93)]
LLCC 13-08-01	OJT Food Service Training Placement
LLCC 14-01-01	Sanitation, Living Condition Standards, and Clothing Issue
LLCC 14-05-01	Institutional Inspections
LLCC 15-01-01	Health Maintenance Services; Sick Call and Pill Call [(Amended 5/14/93)]
LLCC 15-02-01	Mental Health/Psychological Services (Deleted 5/14/93)]
LLCC 15-03-01	Pharmacy [(Amended 5/14/93)]
LLCC 15-03-02	Use of Psychotropic Medications (Deleted 5/14/93)]
LLCC 15-03-02	Pharmacy Personnel [(Added 5/14/93)]
LLCC 15-03-03	Distribution, Procurement and Control [(Added 5/14/93)]
LLCC 15-03-04	Inmate - Self Administration of Medication [(Added 5/14/93)]
LLCC 15-03-05	Use of Psychotropic Medications [(Added 5/14/93)] [(Renumbered from 15-03-02)]
LLCC 15-04-01	Dental Services (Deleted 5/14/93)]
LLCC 15-05-02	Licensure and Training Standards [(Amended 5/14/93)]
LLCC 15-06-02	Specialized Health Services [(Amended 5/14/93)]
LLCC 15-06-03	Emergency Medical/Dental Care Services [(Amended 5/14/93)]
LLCC 15-06-04	First Aid/CPR Training Program [(Amended 5/14/93)]
LLCC 15-06-05	Suicide Prevention and Intervention Program
LLCC 15-07-01	Health Records [(Amended 5/14/93)]
LLCC 15-08-01	Special Diets [(Amended 5/14/93)]
LLCC 15-12-01	Special Needs Unit (Deleted 5/14/93)]
LLCC 15-14-01	Informed Consent
LLCC 15-15-01	Medical Restraints [(Amended 5/14/93)]
LLCC 15-16-01	Health Education/Special Health Programs [(Amended 5/14/93)]
LLCC 15-17-01	Serious and Infectious Diseases [(Amended 5/14/93)]

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	<u>5/14/93</u>
LLCC 16-01-01	Inmate Rights and Responsibilities
LLCC 16-03-01	Inmate Legal Services
LLCC 18-01-01	Inmate Correspondence
LLCC 18-01-02	Issuance of Legal Mail to Inmate Population
LLCC 18-02-01	Inmate Visiting
LLCC 18-02-03	Extended Visit and Furloughs
LLCC 18-02-04	Meritorious Visits
LLCC 18-03-01	Entry and Identification of Visitors for Inmate Visitation
LLCC 18-03-03	Inmate Visiting Disciplinary Segregation Administrative Segregation
<u>LLCC 18-03-04</u>	<u>Parole Hearings (Added 5/14/93)</u>
LLCC 20-01-01	Personal Property Control
<u>LLCC 20-04-01</u>	<u>Inmate Canteen Committee (Added 5/14/93)</u>
LLCC 20-04-02	Inmate Canteen
LLCC 20-04-03	Canteen Purchase Limits
LLCC 20-05-01	Inmate Control of Personal Funds
LLCC 20-05-02	Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-05-03	Theft of Inmate Personal Property
LLCC 20-06-01	Procedure for Sending Appliances to Outside Dealers for Repair
LLCC 21-02-01	Classification/Security Levels
LLCC 21-03-01	Classification Process
LLCC 22-01-01	OJT/Job Assignments
LLCC 23-01-01	Academic School
LLCC 26-01-01	Religious Services
<u>LLCC 26-01-02</u>	<u>Prayer (Added 5/14/93)</u>
LLCC 28-01-01	Privileged Trips
LLCC 28-03-01	Temporary Release/Community Center Release
LLCC 28-04-01	Parole Progress Report
LLCC 28-04-02	Parole Eligibility Dates

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 1993 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron and William Seabold, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 297 employees of the Luther Lockett Correctional Complex, 1053 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. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS (Proposed Amendment)

501 KAR 6:080, Department of Corrections [Cabinet] Manuals.

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 commissioner [secretary] to adopt, amend or rescind administrative regulations necessary and suitable for the proper administration of the department [cabinet] or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards by the American Correctional Association. These administrative regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Corrections Cabinet the following policies and procedures, are revised on May 14, 1993 [June 14, 1991] and are incorporated by reference and hereinafter shall be referred to as Corrections Cabinet Manuals. Copies of the procedures may be obtained from the Office of the General Counsel, Corrections Cabinet, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

Offender Records Manual - None

Stock Procedure Manual - None

Food Services Manual - (Added 5/14/93) [None]

Classification Manual - None

Diet Manual (Added 6/14/91)

JACK C. LEWIS, Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 1993 at 9 a.m., in the Auditorium of the State Office Building. Those interested in attending this hearing shall notify in writing: Jack Damron and William Seabold, Department of Corrections, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 300 employees of the Corrections Cabinet, 8,700 inmates, and all visitors to state correctional institutions.

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

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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. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS (Proposed Amendment)

501 KAR 6:140. Bell County Forestry Camp.

RELATES TO: KRS Chapters 196, 197, 439

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

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

Section 1. Pursuant to the authority vested in the Department of Corrections the following policies and procedures, revised May 14 [March 15], 1993 are incorporated by reference and shall be referred to as Bell County Forestry Camp Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Department of Corrections, 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.

- BCFC 01-02-01 Organization and Assignment of Responsibility
- BCFC 01-04-02 Extraordinary Occurrence Procedure
- BCFC 01-05-01 Procedures Office: Duties and Responsibilities
- BCFC 01-08-01 Public Information and Inmate Access to News Media
- BCFC 01-09-01 Staff Participation in Professional Organization and Conferences; Provision for Leave and Reimburse-

- ment for Expenses
- BCFC 01-11-01 Institutional Duty Officer's Responsibilities
- BCFC 02-01-02 Fiscal Management: Accounting Procedures
- BCFC 02-01-03 Fiscal Management: Agency Funds
- BCFC 02-01-04 Fiscal Management: Insurance
- BCFC 02-01-05 Fiscal Management: Budget
- BCFC 02-01-06 Fiscal Management: Audit
- BCFC 02-02-01 Inmate Accounts
- BCFC 02-02-02 Inmate Control of Personal Funds
- BCFC 02-02-03 Storage and Disposition of Inmate Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
- BCFC 02-03-01 Purchase Orders
- BCFC 02-04-01 Processing of Invoices
- BCFC 02-05-01 BCFC Materials Receiving Procedure
- BCFC 02-06-01 Property Inventory
- BCFC 04-01-01 Employee Training and Development
- BCFC 05-01-01 Information System
- BCFC 06-01-01 Offender Records
- BCFC 06-02-01 Storage of Expunged Records
- BCFC 06-03-01 Court Trips
- BCFC 06-03-02 Receipt of Order of Appearance
- BCFC 07-04-01 Smoking Control [(Added 3/15/93)]
- BCFC 08-02-01 Fire Prevention
- BCFC 08-03-01 Fire Procedures
- BCFC 08-03-02 Fire Extinguishers and Their Use
- BCFC 08-09-01 Guidelines for the Control and Use of Flammable, Toxic, and Caustic Substances
- BCFC 08-09-02 OSHA Hazard Communication Program
- BCFC 09-06-01 Search Policy/Disposition of Contraband
- BCFC 09-14-01 Bell County Forestry Camp - Restricted Area
- BCFC 10-01-01 Special Management Inmates
- BCFC 11-01-01 Food Services: General Guidelines
- BCFC 11-02-01 Food Service: Security
- BCFC 11-03-01 Dining Room Guidelines
- BCFC 11-04-01 Food Service: Meals
- BCFC 11-04-02 Food Service: Menu, Nutrition and Special Diets
- BCFC 11-05-02 Health Requirements of Food Handlers
- BCFC 11-06-01 Food Service: Inspection and Sanitation
- BCFC 11-07-01 Food Service: Purchasing, Storage and Farm Products
- BCFC 11-08-01 Staff/Visitor Meals
- BCFC 12-01-01 Sanitation, Living Conditions Standards, and Clothing Issues
- BCFC 12-01-02 Bed Areas, Assignments/Conditions Standards
- BCFC 12-02-01 Issuance of Clean Laundry and Receiving of Dirty Laundry
- BCFC 12-03-01 Personal Hygiene Items: Issuance and Placement Schedule
- BCFC 12-03-02 Barbershop Services and Equipment Control
- BCFC 12-04-01 Institutional Inspections
- BCFC 12-05-01 Fire Safety and Use of Noncombustible Receptacles
- BCFC 12-06-01 Pest Control
- BCFC 13-01-01 Organization of Health Services
- BCFC 13-02-01 Health Maintenance Services: Sick Call and Pill Call
- BCFC 13-03-01 Dental Policy/Sick Call
- BCFC 13-04-01 Inmate Medical Screenings and Health Evaluations
- BCFC 13-05-01 Licensure and Training Standards
- BCFC 13-06-01 Suicide Prevention and Intervention Program
- BCFC 13-06-02 First Aid/CPR Training Program
- BCFC 13-06-03 Emergency Medical/Dental Care Services
- BCFC 13-07-01 Health Records
- BCFC 13-08-01 Special Diets
- BCFC 13-09-01 Notification of Inmate, Family in the Event of Serious Illness, Surgery, or Inmate Death

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BCFC 13-10-01 Health Education/Special Health Programs
 BCFC 13-11-01 Informed Consent
 BCFC 13-12-01 Mental Health/Provision of Psychiatric Services by KCPC
 BCFC 13-12-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center (KCPC)
 BCFC 13-13-01 Identification of Special Needs Inmates
 BCFC 13-14-01 Use of Pharmaceutical Products
 BCFC 13-15-01 Medical Restraints
 BCFC 13-16-01 Specialized Health Services
 BCFC 13-17-01 Vision Care/Optomety Services
 BCFC 13-18-01 Infection Control
 BCFC 13-19-01 Exposure Control Plan (Added 5/14/93)
 BCFC 14-01-01 Inmate Rights and Responsibilities
 BCFC 14-02-01 Legal Services Program
 BCFC 14-03-01 Inmate Grievance Procedure
 BCFC 14-04-01 Inmate Participation in Authorized Research
 BCFC 15-01-01 Due Process/Disciplinary Procedures
 BCFC 16-01-01 Inmate Visiting
 BCFC 16-02-01 Telephone Communications
 BCFC 16-03-01 Mail Regulations
 BCFC 16-03-02 Inmate Packages
 BCFC 17-01-01 Assessment/Orientation Procedure
 BCFC 17-02-01 Inmate Reception Process
 BCFC 17-04-01 Unauthorized Items
 BCFC 17-05-01 Inmate Canteen
 BCFC 18-01-01 Institutional Classification Committee
 BCFC 18-02-01 Classification Document
 BCFC 18-03-01 Classification Process
 BCFC 18-03-02 Classification Program Planning
 BCFC 18-03-03 Population Category Status
 BCFC 18-04-01 Instructions for Six Month Review
 BCFC 18-05-01 Transfers to Other Minimum Security Institutions
 BCFC 19-01-01 Job and Vocational Program Assignments
 BCFC 19-02-01 Government Service Details
 BCFC 20-01-01 Academic School
 BCFC 20-01-02 Testing and Verification Procedure
 BCFC 20-02-01 Educational Program Planning
 BCFC 20-03-01 Academic Curriculum
 BCFC 21-01-01 Library Services
 BCFC 22-01-01 Recreation and Inmate Activities
 BCFC 22-02-01 Inmate Clubs and Organizations
 BCFC 22-02-02 Conducting Inmate Organizational Meetings and Programs
 BCFC 22-03-01 Privilege Trips
 BCFC 23-01-01 Religious Service
 BCFC 23-02-01 Visitors for Religious Programs
 BCFC 23-03-01 Marriage of Inmates
 BCFC 24-01-01 Social Services and Counseling Program
 BCFC 24-01-02 Casework Services
 BCFC 25-01-01 Release Preparation Program Description
 BCFC 25-02-01 Temporary Release/Community Center Release
 BCFC 25-02-02 Furloughs
 BCFC 25-03-01 Parole Progress Report
 BCFC 25-03-02 Parole Eligibility Dates
 BCFC 25-04-01 Inmate Discharge Procedure
 BCFC 26-01-01 Citizen Involvement and Volunteer Services Program

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 1993 at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing. Jack Damron and William Seabold, 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: 43 employees of the Bell County Forestry Camp and 200 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 Highways

Division of Planning

Division of Maintenance

(Proposed Amendment)

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 administrative 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

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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. Evaluation of Bridges. (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. Limiting Weight on Bridges. 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 Extended Weight Coal and Coal By-product Highway System and Limited Bridges. 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:

ADAIR COUNTY

ROAD	FROM	TO
* Cumberland Parkway	48.9 KY 55	57.8 Russell County Line
Weight Limit - Russell Creek Bridge @ milepoint 56.19		
TY I = 20 tons, TY II = 44 tons, TY III = 47 tons, TY IV = 55 tons		
* KY 55	10.1 Cumberland Parkway	19.0 Taylor County Line
Weight Limit - Bridge over Cumberland Parkway @ milepoint 10.06		
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 51 tons		
Weight Limit - Russell Creek Bridge @ milepoint 11.66		
TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 56 tons		

ANDERSON COUNTY

ROAD	FROM	TO
* Bluegrass Pkwy	44.8 Washington County Line	52.3 Mercer County Line
Weight Limit - Bridge over Cheeseliok Road @ milepoint 51.84		
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
	56.3 Mercer County Line	61.9 Woodford County Line

BATH COUNTY

ROAD	FROM	TO
* KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN
[Weight Limit - Bridge over Hinkston Creek @ milepoint 0.04		
TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons]		

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BELL COUNTY

ROAD	FROM	TO
* US 25E	0.0 Virginia State LN	13.9 KY 66 [19.5 Knox CO LN]
Weight Limit - Bridge over Little Yellow Creek @ milepoint 2.17		
TY I = 20 tons, TY II = <u>28</u> [37] tons, TY III = <u>37</u> [39] tons, TY IV = <u>40</u> [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 = <u>37</u> [35] tons, TY IV = <u>50</u> [48] tons		
* US 119	0.0 US 25E	15.8 Harlan CO LN
Weight Limit - Bridge over Cumberland River @ milepoint 0.02		
TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = <u>40</u> [39] tons		
* KY 66	0.0 US 25E	<u>1.6 KY 221</u> [10.1 Buffalo Creek RD]
Weight Limit - Bridge over Cumberland River @ milepoint 0.33		
TY I = 20 tons, TY II = 40 tons, TY III = 40 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 = 30 tons, TY III = 41 tons, TY IV = 60 tons		
	<u>11.6 Straight Creek Road</u>	<u>14.8 Mine</u>
	11.9 Straight Creek Road	15.1 Mines
	<u>18.2 KY 2011</u>	<u>18.7 Clay CO LN</u>
* KY 72	1.0 Mine	3.4 Harlan CO LN]
* KY 74	0.0 Tennessee State LN	0.9 KY 535]
	9.8 Mine	<u>16.8 US 25E</u> [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 = <u>42</u> [43] tons, TY III = <u>48</u> [45] tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Yellow Creek @ milepoint 16.66		
TY I = 20 tons, TY II = 30 tons, TY III = 33 tons, TY IV = 37 tons		
* KY 92	0.0 Whitley CO LN	10.8 US 25E]
* KY 186	0.0 Tennessee State Line	3.0 KY 74
	<u>2.2 Appollo Tipple</u>	<u>3.1 KY 74]</u>
Weight Limit - Bridge over Bennett's Fork @ milepoint 2.41		
TY I = 20 tons, TY II = <u>35</u> [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	<u>10.4 Tipple</u> [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 = <u>44</u> [40] tons, TY IV = 60 tons		
Weight Limit - Bridge over Stoney Fork Creek @ milepoint 9.23		
TY I = 20 tons, TY II = <u>31</u> [35] tons, TY III = 37 tons, TY IV = 60 tons		
* KY 441	0.0 KY 74 [4.5 KY 2079]	<u>0.5 Beans Fork RD</u> [4.9 US 25E]
Weight Limit - Bridge over Beans Fork @ milepoint 0.41		
TY I = 20 tons, TY II = 24 tons, TY III = 26 tons, TY IV = 41 tons		
Weight Limit - Bridge over Yellow Creek @ milepoint 4.62		
TY I = 20 tons, TY II = <u>39</u> [38] tons, TY III = 41 [40] tons, TY IV = <u>50</u> [59] tons		
* KY 535	0.0 KY 74	0.6 Clear Fork RD
* KY 987	0.4 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		

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* KY 2079	2.4 Ashbury Avenue	3.2 KY 441
* 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
* Beans Fork RD CR 5217	0.0 KY 441	1.1 Mine
[* 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 Run [Creek] @ milepoint 11.82 TY I = 20 tons, TY II = 43 [44] tons, TY III = 45 [42] tons, TY IV = 60 [69] tons		
Weight Limit - Bridge over Townsend Creek @ milepoint 15.43 TY I = 20 tons, TY II = 42 [44] tons, TY III = 44 [43] tons, TY IV = 56 [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 = 34 [36] tons, TY III = 38 tons, TY IV = 51 [60] 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 = 47 [67] 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 = 43 [44] tons, TY III = 49 [46] tons, TY IV = 60 tons		

BOYD COUNTY

ROAD	FROM	TO
* US 23	0.0 Lawrence CO LN	21.0 [21.4] 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 = 29 [30] tons, TY III = 31 tons, TY IV = 40 [39] tons		
Weight Limit - Bridge over C & O R.R. & Armco Rd. @ milepoint 19.34 TY I = 20 tons, TY II = 45 [44] tons, TY III = 47 [45] tons, TY IV = 54 [62] tons		
* US 23S	0.0 US 60	0.6 [0.6] Ohio State LN
Weight Limit - Northbound Bridge over Ohio River @ milepoint 0.03 TY I = 20 tons, TY II = 32 [28] tons, TY III = 37 tons, TY IV = 54 [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	0.2 I-64 [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 = 39 [40] tons, TY III = 45 [42] tons, TY IV = 60 tons		
[* US 60Z	0.0 US 23	0.2 US 60]

ADMINISTRATIVE REGISTER - 2688

* KY 5	<u>7.7 KY 766</u> <u>0.0 US 60</u>	<u>8.1 Rockhouse Fork Road</u> <u>1.5 Straight Creek RD.]</u>
[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	8.5 Dock [40.2 US 23]
* KY 766	0.0 KY 5	1.3 KY 1134
* KY 1134	0.0 KY 766	0.9 US 60
* KY 2842	0.0 US 23	0.1 KY 757
* Rockhouse Fork Road		
* CR 5477	0.0 KY 5	1.1 Greenup CO LN
[* Straight Creek Road		
CR 5288	0.0 KY 5	0.6 Buena Vista RD
Weight Limit Bridge over Straight Creek TY I = 14 tons, TY II = 14 tons, TY III = 14 tons, TY IV = 14 tons		
* County Line Tipple Road		
CR 5300	0.0 US 23	0.3 County Line Tipple
* Buena Vista Road		
CR 5493	0.0 Straight Creek RD	0.7 Mine Access RD
* 15th Street (Ashland)	0.0 US 23	0.2 Mansbach Deck
* 53rd Street (Ashland)	0.0 US 23	0.1 53rd ST Deck

BOYLE COUNTY

ROAD	FROM	TO
* US 127	7.5 US 127 Bypass	9.7 Mercer CO LN
Weight Limit Bridge over Meeks 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 546	0.0 Pendleton CO LN	19.9 Mason CO LN
[* 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 = <u>37</u> [39] tons, TY III = <u>40</u> [38] tons, TY IV = <u>53</u> [54] tons		
Weight Limit - Bridge over Lost Creek @ milepoint 3.07 TY I = 20 tons, TY II = <u>37</u> [39] tons, TY III = <u>40</u> [38] tons, TY IV = <u>53</u> [54] tons		
Weight Limit - Bridge over Lost Creek @ Milepoint 3.80 TY I = 20 tons, TY II = <u>36</u> [38] tons, TY III = 40 tons, TY IV = <u>52</u> [54] tons		
Weight Limit - Bridge over Lost Creek @ milepoint 6.48 TY I = 20 tons, TY II = 38 tons, TY III = <u>41</u> [39] tons, TY IV = <u>50</u> [49] tons		
Weight Limit - Bridge over Lost Creek @ milepoint 6.69 TY I = 20 tons, TY II = 39 tons, TY III = <u>42</u> [40] tons, TY IV = <u>52</u> [50] tons		
Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64 TY I = 20 tons, TY II = <u>38</u> [39] tons, TY III = <u>42</u> [40] tons, TY IV = <u>51</u> [50] tons		
Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73 TY I = 20 tons, TY II = <u>36</u> [38] tons, TY III = 39 tons, TY IV = <u>48</u> [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]

ADMINISTRATIVE REGISTER - 2689

* KY 30	13.3 KY 52 [14.1 Elkatawa-Tipple]	14.8 KY 15 (North)
* KY 52	0.0 Lee CO LN	9.7 KY 30
Weight Limit - Bridge over Linden Fork of Cane Creek @ milepoint 9.46		
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons		
* KY 205	0.0 KY 15	6.6 Wolfe CO LN
* 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 = 30 [35] tons, TY III = 37 [36] tons, TY IV = 44 [50] tons		
* KY 542	13.3 Mine [9.2 Quicksand Creek RD]	18.6 Magoffin CO LN
* KY 1098	17.8 KY 1111 [0.0 KY 15]	20.4 [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 = 45 [44] tons, TY IV = 53 [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
* Big Lovely Branch RD		
- CR 5030	0.0 KY 1111	1.4 KY 542
* Slucher Branch RD		
- CR 5067	0.0 KY 542	3.0 Mine
* Slucher Branch/Howes Fork RD		
- CR 5068	0.0 Slucher Branch RD	1.5 Haul RD
* Buckhorn Creek RD		
- CR 5135	0.0 KY 476	2.1 Long Fork RD
* Long Fork RD		
- CR 5144	0.0 Buckhorn Creek RD	0.8 Mine
* 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
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 = 39 [42] tons, TY III = 48 [46] tons, TY IV = 54 tons		
* US 231	8.6 KY 1468	8.9 Green River PKWY]
	14.3 [11.5] KY 70 [(South)]	18.2 Tipple [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 17.11		
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons		
* KY 70	0.0 Muhlenberg CO LN	6.8 Haul RD [14.4 US-231]
Weight Limit - Bridge over Panther Creek @ milepoint 4.19		
TY I = 20 tons, TY II = 33 [37] tons, TY III = 38 [39] tons, TY IV = 60 tons		

ADMINISTRATIVE REGISTER - 2690

	14.4 US 231	22.8 Charlie Shepherd Road [25.3 KY 411]
Weight Limit - Bridge over Welch Creek @ milepoint 20.37		
TY I = 20 tons, TY II = <u>38</u> [39] tons, TY III = <u>44</u> [41] tons, TY IV = 60 tons		
* <u>KY 1117</u>	<u>7.0 Haul RD</u>	<u>8.0 Mine</u>
* <u>Charlie Shepherd RD</u>		
<u>CR 5023</u>	<u>0.0 KY 70</u>	<u>1.3 Mine</u>
[* <u>KY 70</u>	<u>13.4 KY 70</u>	<u>15.2 Possum Hollow School RD</u>
* <u>KY 411</u>	<u>0.0 KY 70</u>	<u>6.1 Mine</u>
* <u>KY 1328</u>	<u>8.4 Pyramid Mine Access RD</u>	<u>11.7 KY 70</u>
* <u>KY 1468</u>	<u>0.0 KY 70</u>	<u>1.1 US 231</u>
* <u>Old Greenwich School Road</u>		
<u>CR 5015</u>	<u>0.0 KY 1328</u>	<u>0.7 KY 70</u>
* <u>Jolertown Ridge Road</u>		
<u>CR 5027</u>	<u>0.0 KY 70</u>	<u>0.3 Pyramid Mine</u>
* <u>New Cut Road (South)</u>		
<u>CR 5243</u>	<u>0.0 KY 70</u>	<u>0.3 C Crabtree MN</u>
* <u>Possum Hollow School Road</u>		
<u>CR 5355</u>	<u>0.0 KY 70</u>	<u>0.7 Mine</u>
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 = <u>40</u> [38] tons, TY III = <u>41</u> [40] tons, TY IV = <u>58</u> [57] tons		
Weight Limit - Bridge over Tradewater River @ milepoint 21.75		
TY I = 20 tons, TY II = 42 tons, TY III = <u>45</u> [44] tons, TY IV = <u>60</u> [58] tons		

GALLOWAY COUNTY

ROAD	FROM	TO
* <u>US 641</u>	<u>0.0 Tennessee State LN</u>	<u>17.4 Marshall CO LN</u>
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 Reekhouse Creek @ milepoint 15.65		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons]		

CAMPBELL COUNTY

ROAD	FROM	TO
<u>KY 471</u>	<u>0.0 US 27</u>	<u>0.7 I-275</u>

CARTER COUNTY

ROAD	FROM	TO
[* <u>US 60</u>	<u>24.1 KY 1 and KY 7</u>	<u>24.8 KY 1</u>
	<u>29.7 Fighting Fork RD</u>	<u>35.0 Boyd CO LN]</u>
* <u>KY 1</u>	<u>[0.0 Lawrence CO LN</u>	<u>10.6 US 60</u>
Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.46		
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.83		
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Dry Fork Creek @ milepoint 1.12		
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 2.40		
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.13		
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.75		
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.41		
TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.77		
TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 45 tons		
Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 7.70		
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 55 tons]		
	<u>10.6 US 60</u>	<u>11.5 I-64</u>
Weight Limit - Bridge over I-64 @ milepoint 11.50		
TY I = 20 tons, TY II = <u>40</u> [42] tons, TY III = <u>46</u> [44] tons, TY IV = 60 tons		

ADMINISTRATIVE REGISTER - 2691

* KY 7	0.0 Elliott CO LN	10.9 US 60 [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 = 40 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
* Pennyville 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 = 38 [39] tons, TY III = 39 tons, TY IV = 54 [60] tons Weight Limit - Bridge over L & N RR @ milepoint 30.88 TY I = 20 tons, TY II = 33 [35] tons, TY III = 37 tons, TY IV = 52 [50] tons		
* KY 1296	2.7 Campbell Cemetery RD	5.2 US 41
* Campbell Cemetery Road CR 5418	0.0 KY 1296	0.3 [2.0] Mine

CLARK COUNTY

ROAD	FROM	TO
* Mountain Parkway [(KY 402)]	0.0 I-64	11.9 Powell CO LN
Weight Limit - Bridge over I-64 @ milepoint 0.13 TY I = 20 tons, TY II = 40 [39] tons, TY III = 42 [40] tons, TY IV = 49 [47] tons Weight Limit - Bridge over C & O RR @ milepoint 3.65 TY I = 20 tons, TY II = 42 tons, TY III = 46 [43] tons, TY IV = 57 [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 Lulbeugrud 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 = 20 [24] 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 = 40 [38] tons Weight Limit - Bridge over C&O Railroad @ milepoint 11.08 TY I = 20 tons, TY II = 20 tons, TY III = 21 [22] tons, TY IV = 27 [28] tons		
* KY 89	15.9 US 60	16.0 KY 627
* KY 418	5.7 KY 1924	5.8 KY 627
* KY 627	0.1 KY 418 [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
	9.2 [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 = 41 [42] tons, TY III = 47 [44] tons, TY IV = 60 tons Weight Limit - Bridge over Urban Road @ milepoint 13.90 TY I = 20 tons, TY II = 41 [42] tons, TY III = 47 [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 = 45 [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 = 45 [42] tons, TY IV = 57 [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 = 35 [36] tons, TY III = 37 [38] tons, TY IV = 50 [60] tons		

ADMINISTRATIVE REGISTER - 2692

Weight Limit - Bridge over Little Goose Creek @ milepoint 18.59		
TY I = 20 tons, TY II = <u>37</u> [35] tons, TY III = <u>38</u> [36] tons, TY IV = <u>50</u> [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 = <u>44</u> [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 = <u>56</u> [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 = <u>54</u> [62] tons		
* KY 11	<u>7.8 Tipple</u> [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 = <u>46</u> [43] tons, TY IV = 60 tons		
Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 5.38		
TY I = 20 tons, TY II = <u>39</u> [40] tons, TY III = <u>45</u> [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 = <u>37</u> [42] tons, TY III = 44 tons, TY IV = 60 tons		
* KY 66	0.0 Bell CO LN	1.8 Beverly Tipple
* KY 80	<u>5.5 Paw Paw RD</u> [4.8 New Trucker TP]	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 <u>South Side Cedar St. [Sester Road]</u>	0.4 KY 2438 [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	<u>1.5 Jim Cove Hollow RD</u> [0.2 Mine]
* <u>Jim Cove Hollow RD</u>		
CR 5136	<u>1.0 Sand Hill RD</u>	<u>2.2 Mine</u>
* 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		
* <u>Lynn Log Fork RD</u>		
CR 5194	<u>0.0 US 421</u>	<u>0.3 Mine</u>
* Sester Road (Manchester)		
CR 5227AA	0.0 KY 2432	0.2 Tipple Access
* <u>Paw Paw RD</u>		
CR 5271	<u>0.0 KY 80</u>	<u>0.3 Tipple</u>
* Panama School Road		
CR 5341	0.0 Littleton Road	0.8 Steele RD
* Steele Road		
CR 5342	0.0 Panama School RD	0.9 Mine Access
CLINTON COUNTY		
ROAD	FROM	TO
* KY 90	9.8 Poplar Mountain Road	12.8 Wayne CO LN
* Poplar Mountain Road		
CR 5058	0.0 KY 90	3.4 Mine]
DAVIESS COUNTY		
ROAD	FROM	TO
* Green River Parkway	59.5 Ohio CO LN	70.7 US 60 Bypass
Weight Limit - Bridge over Owensboro Beltline @ milepoint 70.18		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons]		
* US 60	10.2 US 60 Bypass	<u>10.6 KY 331</u> [28.0 Hancock CO LN]
	<u>14.8 US 60 Bypass</u>	<u>28.0 Hancock CO LN</u>
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 = <u>44</u> [42] tons, TY IV = 60 tons		
Weight Limit - Eastbound Bridge over Power Plant Entrance @ milepoint 16.66		
TY I = 20 tons, TY II = <u>35</u> [37] tons, TY III = 38 tons, TY IV = <u>54</u> [53] tons		
Weight Limit - Bridge over Pup Creek @ milepoint 20.31		
TY I = 20 tons, TY II = <u>38</u> [39] tons, TY III = <u>49</u> [44] tons, TY IV = <u>60</u> [45] tons		

ADMINISTRATIVE REGISTER - 2693

* 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 = <u>43</u> [42] tons, TY III = <u>45</u> [42] tons, TY IV = <u>51</u> [48] tons		
Weight Limit - Bridge over L & N Railroad @ milepoint 4.84		
TY I = 20 tons, TY II = <u>35</u> [37] tons, TY III = 38 tons, TY IV = <u>50</u> [49] tons		
Weight Limit - Bridge over Sutherland Road @ milepoint 5.08		
TY I = 20 tons, TY II = <u>39</u> [40] tons, TY III = <u>45</u> [42] tons, TY IV = 60 tons		
Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65		
TY I = 20 tons, TY II = <u>32</u> [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 = <u>35</u> [37] tons, TY III = 37 tons, TY IV = <u>49</u> [48] tons		
Weight Limit - Bridge over L&N RR & KY 2710 @ milepoint 9.77		
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 43 tons		
* US 231	0.0 Ohio CO LN	11.3 US 60 Bypass
Weight Limit - Bridge over Panther Creek @ milepoint 3.91		
TY I = 20 tons, TY II = <u>40</u> [41] tons, TY III = <u>46</u> [43] tons, TY IV = 60 tons		
Weight Limit - Bridge over Panther Creek @ milepoint 8.84		
TY I = 20 tons, TY II = <u>40</u> [44] tons, TY III = <u>46</u> [45] tons, TY IV = 60 tons		
Weight Limit - Bridge over overflow @ milepoint 8.94		
TY I = 20 tons, TY II = <u>40</u> [42] tons, TY III = <u>46</u> [44] tons, TY IV = 60 tons		
Weight Limit - Bridge over overflow @ milepoint 9.22		
TY I = 20 tons, TY II = <u>40</u> [42] tons, TY III = <u>46</u> [44] tons, TY IV = 60 tons		
Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29		
TY I = 20 tons, TY II = <u>36</u> [39] tons, TY III = <u>42</u> [39] tons, TY IV = 60 tons		
* US 431	0.0 McLean CO LN	11.4 US 60 Bypass
Weight Limit - Bridge over Panther Creek @ milepoint 8.54		
TY I = 20 tons, TY II = 23 tons, TY III = 27 tons, TY IV = 45 tons		
Weight Limit - Bridge over Panther Creek Branch @ milepoint 9.03		
TY I = 20 tons, TY II = 40 tons, TY III = 46 tons, TY IV = 60 tons		
* KY 54	2.5 US 60 Bypass	11.9 Windy Hill RD
Weight Limit - Bridge over Barnett Creek @ milepoint 5.77		
TY I = 20 tons, TY II = 42 tons, TY III = 49 tons, TY IV = 60 tons		
Weight Limit - Bridge over Caney Creek @ milepoint 7.88		
TY I = 20 tons, TY II = 42 tons, TY III = 49 tons, TY IV = 60 tons		
Weight Limit - Bridge over Panther Creek overflow @ milepoint 10.35		
TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons		
Weight Limit - Bridge over Panther Creek @ milepoint 10.55		
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 60 tons		
* KY 81	3.7 KY 554 South [0.0 McLean CO LN]	11.9 US 60 Bypass
Weight Limit - Bridge over Panther Creek @ milepoint 6.50		
TY I = 20 tons, TY II = <u>25</u> [27] tons, TY III = <u>29</u> [28] tons, TY IV = <u>45</u> [43] tons		
* KY 144	0.0 US 60	9.1 KY 951 [11.9 Flora RD]
Weight Limit - Bridge over L & N RR @ milepoint 0.16		
TY I = 20 tons, TY II = <u>45</u> [43] tons, TY III = <u>47</u> [46] tons, TY IV = <u>60</u> [50] tons		
* KY 331	0.0 US 60 (East)	2.6 Dock [1.9 Mine]
(Via Industrial Dr. & Medley-Roost Rd.)		
* KY 554	1.9 Mine	4.8 KY 81
* KY 951	0.0 KY 144	3.7 [2.9] Mine
Weight Limit - Pup Creek Bridge @ milepoint 1.97		
TY I = 20 tons, TY II = 37 tons, TY III = 40 tons, TY IV = 53 tons		
* Pup Creek RD		
- CR 5046	0.0 KY 951	0.5 Mine
* Iceland RD		
- CR 5076	0.0 US 60	0.2 Dock
* Windy Hill RD		
- CR 5136	0.0 KY 54	1.8 Mine
* Ben Ford RD		
- CR 5238	0.5 Mine	2.0 US 431
* Fleral Road		
- CR 5035	0.0 KY 144	1.4 Mine
* St Lawrence Road		
- CR 5036	1.6 Mine	1.8 Indian Hill Rd
* Indian Hill Road		
- CR 5038	0.0 KY 951	0.5 St. Lawrence RD
* Iceland Road]		

ADMINISTRATIVE REGISTER - 2694

ELLIOTT COUNTY

ROAD	FROM	TO
* KY 7	7.2 KY 32 [17.1 KY 409]	19.3 Carter CO LN
Weight Limit - Bridge over Little Sandy River @ milepoint 10.32		
TY I = 20 tons, TY II = 28 tons, TY III = 28 tons, TY IV = 40 tons		
Weight Limit - Bridge over Little Sandy River @ milepoint 13.61		
TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons		
* KY 32	8.6 KY 7 South	12.3 Mine
Weight Limit - Bridge over Middle Fork @ milepoint 10.65		
TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 47 tons		

ESTILL COUNTY

ROAD	FROM	TO
* KY 52	7.6 KY 89	21.0 Lee CO LN
* KY 82	0.0 KY 89	5.0 Powell CO LN
* KY 89	11.4 KY 52	17.9 KY 82
Weight Limit - Bridge over Sweet Lick Creek @ milepoint 12.14		
TY I = 20 tons, TY II = 28 tons, TY III = 29 tons, TY IV = 49 tons		
Weight Limit - Bridge over Calloway Creek @ milepoint 15.44		
TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 58 tons		
* KY 1840	0.0 Stump Road	0.4 KY 89
* Stump RD		
* CR 5356	0.0 KY 1840	0.8 Tipple

FAYETTE COUNTY

ROAD	FROM	TO
* US 60	0.0 Woodford CO LN	4.7 KY 4 (West)
Weight Limit - Bridge over South Elkhorn Creek @ milepoint 1.30		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
10.2 KY 4 (East)		
[Weight Limit - Bridge over New Circle Road (KY 4) @ milepoint 10.19]		
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons		
* US 68	0.0 Jessamine CO LN	3.1 KY 4
Weight Limit - Bridge over South Elkhorn Creek @ milepoint 0.74		
TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons		
* KY 4	4.6 US 60 (West) [2.2 US 68 (South)]	12.7 US 60 (East)
Weight Limit - Bridge over US 60, Versailles Road @ milepoint 4.61		
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons		
Weight Limit - Bridge over Viley Pike @ milepoint 5.48		
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
Weight Limit - Bridge over Southern RR @ milepoint 8.03		
TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 51 tons		
* KY 922	1.0 KY 4	2.9 [76]

FLEMING COUNTY

ROAD	FROM	TO
* US 68	0.0 Robertson CO LN	5.4 Mason CO LN
* KY 11	0.0 Bath CO LN	17.3 [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 = 48 [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 = 50 [60] tons		

FLOYD COUNTY

ROAD	FROM	TO
* US 23	0.0 Pike CO LN	23.2 KY 3 [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 = 40 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	2.5 KY 1428 [2.3 Blackhawk Tipple]
10.0 US 23		
Weight Limit - Bridge over Johns Creek @ milepoint 11.94		
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
* KY 7	0.0 Knott CO LN	12.8 Magoffin CO LN [6.5 KY 80]
Weight Limit - Bridge over Right Fork Beaver Creek @ milepoint 8.01		

ADMINISTRATIVE REGISTER - 2695

TY I = 20 tons, TY II = 33 tons, TY III = 36 tons, TY IV = 44 tons		
* 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	21.6 Step Branch RD [21.1 Spewing Cp.Br. RD
	24.3 Mine	31.6 KY 466]
* KY 194	0.0 KY 1428 at Emma	0.5 Mine
	[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 321	0.0 KY 1428	4.3 US 23
* 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 = 41 [42] tons, TY IV = 51 [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	0.7 Tipple [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		
	2.7 Turner Branch Road	4.6 KY 80
* KY 680	0.0 KY 122	0.9 KY 1929
	3.8 Little Branch of Hamilton Branch RD	
	[1.6 Joseph Mining Tipple]	5.4 KY 979
* KY 777	4.9 Head Turkey Creek RD [6.5 Mine]	9.0 [9.1] KY 80
* KY 850	4.3 Pitts Fork RD [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 Johnson RD [KY 122]	1.0 KY 122 at Drift [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]
	4.8 Mine [7.1 Nereo Hiller Tipple]	7.8 KY 404
Weight Limit - Bridge over Middle Creek @ milepoint 7.76		
TY I = 20 tons, TY II = 33 [34] tons, TY III = 38 [36] tons, TY IV = 60 [59] tons		
* KY 1426	[0.0 Pike CO LN	6.6 KY 979]
	6.6 KY 979	7.9 KY 2030 [9.5 Justice BR RD]
	11.4 [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	2.6 KY 3381 [6.2 US 23]	8.8 KY 194
Weight Limit - Bridge over Big Sandy River @ milepoint 5.82		
TY I = 20 tons, TY II = 39 tons, TY III = 42 tons, TY IV = 42 tons		
Weight Limit - Cow Creek Bridge @ milepoint 8.71		
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 48 tons		
	9.8 Mine	16.1 KY 321
	[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 1929	2.0 Neds Fork RD	4.5 KY 680
[* 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	5.0 Little Muddy Creek RD [0.0 KY 122]	7.8 KY 1426

ADMINISTRATIVE REGISTER - 2696

[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	5.0 Mine [0.0 Left Fork/Tinker Fork RD]	7.0 KY 979
* KY 3380	0.0 KY 979	0.7 [0.6] Andy Branch RD
* KY 3381	0.8 Crum Branch RD	2.9 KY 1428
- <u>Ivel Coal Company RD</u>		
CR 5020	0.0 US 23	0.1 Tipple
[* <u>Powell Branch Road</u>		
CR 5022	0.0 Justell Bridge RD	0.3 Camp BR Branch RD
* <u>Justell Bridge Road</u>		
CR 5024F	0.0 US 23	0.1 Powell Branch RD]
* Ivy Creek RD		
CR 5032	0.0 US 23	3.0 Haul RD [2.1 Mine]
* Bushy Fork Road		
CR 5046	0.0 KY 194	0.8 Pike CO LN
[* <u>Wolf Branch Road</u>		
CR 5046A	0.0 Bushy Fork Road	1.0 Martin CO LN]
* <u>Sugarloaf Branch RD</u>		
CR 5048	0.0 KY 1428	0.6 Mine
* Bull Creek Road		
CR 5055	0.0 KY 3	0.4 [0.5] Cabin Coal Tipple
* <u>Crum Branch RD</u>		
CR 5100	0.0 KY 3381	0.6 Mine
[* <u>Camp Branch Road</u>		
CR 5078	0.0 Powell Branch RD	0.9 Right FK/Camp BR RD
* <u>Right Fork/Camp Branch Road</u>		
CR 5078A	0.0 Camp Branch RD	0.2 Prater Creek Mine
* <u>Transeontinental Road (Excluding Bridge)</u>		
CR 5083	0.0 Transeontinental Tip	0.8 US 23
* <u>Justice Branch Road</u>		
CR 5107	0.0 KY 1426	0.4 Right Fork Justice BR RD
* <u>Right Fork of Justice Branch RD</u>		
CR 5107A	0.0 Justice Branch RD	0.3 Island Creek Mine
* <u>Frog Branch Road</u>		
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	0.6 Tipple [0.2 Mine]
[* <u>Hamilton Branch RD</u>		
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		
* <u>Parsens Branch Road</u>		
CR 5128	0.0 KY 979	0.2 Transeontinental Mine
Weight Limit - Bridge over Mud Creek		
TY I = 20 tons, TY II = 36 tons, TY III = 36 tons, TY IV = 36 tons]		
- <u>Tackett Branch RD</u>		
CR 5129	0.0 KY 979	0.7 Mine
* Frasure Branch Road		
CR 5134	0.0 KY 979	0.8 Mine [1.0 Joseph Mining Mine]
* <u>Little Branch/Hamilton Creek RD</u>		
CR 5136	0.0 KY 680	0.4 Mine
* <u>Rocky Branch RD</u>		
CR 5137	0.0 Mink Branch RD	0.2 Left Fork Rocky BR RD
* <u>Left Fork Rocky Branch RD</u>		
CR 5137A	0.0 Rocky Branch RD	0.2 Mine
* Mink Branch Road		
CR 5138	0.0 KY 979	0.9 Rocky Branch RD [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	1.2 [1.1] Joseph Mining Mine
* Ned Fork Road		
CR 5140	0.0 KY 1929	1.1 Premium Elkhorn Shannon Mine

ADMINISTRATIVE REGISTER - 2697

* 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 <u>KY 3380 [Tinker Fork RD]</u>	<u>0.2 [0.5 Ensel] Mine</u>
* Red Morg Branch Road CR 5153	0.0 KY 979	<u>0.7 [0.9 Turner Elkhorn] Mine</u>
* <u>Mitchell Branch RD</u> <u>CR 5154</u>	<u>0.0 KY 979</u>	<u>0.5 Mine</u>
* <u>Tackett Branch RD</u> <u>CR 5156</u>	<u>0.0 KY 979</u>	<u>0.9 Buzzard Rock RD</u>
* Buzzard Rock Road CR 5157	<u>0.0 Tackett Fork RD [0.2 Apache Mine]</u>	0.5 Pike CO LN
* <u>Buckhorn Hollow RD</u> <u>CR 5159</u>	<u>0.0 Ky 979</u>	<u>0.5 Mine</u>
[* Caleb Fork RD CR 5176]	0.0 KY 466	0.7 Pike County Haul RD]
* Spewing Camp Branch CR 5190	0.0 KY 122	<u>2.5 [4.8] Mine</u>
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]
* <u>Morgan Fork RD</u> <u>CR 5198</u>	<u>0.0 Little Muddy Creek RD</u>	<u>1.1 Mine</u>
* <u>Mud Creek RD</u> <u>CR 5202</u>	<u>0.0 Little Muddy Creek RD</u>	<u>0.4 Mine</u>
* Hite Road CR 5220	<u>1.0 Mine</u>	1.8 Hite RD-KY 122 [4.0 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]
* <u>Simpson Branch RD</u> <u>CR 5239</u>	<u>0.0 KY 1101</u>	<u>1.3 Mine</u>
* <u>Step Branch RD</u> <u>CR 5247</u>	<u>0.0 KY 122</u>	<u>0.1 Mine</u>
* <u>Head of Turkey Creek RD</u> <u>CR 5268</u>	<u>0.0 KY 777</u>	<u>2.0 Mine</u>
[* Goose Creek Road CR 5273]	0.0 Gosling Branch RD	0.6 Transcontinental T&H Mine
* <u>Gosling Branch Road</u> <u>CR 5274</u>	<u>0.0 KY 80</u>	<u>0.1 Goose Creek RD]</u>
* Vine Street (Eastern) CR 5283C	0.0 KY 80	0.1 <u>Pitts Fork RD [May-Tipple]</u>
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		
* <u>Pitts Fork Road</u> <u>CR 5288</u>	<u>0.0 KY 850</u>	<u>0.3 Mine</u>
[* 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 = 41 [40] tons		
	<u>12.0 KY 676</u>	<u>14.0 Woodford CO LN</u>

ADMINISTRATIVE REGISTER - 2698

[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 5.2 [6.3] KY 676 6.1 [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	7.6 KY 503 [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	11.2 Collins Crossing RD	12.4 KY 503 North
	[0.0 Carter CO LN	0.6 Logtown Hollow RD]
	[8.3 Woods RD	9.2 KY 1]
* KY 503	5.5 KY 207	9.3 KY 3105 (Old US 23)
* Rockhouse Fork RD		
CR 5150	0.0 Boyd CO LN	1.0 Mine
[* 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	5.6 [6.0] Mine

HARLAN COUNTY

ROAD	FROM	TO
* US 119	0.0 Bell CO LN	24.4 Mine [39.7 Letcher CO LN]
	26.4 Tipple	28.2 Mine
[Weight Limit Bridge over Peore 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 Peore 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	17.9 [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 = 43 [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 = 41 [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 = 50 [49] tons]		
* KY 38	23.9 KY 221 West [17.6 US 119 (East)]	27.6 [27.4] Leslie CO LN
	0.0 US 421	29.5 Virginia State LN [13.3 Shields SCH RD]
Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 8.21 TY I = 20 tons, TY II = 45 [44] tons, TY III = 47 [46] tons, TY IV = 55 [53] tons]		
Weight Limit - Bridge over Yocum Creek @ milepoint 8.60 TY I = 20 tons, TY II = 8 [26] tons, TY III = 8 [27] tons, TY IV = 8 [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]		
* KY 72	16.7 Conveyor Dump Point	17.0 KY 179]
	[0.0 Bell CO LN	1.3 Mill Branch RD]
	1.9 KY 2005	4.9 Rockhouse BR RD
Weight Limit - Bridge over Puckett Creek @ milepoint 4.73 TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 41 [40] tons]		
Weight Limit - Bridge over Puckett Creek @ milepoint 4.84 TY I = 20 tons, TY II = 32 [36] tons, TY III = 38 [37] tons, TY IV = 60 tons]		

ADMINISTRATIVE REGISTER - 2699

	<u>5.4 Tipple</u>	<u>11.3 US 421</u>
	<u>Weight Limit - Bridge over Catron Creek @ milepoint 5.59</u>	
	<u>TY I = 20 tons, TY II = 30 tons, TY III = 34 tons, TY IV = 48 tons</u>	
	<u>Weight Limit - Bridge over Catron Creek @ milepoint 6.98</u>	
	<u>TY I = 20 tons, TY II = 22 tons, TY III = 25 tons, TY IV = 34 tons</u>	
	<u>[10.2 Mine]</u>	<u>11.3 US 421</u>
	<u>Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 11.19</u>	
	<u>TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons]</u>	
	<u>KY 179</u>	<u>0.0 KY 38</u>
	<u>[* KY 216]</u>	<u>0.0 KY 38</u>
	<u>Weight Limit - Bridge over Yocum Creek @ milepoint 1.06</u>	
	<u>TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons]</u>	
*	<u>KY 221</u>	<u>0.0 Bell CO LN</u>
		<u>8.9 US 421 (South)</u>
		<u>21.6 KY 2008</u>
*	<u>KY 987</u>	<u>8.9 US 421 (North)</u>
		<u>18.5 US 421</u>
	<u>8.9 Mine [10.4 Wilder Branch RD]</u>	
	<u>[Weight Limit - Bridge over Martins Fork Lake @ milepoint 12.72</u>	
	<u>TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons]</u>	
	<u>Weight Limit - Bridge over Martins Fork @ milepoint 14.89 [15.07]</u>	
	<u>TY I = 20 tons, TY II = 34 [37] tons, TY III = 39 [38] tons, TY IV = 60 tons</u>	
	<u>Weight Limit - Bridge over Crummies Creek @ milepoint 18.52</u>	
	<u>TY I = 20 tons, TY II = 34 [29] tons, TY III = 37 [34] tons, TY IV = 41 tons</u>	
*	<u>KY 990</u>	<u>0.0 US 421</u>
*	<u>KY 991</u>	<u>0.0 Begin State Maintenance</u>
	<u>Weight Limit - Bridge over Martin's Fork @ milepoint 1.44</u>	
	<u>TY I = 20 tons, TY II = 41 tons, TY III = 45 tons, TY IV = 59 tons</u>	
*	<u>KY 1137</u>	<u>0.0 US 421</u>
*	<u>KY 1216</u>	<u>0.0 Mine</u>
*	<u>KY 1601</u>	<u>0.0 Jones Creek RD</u>
	<u>Weight Limit - Bridge over Jones Creek @ milepoint 1.12</u>	
	<u>TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons</u>	
*	<u>KY 2005</u>	<u>2.6 Lick Branch Culvert</u>
	<u>Weight Limit - Bridge over Yocum Creek @ milepoint 5.08</u>	
	<u>TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons</u>	
*	<u>KY 2006</u>	<u>0.0 Clover Lick RD [0.7 Mine]</u>
*	<u>KY 2008</u>	<u>0.0 Leslie CO LN</u>
*	<u>KY 2009</u>	<u>0.0 KY 221</u>
	<u>Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51</u>	
	<u>TY I = 20 tons, TY II = 26 [34] tons, TY III = 30 [36] tons, TY IV = 51 [59] tons</u>	
	<u>[Weight Limit - Bridge over Laurel Fork Creek @ milepoint 2.72</u>	
	<u>TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons]</u>	
*	<u>KY 2425</u>	<u>0.0 Crawford Branch</u>
*	<u>KY 2430</u>	<u>0.0 KY 38</u>
*	<u>KY 3449</u>	<u>0.0 Forester's Creek RD</u>
*	<u>KY 3451</u>	<u>0.0 [1-4] Mine</u>
	<u>Weight Limit - Bridge over Ewing Creek @ milepoint 1.60</u>	
	<u>TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 49 tons</u>	
	<u>Weight Limit - Bridge over Cumberland River @ milepoint 2.15</u>	
	<u>TY I = 20 tons, TY II = 23 tons, TY III = 25 tons, TY IV = 32 tons</u>	
[*]	<u>KY 3457</u>	<u>0.0 KY 38</u>
*	<u>KY 3462</u>	<u>0.0 US 421</u>
*	<u>KY 3465</u>	<u>0.0 KY 221</u>
*	<u>Totz Road</u>	
	<u>CR 5007B</u>	<u>0.0 US 119 [Haul RD]</u>
*	<u>Clover Lick Creek RD</u>	
	<u>CR 5027</u>	<u>0.0 KY 2006</u>
*	<u>Leonard Lane</u>	
	<u>CR 5032</u>	<u>0.0 KY 38</u>
*	<u>Mill Branch RD</u>	
	<u>CR 5033</u>	<u>0.0 KY 38</u>
*	<u>Jones Creek RD</u>	
	<u>CR 5102</u>	<u>0.0 KY 1601</u>
*	<u>Slack Cemetery Road</u>	
	<u>CR 5140</u>	<u>0.0 US 421 (North)</u>
[*]	<u>Barn Branch Road</u>	
	<u>CR 5142</u>	<u>0.0 US 421</u>
*	<u>Grays Branch Road</u>	
	<u>CR 5206K</u>	<u>0.0 US 421 @ Grays Knob</u>

ADMINISTRATIVE REGISTER - 2700

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	0.0 KY 3449	1.7 Mine Access RD]
* CR 5238		
* Rockhouse Branch Road	0.0 KY 72	0.2 R B Tipple
* CR 5256		
* River [Gages Branch] Road	0.0 KY 38	0.1 Brookside Tipple
* CR 5326E		
* Abner Branch RD	0.0 KY 3465	2.2 Leslie CO LN
* CR 5338		
* Ages Creek Road	0.0 KY 38	0.3 Mine
* CR 5326M		
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	2.1 Mine Access Road	2.6 Bell CO LN]
* CR 5344		

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 = <u>43</u> [42] tons, TY III = <u>47</u> [44] tons, TY IV = <u>60</u> [57] tons		
Weight Limit - Bridge over L&N RR @ milepoint 6.28		
TY I = 20 tons, TY II = <u>34</u> [35] tons, TY III = <u>37</u> [36] tons, TY IV = <u>42</u> [45] tons		
Weight Limit - Bridge over Indian Creek @ milepoint 7.09		
TY I = 20 tons, TY II = <u>45</u> [43] tons, TY III = <u>46</u> [45] tons, TY IV = <u>54</u> [58] tons		
Weight Limit - Bridge over Sycamore Creek @ milepoint 9.09		
TY I = 20 tons, TY II = <u>28</u> [45] tons, TY III = <u>37</u> [47] tons, TY IV = <u>40</u> [60] tons		
Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40		
TY I = 20 tons, TY II = <u>39</u> [40] tons, TY III = <u>41</u> [39] tons, TY IV = <u>50</u> [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 = <u>51</u> [50] tons		
Weight Limit - Bridge over Richland Creek @ milepoint 19.18		
TY I = 20 tons, TY II = <u>34</u> [37] tons, TY III = <u>40</u> [39] tons, TY IV = 60 tons		

HENDERSON COUNTY

ROAD	FROM	TO
* Audubon PKWY	0.0 Pennyrile PKWY	15.9 Davis CO LN
* Pennyrile PKWY	65.3 Webster CO LN [61.4 KY 416]	78.4 US 41 [60.3 KY 425]
[(Extended weight provision restricted to use by Type IV vehicles only.)]		
* US 41	0.0 Webster CO LN	0.4 KY 2097 [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]		
	10.9 KY 425	13.0 KY 812
	13.4 Pennyrile Parkway	21.2 Indiana State Line
[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]		
Weight Limit - Bridge over Henderson Bypass @ milepoint 15.54		
TY I = 20 tons, TY II = 40 tons, TY III = 43 tons, TY IV = 56 tons		
Weight Limit - South End Ohio River Bridge @ milepoint 19.24		
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 37 tons		
Weight Limit - Ohio River Bridge @ milepoint 19.24		
TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 51 tons		
* KY 136	18.9 Riverport Road	19.5 KY 425 and US 60
* KY 416	7.8 Pennyrile Parkway	8.0 KY 2096
	15.8 KY 1078	16.9 Audubon Parkway
[(Extended weight provision restricted to use by Type IV vehicles only.)]		
* KY 425	0.0 US 60 [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 1078	0.8 Mine	2.1 KY 416
* 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	0.8 Aluminum Plant RD [0.9 Bill Givens RD]
* Bill Givens Road		

ADMINISTRATIVE REGISTER - 2701

CR 6142	0.0 Webster CO LN	0.1 KY 2097]
* Ammonia Plant Road		
CR 5305	0.0 KY 136	1.2 Dock
* Riverport Road		
CR 5360	0.0 KY 136	0.7 Riverport Dock
HOPKINS COUNTY		
ROAD	FROM	TO
* Western Kentucky Parkway	21.8 Caldwell CO LN	24.4 KY 109 [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]		
	38.3 Pennyrile PKWY	43.4 Muhlenberg CO LN
Weight Limit - Bridge over Pennyrile Parkway @ milepoint 38.31 TY I = 20 tons, TY II = 40 tons, TY III = 44 [42] tons, TY IV = 57 [56] tons		
* Pennyrile Parkway	29.6 [(Nontoll Segment) and US 41 22.6] US 41 (South)	55.0 Webster CO LN [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 (N)	48.0 Webster CO LN]
Weight Limit - Bridge over KY 138 @ milepoint 54.07 TY I = 20 tons, TY II = 45 [40] tons, TY III = 47 [44] tons, TY IV = 60 [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 = 37 [36] tons, TY IV = 52 [53] tons [US 41 & Pennyrile Parkway (Nontoll Segment) included with Pennyrile Parkway Listing]		
	3.3 KY 1751 [2.3 Pennyrile Pkwy (N)]	11.8 Webster CO LN
Weight Limit - Bridge over Otter Creek @ milepoint 6.13 TY I = 20 tons, TY II = 38 [39] tons, TY III = 44 [44] 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 = 34 [35] tons, TY III = 39 [36] tons, TY IV = 58 [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 = 30 [28] tons, TY IV = 35 [34] tons Weight Limit - Bridge over Pond Creek @ milepoint 22.86 TY I = 20 tons, TY II = 27 [23] tons, TY III = 29 [27] tons, TY IV = 46 [43] tons		
* US 62	1.7 KY 109	22.2 Muhlenberg CO LN [21.3 Sextet Mine & Tipple]
Weight Limit - Bridge over Copperas Creek @ milepoint 5.70 TY I = 20 tons, TY II = 36 [37] tons, TY III = 37 [39] tons, TY IV = 56 [60] tons Weight Limit - Bridge over Cane Run Creek @ milepoint 7.94 TY I = 20 tons, TY II = 36 [37] tons, TY III = 37 [39] tons, TY IV = 56 [60] tons Weight Limit - Bridge over Pleasant Run @ milepoint 12.51 TY I = 20 tons, TY II = 39 [40] tons, TY III = 41 [40] tons, TY IV = 56 [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 = 42 [39] tons, TY IV = 60 [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 = 39 [40] tons, TY III = 41 [40] tons, TY IV = 56 [60] tons Weight Limit - Bridge over Drakes Creek @ milepoint 16.72 TY I = 20 tons, TY II = 38 [40] tons, TY III = 41 [39] tons, TY IV = 56 [54] tons Weight Limit - Bridge over Pond River Overflow @ milepoint 21.39 TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons Weight Limit - Bridge over Pond River Overflow @ milepoint 21.78		

ADMINISTRATIVE REGISTER - 2702

TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons		
<u>Weight Limit - Pond River Bridge @ milepoint 22.14</u>		
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
* KY 70	4.5 Peter Howton Road	18.7 US 41A
<u>Weight Limit - Bridge over Richland Creek @ milepoint 11.77</u>		
TY I = 20 tons, TY II = <u>22 [38]</u> tons, TY III = <u>22 [40]</u> tons, TY IV = <u>22 [60]</u> tons		
<u>[Weight Limit - Bridge over ICG RR NE of Richland @ milepoint 13.09]</u>		
TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons		
<u>Weight Limit - Bridge over Sugar Creek @ milepoint 13.45</u>		
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons		
<u>Weight Limit - Bridge over L&N RR @ milepoint 18.53</u>		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
<u>19.9 Pennyryle PKWY [18.7 US 41A]</u>		
<u>[Weight Limit - Bridge over Pond River @ milepoint 26.32]</u>		
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
<u>Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81</u>		
TY I = 20 tons, TY II = <u>40 [39]</u> tons, TY III = <u>43 [41]</u> tons, TY IV = <u>56 [54]</u> tons		
<u>Weight Limit - Bridge over IC RR @ milepoint 4.50</u>		
TY I = 20 tons, TY II = 40 tons, TY III = <u>45 [42]</u> tons, TY IV = <u>60 [58]</u> tons		
<u>Weight Limit - Bridge over IC RR @ milepoint 6.49</u>		
TY I = 20 tons, TY II = 40 tons, TY III = <u>45 [42]</u> tons, TY IV = <u>60 [58]</u> tons		
<u>Weight Limit - Bridge over Lick Creek @ milepoint 7.24</u>		
TY I = 20 tons, TY II = <u>40 [39]</u> tons, TY III = <u>42 [41]</u> tons, TY IV = <u>58 [60]</u> tons		
* KY 112	9.6 KY 1337 [3.6 Mine Access RD]	9.8 US 41A
<u>[Weight Limit - Bridge over Finley Ditch @ milepoint 5.85]</u>		
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons		
<u>Weight Limit - Bridge over Unnamed Stream @ milepoint 8.06</u>		
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons		
<u>Weight Limit - Bridge over Unnamed Stream @ milepoint 8.26</u>		
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
<u>[Weight Limit - Bridge over Pegue Creek @ milepoint 0.92]</u>		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* KY 281	0.0 US 41A	0.7 Pennyryle Parkway
<u>Weight Limit - Bridge over L&N RR @ milepoint 0.25</u>		
TY I = 20 tons, TY II = <u>44 [43]</u> tons, TY III = <u>47 [44]</u> tons, TY IV = <u>58 [56]</u> tons		
* KY 502	0.0 KY 109	6.2 KY 1034
* KY 336	3.2 McLeod RD	5.8 US 41A
<u>Weight Limit - Bridge over Clear Creek Branch @ milepoint 1.06</u>		
TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons		
<u>Weight Limit - Bridge over Clear Creek Overflow @ milepoint 2.77</u>		
TY I = 20 tons, TY II = 35 tons, TY III = 41 tons, TY IV = 60 tons		
<u>Weight Limit - Bridge over Clear Creek @ milepoint 2.90</u>		
TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons		
<u>Weight Limit - Bridge over Clear Creek Overflow @ milepoint 3.07</u>		
TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons		
<u>Weight Limit - Bridge over Clear Creek @ milepoint 3.23</u>		
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
* KY 454	0.0 US 62	2.3 KY 112
<u>Weight Limit - Bridge over Western KY PKWY @ milepoint 1.02</u>		
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
<u>5.4 Drakes Creek RD</u>		
<u>5.6 Mine</u>		
* KY 813	10.2 Mertens 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 1034	4.2 KY 502	8.7 KY 630
<u>Weight Limit - Bridge over Pond Creek @ milepoint 7.02</u>		
TY I = 20 tons, TY II = 23 tons, TY III = 29 tons, TY IV = 41 tons		
<u>Weight Limit - Bridge over New Pond Creek @ milepoint 7.06</u>		
TY I = 20 tons, TY II = 23 tons, TY III = 29 tons, TY IV = 41 tons		
* KY 1751	0.0 US 41A	1.4 US 41
<u>Weight Limit - Bridge over L&N RR @ milepoint 1.14</u>		
TY I = 20 tons, TY II = 40 tons, TY III = <u>44 [42]</u> tons, TY IV = <u>60 [58]</u> tons		

ADMINISTRATIVE REGISTER - 2703

* KY 2086	0.0 Walnut Grove RD	1.2 KY 109
[* KY 2273	0.0 KY 109	0.2 Ferguson Town Spur RD]
* KY 2644	0.0 US 62	0.9 C.B. Williams (E. Russ Hill) RD
* KY 2647	0.0 KY 2648	0.2 McIntosh Chapel RD
* KY 2648	0.0 Clarence Prowse RD	0.2 KY 2647 (McIntosh Chapel RD)
[* KY 2663	0.0 Mine Access RD	0.6 KY 2665]
* Airport RD		
- CR 5130	0.0 Seebree Avenue	1.6 Mine
* Seebree Avenue		
- CR 5134G	0.0 KY 112	0.3 Airport RD
* Oglesby RD		
- CR 5163	0.0 Mt. Caramel Pond RD	0.7 Mine
* Mt. Caramel Pond RD		
- CR 5165	0.0 KY 813	1.5 Oglesby RD
[* 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
* Mertons 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
* Goat Lane		
- CR 5179	0.0 US 62	0.4 Drakes Creek RD
* Drakes Creek RD		
- CR 5180	1.3 Goat Lane	1.5 KY 813
* Stone's Chapel Road		
- CR 5187	0.0 Charolais Mine	0.2 CR 5189
* McIntosh Chapel Road		
- CR 5189	0.0 Stone's Chapel Road	1.7 KY 2647
* Clarence Prowse Road		
- CR 5190	0.0 KY 2648	0.7 US 41
[* Wells Road		
- CR 5212	7.0 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]
* McGregor RD		
- CR 5269	0.0 US 62	2.4 Mine
* Walnut Grove Road		
- CR 5301	0.0 Mine	0.6 KY 2086
* Lee Johnson RD		
- CR 5329	0.0 KY 70	0.3 Mine
* Manitou/Richland RD		
- CR 5393	0.0 KY 70	4.7 KY 630
[* 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 Hewton 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	4.6 KY 30 East [6.3 Andrews RD
Weight Limit Bridge over Flat Lick Creek @ milepoint 6.26		

ADMINISTRATIVE REGISTER - 2704

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 = 32 [34] tons, TY III = 35 tons, TY IV = 50 [49] tons
 Weight Limit - Bridge over Pond Creek @ milepoint 2.64
 TY I = 20 tons, TY II = 32 [34] tons, TY III = 35 tons, TY IV = 50 [49] tons
 12.5 US 421 (North) 20.9 Owsley CO LN
 Weight Limit - Sturgeon Creek Bridge @ milepoint 18.80
 TY I = 20 tons, TY II = 38 tons, TY III = 43 tons, TY IV = 60 tons
 * KY 587 5.1 Brushy Fork RD 10.7 Owsley CO LN
 * Brushy Fork RD
 CR 5041 0.0 KY 587 1.2 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]
 16.4 Liberty Street [16.7 US 42]
 * US 31W 3.2 Kosmos Cement CO 17.8 US 31W @ Second Street
 * US 42 0.0 US 31E 22.1 US 31E @ Second Street
 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) 0.8 US 60
 Weight Limit - Bridge over Beargrass Creek @ milepoint 0.11
 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
 Weight Limit - Bridge over Floyd's Fork @ milepoint 13.56
 TY I = 20 tons, TY II = 40 [28] tons, TY III = 44 [37] tons, TY IV = 58 [49] tons
 Weight Limit - Bridge over Longrun Creek @ milepoint 15.79
 TY I = 20 tons, TY II = 37 [28] tons, TY III = 39 [37] tons, TY IV = 60 [49] 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 11.0 US 31E
 * KY 1865 0.9 KY 841 1.3 KY 1065]
 * KY 1934 5.7 [5.5] Ralph AVE 8.4 US 31W
 * KY 2051 5.1 Consumer [5.2 Ralph AVE 6.4 KY 1934]
 * KY 2054 0.7 KY 1934 1.6 Dixie Highway
 [* KY 2066 0.4 B.F. Goodrich Plant 1.1 I 264]
 * Baxter Avenue (Louisville)
 Liberty Street US 60 (Main Street)
 * Ralph Avenue (Louisville)
 0.5 Consumer [0.9 KY 1934] 1.8 KY 1934 [Dupont Plant]
 * Dixie Highway 0.5 Hill Street 0.9 Wilson Avenue
 * Wilson Avenue 0.0 US 31W 0.3 Dixie Highway

[JESSAMINE COUNTY

ROAD FROM TO
 * US 68 0.0 Mercer CO LN 12.1 Fayette CO LN]

JOHNSON COUNTY

ROAD FROM TO
 * US 23 4.3 KY 1428 [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 0.0 Floyd CO LN [3.1 Laeker BR RD] 4.7 Martin CO LN

ADMINISTRATIVE REGISTER - 2705

* KY 40	[7.2 KY 172 8.7 US 23 3.3 KY 40]	8.7 US 460 11.1 KY 1107 [13.3 Deadfall Branch RD] 3.9 Mine
* <u>Lackey Branch RD</u>		
- CR 5128	0.0 KY 3	0.5 Tipple
* <u>Old KY 3 RD</u>		
- CR 5163	0.0 KY 3	0.3 Martin CO LN
[* 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
* <u>Deadfall Branch Road</u>		
CR 5139	0.0 KY 40	0.6 Mine Access Road]

KNOTT COUNTY

ROAD	FROM	TO
* KY 7	4.1 Puncheon Branch RD [2.5 KY 1498]	16.0 Floyd CO LN
Weight Limit - Bridge over Beaver Fork @ milepoint 6.10		
TY I = 20 tons, TY II = 39 [40] tons, TY III = 44 [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 = 37 [39] tons, TY III = 44 [42] tons, TY IV = 60 tons		
* KY 80	0.0 Perry CO LN	20.1 [21.4] Floyd CO LN
* KY 160	0.0 KY 15	14.5 Mine [8.8 Cave Branch RD]
Weight Limit - Bridge over Carr Fork Lake @ milepoint 1.74		
TY I = 20 tons, TY II = 46 [45] tons, TY III = 47 [46] tons, TY IV = 57 [66] tons		
	[8.2 KY 1393	13.9 Patsy Jayne Mine]
* KY 550	23.0 4-mile Br RD [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 = 28 [30] tons, TY III = 32 [31] tons, TY IV = 45 [44] tons		
* KY 582	0.0 KY 160	12.7 KY 7
* KY 899	0.0 KY 160	1.0 Mine
	[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	1.7 Mine [3.4 Mountain Clay Mine]
	13.2 KY 1098	20.6 KY 80
	[9.6 C & D Coal Mine	14.1 KY 80]
* KY 1088	6.9 Haul RD [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 = 31 [36] tons, TY III = 37 [38] tons, TY IV = 60 tons		
Weight Limit - Bridge over Carr Creek @ milepoint 9.36		
TY I = 20 tons, TY II = 36 [38] tons, TY III = 40 [39] tons, TY IV = 57 [66] 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 = 33 [30] tons, TY IV = 56 [49] tons		
* KY 1102	1.1 Sandlick Branch RD	2.7 KY 80
* KY 1231	0.0 KY 15	7.2 RT Fork of Big Branch RD
		[1.2 Flax Patch Branch RD]
* KY 1393	0.0 KY 582 [2.8 KY 899]	1.0 Mine [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 = 45 [44] tons, TY III = 48 [45] tons, TY IV = 57 [66] 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 = 39 [40] tons, TY III = 44 [42] tons, TY IV = 60 tons		

ADMINISTRATIVE REGISTER - 2706

* KY 3391	0.0 KY 1231	1.8 Irishman Creek RD [1.7 Madden Creek RD]
* <u>Right Fork of Fourmile Branch RD</u> CR 5030	0.0 Fourmile BR RD	0.1 Mine
* <u>Plum Branch RD</u> CR 5037C	0.0 KY 80	0.1 Floyd CO LN
* <u>Hunter Branch RD</u> CR 5038	0.0 KY 80	0.5 Mine
* <u>Left Fork of Hollybush Creek RD</u> CR 5113	0.0 KY 3393	1.0 Mine
* <u>Mullins Branch RD</u> CR 5114	0.0 KY 7	2.8 Left Fork Hollybush RD
* <u>Righthand Fork of Bill Dees Branch RD</u> CR 5115	0.0 KY 582	1.3 Mine
[* <u>Potato Branch RD</u> CR 5006	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		
* <u>Patten Branch of Beaver Creek Road</u> CR 5009	0.0 KY 7	0.2 National Mines Mine
* <u>Big Springs Branch Road</u> 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 = 30 tons		
* <u>Triplett Branch Road</u> CR 5033	0.0 KY 550	0.8 National Mines Mine
* <u>Reek Fork (Belyn) Road</u> CR 5037	0.0 KY 80	0.8 Consolidation Mine]
* <u>Bates Branch Road</u> CR 5117	0.0 KY 7	1.4 Wheelwright Mine
* <u>Puncheon Branch RD</u> CR 5119	0.0 KY 7	2.4 Crager Fork RD
* <u>Crager Fork RD</u> CR 5121	0.0 Puncheon BR RD	0.5 Mine
* <u>Willard Branch RD</u> CR 5133	0.0 KY 582	0.4 Mine
* <u>Wolfpen Branch RD</u> CR 5139	0.0 KY 1410	1.0 Mine
[* <u>Perkins Branch Lick Branch Road</u> CR 5145	0.0 KY 15	0.4 Southeast Coal Mine]
* <u>Runnells Branch Road</u> CR 5156	0.0 KY 160	0.5 Left FK Runnells BR RD
* <u>Left Fork of Runnells Branch Road</u> CR 5156A	0.0 Runnells Branch RD	0.3 Golden Oak Mine
* <u>Cave Branch RD</u> CR 5202	0.0 KY 160	1.1 Mine
* <u>Irishman Creek Road</u> CR 5203	0.0 KY 1231	0.3 Tipple [0.8 R J F Coal Mine]
* <u>Alum Cave Branch RD</u> CR 5205	0.0 Irishman Creek RD	0.4 Mine
[* <u>Flax Patch Branch Road</u> CR 5208	0.0 KY 1231	0.5 Allied Coals Mine]
* <u>Defeated Creek Road</u> CR 5212	0.0 KY 15	3.2 Meade & Shepherd Mine
* <u>Right Fork RD</u> CR 5261	0.0 KY 1231	0.7 Mine
[* <u>Young's Fork Road</u> CR 5226	0.0 KY 1088	1.3 Kentucky Prince Mine
* <u>Middle Fork of Quicksand Creek Road</u> CR 5312	0.0 Decey Spring Fork RD	1.0 Big Branch of Quicksand Creek RD
* <u>Big Branch of Quicksand Creek Road</u> CR 5314	0.0 Miller Branch Mine	1.2 Middle Fork of Quicksand Creek RD
* <u>Decey Spring Fork Road</u> CR 5315	0.0 Breathitt CO LN	1.1 Middle Fork of Quicksand Creek Road
* Sandlick Branch Road		

ADMINISTRATIVE REGISTER - 2707

CR 5336

0.0 KY 1102

0.7 Mine [0.9 McCoy Coal Mine]

KNOX COUNTY

ROAD	FROM	TO
* US 25E	7.2 KY 1304 [0.0 Bell CO LN]	15.2 Old US 25E Loop 6 [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 = 36 [37] tons, TY III = 37 [38] tons, TY IV = 45 [54] tons [10.1 US 25E		22.7 Clay CO LN
Weight Limit - Bridge over Little Richland Creek @ milepoint 13.00 TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons Weight Limit - Bridge over Little Richland Creek @ milepoint 13.39 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons Weight Limit - Bridge over Little Richland Creek @ milepoint 13.57 TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons]		
* KY 225	9.2 Little Brushy Creek RD	14.8 KY 2421
	[6.9 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 1304	0.0 US 25E	1.4 Powell Branch RD
* KY 1809	0.0 Whitley CO LN	4.6 Power BR Poplar CK RD [6.3 KY 11]
	6.1 Fourmile BR RD	6.3 KY 11
* KY 2421	0.0 KY 225	0.9 KY 11
* Powell Branch RD		
- CR 5010	0.0 KY 1304	0.5 Mine
[* 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	2.5 Hubbo Creek RD [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	0.9 [0.8] Mine
* Swan Pond Road		
CR 5209	0.0 KY 11	2.1 [1.9] Mine
[* Stoney Fork Road		
CR 5210	0.0 KY 1809	1.0 Mine]
* Hubbs Road		
CR 5214	0.0 KY 1809	3.5 Little Brushy Creek RD [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]		
* Goldens Creek RD		

ADMINISTRATIVE REGISTER - 2708

* CR 5222	0.0 Whitley CO LN	1.0 Mine
* Little Indian Creek RD		
CR 5245	0.0 KY 6	0.2 Mine
* Old US 25E Loop Number 6		
CR 5304	0.6 US 25E	1.0 Bailey Branch RD
* Bailey Branch RD		
CR 5305	0.0 Old US 25E Loop 6	0.5 Tipple
[* 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 1800	0.1 Mine
* Dows Road		
CR 5248	0.0 KY 6	0.9 Mesley 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 = 42 [39] tons, TY III = 45 [39] tons, TY IV = 60 tons		
Weight Limit - Bridge over Sallys Branch Rd. @ milepoint 4.18		
TY I = 20 tons, TY II = 42 [43] tons, TY III = 42 [46] tons, TY IV = 60 tons		
Weight Limit - Bridge over KY 1305 @ milepoint 6.42		
TY I = 20 tons, TY II = 40 [39] tons, TY III = 42 [39] tons, TY IV = 49 [48] tons		
Weight Limit - Bridge over Lick Creek Road @ milepoint 7.64		
TY I = 20 tons, TY II = 40 [39] tons, TY III = 41 [39] tons, TY IV = 49 [48] tons		
Weight Limit - Bridge over KY 488 @ milepoint 8.57		
TY I = 20 tons, TY II = 40 [41] tons, TY III = 45 [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]		
[* US 25E	13.6 KY 80 & Daniel Boone Parkway	16.3 KY 490 [23.1 KY 909]
* KY 30	0.0 Knox CO LN	0.3 US 25 & US 25W]
[Weight Limit - Bridge over Roekcastle River @ milepoint 9.08		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 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 = 40 [34] tons, TY III = 43 [36] tons, TY IV = 53 [43] tons		
* KY 192	20.1 US 25 [18.2 I-75]	22.0 Daniel Boone PKWY
Weight Limit - Bridge over I-75 @ milepoint 18.24		
TY I = 20 tons, TY II = 40 [32] tons, TY III = 39 [34] tons, TY IV = 50 [42] tons		
[* KY 229	0.0 Knox CO LN	11.6 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 = 29 [34] tons, TY III = 32 tons, TY IV = 45 [44] tons		

LAWRENCE COUNTY

ROAD	FROM	TO
* US 23	0.0 Johnson CO LN	28.9 [30.2] Boyd CO LN

ADMINISTRATIVE REGISTER - 2709

* KY 1	0.0 KY 3	5.0 Oliveville Coal Branch RD
	12.8 KY 201	14.1 Carter CO LN
* KY 3	5.6 Dredge [0.0 Martin CO LN]	17.1 [16.6] 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 4]
* KY 3S	0.0 KY 3	0.1 West Virginia State LN
[Weight Limit - Bridge over Levisa & Tug Forks @ milepoint 0.01		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons]		
* KY 32	28.5 KY 2565	29.2 KY 3
	[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 4
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 2565	0.0 US 23	3.0 KY 32
* 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	2.3 US 23 [0.0 US 23]	2.3 Tipple [KY 3]
* Donithon Branch Road		
GR 5118	0.0 KY 3	1.6 Lookworth Mine
* Georges Creek Road		
GR 5156	0.0 KY 1760	1.5 Left FK Brushy CR RD
* Left Fork Brushy Creek Road		
GR 5203	0.0 Georges Creek Road	0.8 Mine
* Lower Laurel Creek Road		
GR 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		
* Oliveville Coal Branch Road		
GR 5311	0.0 KY 1	0.3 Mine]

LEE COUNTY

ROAD	FROM	TO
* KY 11	0.0 Owsley CO LN	9.4 KY 498
Weight Limit - Bridge over South Fork Kentucky River @ milepoint 3.91		
TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 44 tons		
* KY 52	0.0 Estill CO LN	7.3 KY 498
	12.9 KY 11	24.5 Breathitt CO LN
* KY 399	0.0 Owsley CO LN	1.9 KY 587 north
* KY 498	0.0 KY 52	2.5 KY 11
* KY 587	0.0 Jackson CO LN	12.3 KY 11
Weight Limit - Bridge over Sturgeon Creek @ milepoint 5.32		
TY I = 20 tons, TY II = 40 tons, TY III = 45 tons, TY IV = 59 tons		
* Dunigan Branch RD		
CR 5115	0.0 KY 52	0.1 Tipple

LESLIE COUNTY

ROAD	FROM	TO
* Daniel Boone Parkway	35.9 Clay CO LN	51.0 Perry CO LN

ADMINISTRATIVE REGISTER - 2710

* US 421	0.0 Harlan CO LN	7.2 Stone Coal Branch RD [6.3 Mine]
	20.6 KY 2431	21.7 KY 80 East [22.6 KY 48]
	27.3 Puncheon Camp Branch Road	
	[26.8 Wet Reekhouse Branch]	
* KY 80	0.0 US 421	35.4 Clay CO LN
		9.7 Perry CO LN
Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15		
TY I = 20 tons, TY II = 25 [27] tons, TY III = 29 [28] tons, TY IV = 44 [43] tons		
Weight Limit - Bridge over Wooton Creek @ milepoint 6.12		
TY I = 20 tons, TY II = 24 [29] tons, TY III = 28 [30] tons, TY IV = 47 [46] tons		
Weight Limit - Bridge over MacIntosh Creek @ milepoint 8.84		
TY I = 18 [20] tons, TY II = 19 [25] tons, TY III = 23 [26] tons, TY IV = 40 [42] tons		
[* KY 118	0.0 US 421	3.5 Daniel Boone PKWY
* KY 699	0.0 KY 80	13.6 Old Big Reek 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		
	16.2 Mine	16.0 Perry CO LN]
* KY 1807	0.0 KY 80	3.6 Mine Access RD at end of State Maintenance
* KY 2008	[0.0 KY 2009	3.0 Mine Access RD]
	5.1 [6.2] 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 2067	0.0 KY 699	3.1 Bear BR RD]
* KY 2431	0.0 US 421	0.1 Leslie CO High School (Wendover RD)
Weight Limit - Bridge over Middle Fork Kentucky River @ milepoint 0.01		
TY I = 20 tons, TY II = 26 [27] tons, TY III = 28 tons, TY IV = 31 [32] tons		
* Wendover Road		
CR 5001	0.0 KY 2431	1.6 Hurricane Creek RD
* Hurricane Creek Road		
CR 5002	2.2 Camp Creek RD	3.3 Wendover RD
* Camp Creek Road		
CR 5005	0.0 Hurricane Creek RD	0.7 Tipple Access
[* Bear Branch Road		
CR 6048	0.0 KY 2067	1.4 Mine & Perry CO LN]
* Bailey Branch Road		
CR 5027	0.0 KY 1807	0.3 [0.6] Mine
[* Long Branch Road		
CR 6118	0.0 KY 699	0.2 Mine
* Old Big Reek 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 6128	0.0 Old Big Reek RD	3.7 Mine]
* Abner Branch Road		
CR 5133	0.0 KY 2008 [Harlan CO LN]	1.3 Harlan CO LN [KY 2008]
* Stone Coal Branch RD		
CR 5214	0.0 US 421	0.3 Mine
* Puncheon Camp Branch RD or Laurel Creek RD		
CR 5331	0.0 US 421	0.4 Mine
[* White Oak Road		
CR 6136	0.0 KY 2008	0.8 Mine
* Phillips Fork Road		
CR 5226	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 = 28 [37] tons, TY III = 25 [38] tons, TY IV = 40 [48] tons		
* US 119	2.3 KY 3404 [0.0 Harlan CO LN]	7.0 Scotia Mine Tipple
	17.6 KY 15 [20.7 KY 1862]	28.1 [27.7] US 23
Weight Limit - North Fork KY River Bridge @ milepoint 17.62		
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons		
* KY 7	7.9 Caudill Creek RD [0.0 Perry CO LN]	25.2 KY 317

ADMINISTRATIVE REGISTER - 2711

[Weight Limit - Bridge over Line Fork @ milepoint 0.17 TY I = 20 tons, TY II = 26 tons, TY III = 20 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 Caudill [Gaudill] Branch @ milepoint 8.04 TY I = 20 tons, TY II = 41 tons, TY III = 43 [44] tons, TY IV = 59 [60] tons Weight Limit - Bridge over Rockhouse Creek @ milepoint 22.31 TY I = 20 tons, TY II = 35 [39] tons, TY III = 41 [39] tons, TY IV = 60 tons Weight Limit - Bridge over Rockhouse Creek @ milepoint 24.78 TY I = 20 tons, TY II = 33 [35] tons, TY III = 37 tons, TY IV = 50 [48] tons		
* KY 15	0.0 US 119 [2.7 KY 931]	9.3 [9.2] KY 7
Weight Limit - Bridge over North Fork KY River and RR Bridge @ milepoint 0.10 TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 47 tons Weight Limit - Bridge over North Fork KY River @ milepoint 0.41 TY I = 20 tons, TY II = 46 tons, TY III = 49 tons, TY IV = 56 tons Weight Limit - Depot Street Connector Bridge @ milepoint 1.33 TY I = 20 tons, TY II = 39 tons, TY III = 48 tons, TY IV = 60 tons		
	9.3 [9.2] KY 7	10.7 Knott CO LN
* KY 15X	2.6 KY 588	2.8 KY 15
* KY 113	0.0 KY 805	4.1 Mine
* KY 160	15.4 KY 588 [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	3.8 Mine [0.4 Mine]
	6.8 KY 1469 [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	3.9 Tipple [3.7 Tolson Loading]	5.0 KY 160
	5.0 KY 160	11.0 Mine]
* KY 803	0.0 113	1.2 0.15 mile south of Lick Fork RD
* KY 805	0.0 US 119	3.1 KY 317
	5.3 Ramey Fork RD	9.2 US 23
* KY 931	10.2 KY 15 [7.7 Hampton Branch RD]	18.4 KY 7 [10.2 KY 15]
Weight Limit - Bridge over Sandlick Creek @ milepoint 10.94 TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 53 tons		
	16.4 Clay Hollow	18.4 KY 7]
* KY 1103	3.3 Defeated Creek RD	6.0 Private Haul RD
	6.0 Private Haul RD	8.2 Tolby Branch RD]
* KY 1410	0.0 Knott CO LN	1.6 KY 7
* KY 1469	0.0 KY 317	2.3 Mine
* KY 1862	1.2 KY 3410	1.7 US 119]
	6.0 [6.4] Mine	10.0 [9.9] KY 931
[* KY 3410	0.0 Cram Creek Pert Creek RD	1.1 KY 1862]
* KY 3404	0.0 Mine	0.8 US 119
* KY 3409	0.0 Pert Creek-Cram RD	0.3 Mine
* Clay Hollow Road CR 5010	0.0 KY 931	0.2 Golden Oak Mine
* Stinking Branch RD CR 5012	0.0 KY 1682	0.7 Mine
* Millstone - Democrat RD CR 5020	0.0 KY 7	2.7 Mine
* Millstone - Deane RD CR 5038	0.0 KY 803	0.9 Mine
* Lower Appletree RD CR 5052	0.0 KY 7	0.8 Mine
* Razorblade Branch RD CR 5053	0.0 KY 7	0.4 Mine
* US 119 - Eolia - Virginia State LN RD CR 5188	0.0 Virginia ST LN	0.1 Black Mountain W RD
* Black Mountain West RD		

ADMINISTRATIVE REGISTER - 2712

CR 5195	0.0 US 119 - Eolia - VA ST	3.5 Mine
[* Beaverdam Branch Road		
CR 5047	0.0 KY 7	2.7 Mine
* Bottom Fork Road		
CR 5068L	0.2 Tammy Ann Mine	0.7 #2 Hollow Road
* #2 Hollow Road		
CR 5068M	0.0 Bottom Fork Road	0.6 KY 343
* Marshall Branch Road		
CR 5103	0.0 Pike CO LN	0.3 Pike CO LN
* Gram 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	3.6 Mine [1.4 Lake Coal Mine]
[* Whitaker Branch Road		
CR 5259	1.4 Mine	2.5 Big BR Tolsen 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 Reekhouse 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 = 53 [55] tons		
Weight Limit - Bridge over I.C. Gulf R.R. @ milepoint 0.64		
TY I = 20 tons, TY II = 35 [39] tons, TY III = 41 [38] tons, TY IV = 53 [64] tons		
Weight Limit - Bridge over Reed's Haul Road @ milepoint 0.97		
TY I = 20 tons, TY II = 44 [43] tons, TY III = 46 [44] tons, TY IV = 56 [64] 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	0.6 B R T Deck	2.9 US 62

ADMINISTRATIVE REGISTER - 2713

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	11.8 US 431 South [0.0 Todd CO LN]	12.1 US 431 North [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 6.93
 TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons]

LYON COUNTY

ROAD	FROM	TO
* Western Kentucky Parkway	3.7 US 62	5.6 Caldwell CO LN
* US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

ROAD	FROM	TO
* US 27	4.6 KY 92 [0.0 Tennessee State LN]	22.3 [22.7] Pulaski CO LN
* KY 92	16.6 US 27 [17.3 Railroad DR]	25.7 [28.4] Whitley CO LN

Weight Limit - Bridge over Marsh Creek @ milepoint 22.69
 TY I = 20 tons, TY II = 37 tons, TY III = 42 tons, TY IV = 60 tons
 [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 Revelle Prep Plant
 * Bauer Road
 CR 5333 0.0 US 27 3.8 Pulaski CO LN]

McLEAN COUNTY

ROAD	FROM	TO
* US 431	8.3 KY 1080	11.6 Daviess CO LN
- Weight Limit - Bridge over Buck Creek @ milepoint 9.13 TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons		
[* 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 1080	2.6 US 431	3.2 Mine
[* 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)]	63.1 Morgan CO LN [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 = 42 [40] tons, TY IV = 52 [60] tons		
* US 460	12.5 Mountain Pkwy [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	0.0 Floyd CO LN [3.2 Mine Access RD]	23.9 Mountain Parkway [(KY 402)]
Weight Limit - Bridge over Licking River @ milepoint 5.79		

ADMINISTRATIVE REGISTER - 2714

TY I = 20 tons, TY II = <u>31</u> [33] tons, TY III = <u>36</u> [36] tons, TY IV = <u>58</u> [57] tons		
* KY 30	<u>0.0 Breathitt Co Ln [4.5 Mine Access Rd]</u>	8.9 Mountain Parkway [(KY 402)]
Weight Limit - Bridge over Middle Fork @ milepoint 7.55		
TY I = 20 tons, TY II = <u>36</u> [37] tons, TY III = 38 tons, TY IV = <u>49</u> [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	<u>4.7 KY 1635 [4.0 Mine Access Rd]</u>	5.7 KY 7
	<u>[6.7 KY 7]</u>	7.4 Hickory Tipple]
* KY 1397	<u>1.8 Mine</u>	<u>3.0 KY 30</u>
[* KY 1471	<u>0.0 Big Half Mountain RD</u>	<u>4.3 KY 7</u>
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
* Beetree Branch of Oakley Creek RD		
CR 5223	<u>0.0 KY 1635</u>	<u>0.2 Mine</u>
* Spruce Pine Fork RD		
CR 5231	<u>0.0 KY 30</u>	<u>0.5 Mine</u>
[* 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 1602	1.0 Mines
* Beetree Branch Road		
CR 5145	0.0 KY 7	0.7 Mine
* Big Half Mountain Road		
CR 5148	0.0 Mine	0.5 KY 1471
Weight Limit - Bridge over Big Half Mountain Creek		
TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons		
* Wright Oakley Creek Road		
CR 5221	0.0 KY 1635	0.3 Mine
Weight Limit - Bridge over Oakley Creek		
TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons]		
* Tiptop-Bettsmann Branch Road		
CR 5225B	0.0 Breathitt CO LN	0.7 KY 1635

MARSHALL COUNTY

ROAD	FROM	TO
* US 62	<u>11.0 US 641 [7.2 KY 95]</u>	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 1623
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	10.0 [11.6] KY 645 [(North)]
	<u>[18.5 Roekcastle BR RD]</u>	<u>23.2 Lawrence CO LN]</u>
* KY 40	<u>[6.3 KY 1224]</u>	9.1 KY 645 (West)
Weight Limit - Bridge over Roekcastle 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		

ADMINISTRATIVE REGISTER - 2715

TY I = 20 tons, TY II = 33 [36] tons, TY III = 36 tons, TY IV = 45 [43] tons

* KY 645	28.5 Mine 0.0 Lawrence CO LN	28.9 KY 3 6.6 KY 3 (North) 7.6 KY 40 (East)
[* KY 1224	1.3 Mine	5.2 KY 40
Weight Limit - Bridge over Reekcastle Fork @ milepoint 4.32 TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 55 tons]		
* KY 1439	5.1 Middle Fork of Wolf Creek 10.7 KY 2032 [0.0 Pike CO LN]	6.6 Whitecabin BR RD 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	5.2 [3.6] KY 1439	10.8 [9.2] KY 292
* KY 2032	0.0 KY 1439	4.0 KY 40
* <u>White Cabin Branch RD</u>		
CR 5121	0.0 KY 1439	0.7 Haul Rd
[* <u>Emily Branch Road</u>		
CR 5106	3.1 Private Haul RD	3.2 Private Haul RD 1.0 miles SW of Oppy
* <u>Emily Long Branch RD</u>		
CR 5107	0.9 Private Haul RD	1.0 Private Haul RD
* <u>Laurel Fork Wolf Creek Road</u>		
CR 5202	0.0 KY 1439	7.8 Private Access Road]
* <u>Middle Fork of Wolf Creek Road</u>		
CR 5205	5.0 Haul Road [0.0 Middle Fk of Reekcastle Creek RD - 3.7 Mine]	11.7 KY 1439
[* <u>Middle Fork of Reekcastle Creek Road</u>		
CR 5206	0.0 KY 3	0.2 Mid FK Wolf CK RD
* <u>Mudlick Branch Road</u>		
CR 5210	0.0 KY 3	0.8 Mine
* <u>Peter Cave Branch Road</u>		
CR 5315	0.0 KY 3	0.5 Mine
* <u>Reekcastle Branch Road</u>		
CR 5317	0.0 KY 3	0.5 Mine]
* <u>Venters Branch RD</u>		
CR 5212	0.0 KY 3	0.6 Mine

MASON COUNTY

ROAD	FROM	TO
* US 62	12.7 US 68	17.3 [17.4] KY 10 [(West)]
* US 68	0.0 Fleming CO LN	11.9 US 62
[* KY 8	0.0 Bracken CO LN	11.0 KY 10
Weight Limit - Bridge over Phillips Creek @ milepoint 7.11 TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 39 tons]		
* KY 10	4.0 KY 546 [9.7 US 68]	10.2 [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		
* KY 546	0.0 Bracken CO LN	9.3 US 62
* <u>Spring Creek Road</u>		
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		
* <u>Cabin Creek Pike</u>		
CR 5013	0.0 Spring Creek RD	0.7 Dravo Lime CO

ADMINISTRATIVE REGISTER - 2716

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)	10.0 KY 11 [8.3 KY 686 (North)]
Weight Limit - C & O Railroad Bridge @ milepoint 9.64		
TY I = 20 tons, TY II = 26 tons, TY III = 28 tons, TY IV = 36 tons		
* KY 11	0.0 Powell CO LN	15.4 Bath 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
* Mountain PKWY	57.7 Wolfe CO LN	63.1 Magoffin CO LN
Weight Limit - Bridge over KY 134 and Johnson Creek @ milepoint 62.12		
TY I = 20 tons, TY II = 41 tons, TY III = 41 tons, TY IV = 60 tons		
* US 460	13.1 KY 205	17.8 KY 7
	[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 7	0.0 US 460	11.7 Elliott CO LN
* KY 205	0.0 Wolfe CO LN	6.8 US 460
* KY 172	21.0 Cindas Creek RD	22.3 KY 1614
* Malone Jones Creek Road		
GR 5175	0.0 KY 7	2.0 Mine]

MUHLENBERG COUNTY

ROAD	FROM	TO
* Western Kentucky Parkway	43.4 Hopkins CO LN	65.7 Ohio CO LN [67.9 US 434]
Weight Limit - Bridge over Pond River Relief @ milepoint 43.60		
TY I = 20 tons, TY II = 38 [39] tons, TY III = 45 [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 = 42 [44] tons, TY III = 44 [42] tons, TY IV = 60 tons		
[Weight Limit - Bridge over KY 181 @ milepoint 52.62		
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 = 43 [42] tons, TY III = 45 [43] tons, TY IV = 60 [59] tons		
Weight Limit - Bridge over Green River @ milepoint 65.38		
TY I = 20 tons, TY II = 34 tons, TY III = 39 tons, TY IV = 60 tons		
[Weight Limit - Bridge over L&N RR, Branch Little Cypress Creek @ milepoint 67.58		
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons]		
* US 62	0.0 Hopkins CO LN	26.0 Ohio CO LN
	[4.3 Henry Gates RD	10.6 KY 176]
Weight Limit - Bridge over Branch of Thompson Creek @ milepoint 3.68		
TY I = 20 tons, TY I = 28 tons, TY III = 31 tons, TY IV = 40 tons		
Weight Limit - Bridge over I.C. & Gulf R.R. @ milepoint 5.40		
TY I = 20 tons, TY II = 42 tons, TY III = 45 [43] tons, TY IV = 59 [57] tons		
Weight Limit - Bridge over L&N RR & Little Cypress Creek Bridge @ milepoint 17.76		
TY I = 20 tons, TY II = 42 tons, TY III = 47 tons, TY IV = 60 tons		
	[19.2 KY 604	26.0 Ohio CO LN]
Weight Limit - Bridge over I.C. RR @ milepoint 24.76 [4]		
TY I = 20 tons, TY II = 29 [28] tons, TY III = 30 [28] tons, TY IV = 37 [36] tons		
* US 431	8.0 KY 246	24.2 Green River Power Plant RD
	[11.5 KY 176	25.6 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 - 2717

* KY 70	0.0 Hopkins County Line [Extended weights shall be available only for TY IV vehicles-] 23.6 Barge Dock	15.4 US 431 [14.7 KY 189] 23.8 Butler CO LN
Weight Limit - Bridge over Mud River @ milepoint 23.75 TY I = 20 tons, TY II = <u>39</u> [38] tons, TY III = 41 [39] tons, TY IV = <u>48</u> [46] tons		
* KY 176	0.0 US 62	12.0 [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 181	15.2 Western KY Parkway	19.0 KY 70
* KY 189	[6.0 Mine Access 14.0 US 62 [Extended weights shall be available only for TY IV vehicles-]]	8.8 US 62 (South Junction) 15.3 KY 70 (North Junction)
* KY 246	1.9 Railroad ST	3.8 US 431
* 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 Gates Road		
CR 5392	0.0 US 62	2.3 Mine]
* Wherry RD		
CR 5111	1.7 Mine	3.7 Riverside Church RD
* Riverside Church RD		
CR 5112	2.6 Wherry RD	3.6 Power Plant
* Railroad ST (Beech Creek)		
CR 5206D	0.0 KY 246	0.3 Mine
* Cypress Valley RD		
CR 5419	0.0 Haul RD	0.3 Locketown RD
* Locketown RD		
CR 5420	0.0 Graham Ballfield RD	0.3 Cypress Valley RD
* Graham Ballfield RD		
CR 5421	0.0 Locketown RD	0.7 Mine
[NELSON COUNTY		
ROAD	FROM	TO
* Bluegrass PKWY	33.3 KY 55	39.3 Washington CO LN
Weight Limit - Bridge over Chaplin River @ milepoint 30.25 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 = <u>35</u> [36] tons, TY III = <u>37</u> [38] tons, TY IV = 60 tons		
OHIO COUNTY		
ROAD	FROM	TO
* Western KY PKWY	65.7 Muhlenberg CO LN [74.6 US 234]	76.8 Green River Parkway
Weight Limit - Bridge over KY 369 @ milepoint 72.43		

ADMINISTRATIVE REGISTER - 2718

TY I = 20 tons, TY II = 39 tons, TY III = 43 tons, TY IV = 59 tons		
Weight Limit - Bridge over US 231 @ milepoint 74.56		
TY I = 20 tons, TY II = <u>45</u> [43] tons, TY III = <u>47</u> [46] tons, TY IV = 60 tons		
Weight Limit - Bridge over Arnold-Butler Road @ milepoint 85.72		
TY I = 20 tons, TY II = <u>43</u> [42] tons, TY III = <u>46</u> [44] tons, TY IV = 60 tons		
* Green River PKWY	35.1 Butler CO LN	<u>41.3 Western KY PKWY</u> [59.5 Daviess CO LN]
	<u>47.8 KY 69</u>	<u>59.5 Daviess CO LN</u>
Weight Limit - Bridge over Rough River @ milepoint 49.34		
TY I = 20 tons, TY II = <u>45</u> [44] tons, TY III = <u>47</u> [46] tons, TY IV = <u>56</u> [64] tons		
* US 62	0.0 Muhlenberg CO LN	<u>13.2 Mine</u> [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 = <u>28</u> [32] tons, TY III = 32 tons, TY IV = <u>40</u> [57] tons		
Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91		
TY I = 20 tons, TY II = <u>31</u> [33] tons, TY III = <u>36</u> [36] tons, TY IV = <u>50</u> [49] tons		
Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03		
TY I = 20 tons, TY II = <u>30</u> [36] tons, TY III = <u>36</u> [38] tons, TY IV = <u>54</u> [60] tons		
Weight Limit - Bridge over Muddy Creek @ milepoint 12.30		
TY I = 20 tons, TY II = <u>30</u> [37] tons, TY III = <u>36</u> [39] tons, TY IV = <u>52</u> [69] tons		
Weight Limit - Bridge over Elmlick Creek @ milepoint 14.95		
TY I = 20 tons, TY II = <u>34</u> [37] tons, TY III = 38 tons, TY IV = <u>55</u> [53] tons		
* US 231	<u>5.8 KY 269</u> [0.0 Butler CO LN]	<u>13.2 KY 69</u> [10.0 US 62 (South)]
Weight Limit - North Fork Muddy Creek Bridge @ milepoint 12.30		
TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 60 tons		
	<u>20.8 Buford RD</u> [10.0 US 62 (North)]	24.3 Daviess CO LN
[Weight Limit - Bridge over North Fork Muddy Creek @ milepoint 12.30		
TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons		
Weight Limit - Bridge over Barnett Creek @ milepoint 20.30		
TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons]		
* KY 69	<u>7.5</u> [6.9] Mine	7.6 KY 85 (South)
	13.7 US 231 (South)	<u>15.0 Green River PKWY</u> [15.4 Country Club Road]
* KY 85	<u>1.0 Landfill Entrance</u>	<u>1.9 Landfill Entrance #2</u>
	<u>7.2 KY 69</u> (East)	<u>11.3 US 62</u>
Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62		
TY I = 20 tons, TY II = <u>30</u> [33] tons, TY III = <u>36</u> [36] tons, TY IV = <u>58</u> [56] tons		
* KY 269	<u>0.8 Schultztown-Cool Springs RD</u>	<u>5.6 US 231</u>
* KY 1414	14.0 Sugar Grove RD	16.7 KY 54]
* KY 1903	0.0 US 62	<u>0.7</u> [0.9] Lewis Creek Dock
* Sandefur Crossing RD		
* CR 5172	0.0 US 62	1.0 W.D. Leech RD
* Roscoe Stewart RD		
* CR 5179	0.0 Springs RD	1.0 Mine
* W.D. Leech RD		
* CR 5205	0.0 Sandefur Crossing RD	1.0 Mine
* Springs RD		
* CR 5267	0.0 KY 269	1.2 Roscoe Stewart RD
* Buford RD		
* CR 5386	0.0 US 231	0.3 Mosley RD
* Mosley RD		
* CR 5391	0.0 Buford RD	0.9 Mine
* Sunnydale Road		
* CR 5076	8.3 Sugar Grove RD	8.4 Sugar Grove RD
* Sugar Grove Road		
* CR 5077	0.0 KY 1414	1.5 Sunnydale RD
	<u>1.5 Sunnydale RD</u>	<u>2.0 Mine</u>
* Horton Mount Pleasant Road		
* CR 5126	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		
* Wheepee Hill Road		
* CR 5356	0.0 US 231	1.5 Rene RD
* Rene Road		
* CR 5356A	0.0 Wheepee Hill RD	0.5 Mine
* Maple Lake Road (Old Martin Dedson Cemetery Road)		
* CR 5373	0.1 US 231	0.7 Mine]

ADMINISTRATIVE REGISTER - 2719

OWSLEY COUNTY

ROAD	FROM	TO
* KY 11	0.0 Clay CO LN	<u>17.3 Lee CO LN [10.8 KY 1938]</u>
Weight Limit - Bridge over Sexton Creek @ milepoint 1.80		
TY I = 20 tons, TY II = 39 tons, TY III = <u>42 [40]</u> tons, TY IV = <u>55 [63]</u> tons		
Weight Limit - Bridge over Island Creek @ milepoint 4.02		
TY I = 20 tons, TY II = <u>42 [41]</u> tons, TY III = <u>44 [42]</u> tons, TY IV = <u>57 [66]</u> tons		
Weight Limit - Bridge over White Oak Creek @ milepoint 6.18		
TY I = 20 tons, TY II = <u>33 [34]</u> tons, TY III = <u>34 [35]</u> tons, TY IV = <u>47 [49]</u> tons		
* KY 30	0.0 Jackson CO LN	<u>6.8 KY 399 [10.8 KY 847]</u>
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 3.42		
TY I = 18 [20] tons, TY II = <u>19 [39]</u> tons, TY III = <u>22 [41]</u> tons, TY IV = <u>37 [60]</u> tons		
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 4.88		
TY I = 20 tons, TY II = <u>37 [39]</u> tons, TY III = <u>43 [41]</u> tons, TY IV = 60 tons		
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 5.15		
TY I = 20 tons, TY II = <u>18 [29]</u> tons, TY III = <u>22 [30]</u> tons, TY IV = <u>34 [49]</u> tons		
* KY 399	0.0 KY 30	<u>1.9 Lee CO LN</u>
* KY 587	0.0 Jackson CO LN	<u>0.5 Lee CO LN</u>
* KY 847	4.3 Bowman Branch RD	<u>7.2 KY 30</u>
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		
GR 6301	0.0 Bowman Branch Road	1.1 Denham & Lewis Mine
* Bowman Branch Road		
GR 6303	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 = <u>39 [40]</u> tons, TY III = <u>46 [43]</u> tons, TY IV = 60 tons		
Weight Limit - Bridge over L&N RR @ milepoint 7.57		
TY I = 20 tons, TY II = <u>29 [34]</u> tons, TY III = <u>31 [33]</u> tons, TY IV = <u>53 [54]</u> 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 = <u>43 [40]</u> tons, TY IV = 60 tons		
* KY 8	2.2 Black River Lime	<u>2.2 KY 154 [4.3 Bracken CO LN]</u>
* KY 154	4.5 KY 546	<u>5.7 KY 8</u>
* KY 546	0.0 Campbell CO LN	<u>4.3 Bracken CO LN</u>

PERRY COUNTY

ROAD	FROM	TO
* Daniel Boone Parkway	51.0 Leslie CO LN	59.1 KY 15
* KY 7	0.0 KY 15	<u>11.4 KY 699 [13.6 Letcher CO LN]</u>
Weight Limit - Bridge over Maces @ milepoint 2.44		
TY I = 20 tons, TY II = <u>38 [39]</u> tons, TY III = <u>39 [40]</u> tons, TY IV = <u>54 [63]</u> 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 = <u>44 [42]</u> tons, TY IV = <u>57 [56]</u> tons		
Weight Limit - Bridge over Carr Fork & L&N RR @ milepoint 3.37		
TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons		
Weight Limit - Bridge over L&N RR @ milepoint 13.17		
TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 55 tons		
Weight Limit - Bridge over KY 80, N Fork KY River @ milepoint 13.57		
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 49 tons]		
Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95		
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = <u>58 [66]</u> tons		
* KY 28	3.5 Buckhorn Breathitt RD	6.0 Breathitt CO LN]
	11.4 Barwick Rd [6.0 Breathitt CO LN]	18.1 KY 15
Weight Limit - Bridge over Grapevine Creek @ milepoint 15.02		
TY I = 20 tons, TY II = <u>38 [39]</u> tons, TY III = <u>39 [41]</u> tons, TY IV = <u>56 [60]</u> 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 = <u>24 [25]</u> tons, TY III = 28 tons, TY IV = <u>47 [46]</u> tons		
Weight Limit - Bridge over Big Creek @ mile point 5.27		
TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 44 tons		

ADMINISTRATIVE REGISTER - 2720

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 267	2.0 KY 15	3.2 Tipple
Weight Limit - First Railroad Bridge @ milepoint 2.10		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
* KY 451	16.3 Krypton-Napfor RD [6.0 Mine]	20.0 KY 28 [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 = 43 [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]		
	7.5 Dwarf Eagle Fork RD	18.7 Cockerell Fork - Noble
	[2.0 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 = 28 [24] tons, TY III = 36 [27] tons, TY IV = 40 [38] tons		
Weight Limit - Bridge over Ball Fork @ milepoint 12.36		
TY I = 20 tons, TY II = 30 [37] tons, TY III = 37 [38] tons, TY IV = 48 [54] tons		
	22.2 Buckhorn Creek Road	22.3 Breathitt CO LN
Weight Limit - Bridge over Troublesome Creek @ milepoint 18.30		
TY I = 20 tons, TY II = 25 tons, TY III = 28 tons, TY IV = 40 tons		
* 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	1.6 Blue Diamond Coal Camp RD	12.5 KY 7
	[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 = 59 [67] 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 = 37 [38] tons, TY III = 40 [38] tons, TY IV = 60 tons		
Weight Limit - Bridge over Big Leather Creek @ milepoint 10.77		
TY I = 20 tons, TY II = 43 [44] tons, TY III = 44 [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	0.0 Fusonia-Kodak RD or Montgomery	2.5 Bible RD
	Creek RD [0.4 Emmons Tipple]	2.0 KY 15]
Weight Limit - Bridge over Carr Fork @ milepoint 2.55		
TY I = 20 [48] tons, TY II = 22 [49] tons, TY III = 22 tons, TY IV = 22 [34] tons		
* KY 1096	0.0 KY 80	5.9 Mine [4.0 Whitaker Tipple]
Weight Limit - Bridge over Big Creek @ milepoint 0.02		
TY I = 20 tons, TY II = 39 [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 0.04		
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons		
* KY 3348	0.1 Little Leatherwood Creek RD	3.9 KY 699
Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 1.44		
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 2.32		
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons]		
* Wayne Davidson Road		
CR 5005	0.3 Cumberland Elk Tipple	0.5 KY 15

ADMINISTRATIVE REGISTER - 2721

* 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
* <u>Cockrell Fork - Noble Branch RD</u> <u>CR 5050</u>	<u>0.0 KY 476</u>	<u>1.7 Mine</u>
* 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		
* <u>Jeff - Knott County LN RD</u> <u>CR 5100</u>	<u>0.0 Old KY 15 Loop #1</u>	<u>1.6 Mine</u>
* Old KY 15 Loop #1 Road CR 5102	0.0 KY 15	0.2 Kentucky Prince Tipple
* <u>George Branch RD</u> <u>CR 5115</u>	<u>0.0 KY</u>	<u>0.1 Tipple</u>
* <u>Bible Avenue (Vicco)</u> <u>CR 5118H</u>	<u>0.0 KY 1095</u>	<u>0.3 KY 15</u>
* <u>Montgomery Creek RD</u> <u>CR 5120</u>	<u>0.3 Mine</u>	<u>1.5 KY 1095</u>
* 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	<u>0.5 Tipple [3.0 Lee Mine]</u>
* <u>Old House Branch RD</u> <u>CR 5148</u>	<u>0.0 KY 463</u>	<u>1.6 Mine</u>
* 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 5219 [5319]	0.0 KY <u>1096</u> [46]	<u>0.7 Mine [4.8 Dun Raven Tipple]</u>
* 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	<u>35.1 [39.6] Floyd CO LN</u>
Weight Limit - Levisa Fork Bridge @ milepoint 20.93 TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons (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]

ADMINISTRATIVE REGISTER - 2722

US 119	0.0 US 23 (North of Pikeville)	29.7 W Va. State LN
Weight Limit - Bridge over Raccoon Creek @ milepoint <u>6.99</u> [6.64]		
TY I = 18 tons, TY II = <u>28</u> [20] tons, TY III = <u>37</u> [23] tons, TY IV = 40 tons		
Weight Limit - Bridge over John's Creek @ milepoint <u>8.32</u> [7.94]		
TY I = 20 tons, TY II = <u>28</u> [24] tons, TY III = <u>37</u> [24] tons, TY IV = <u>40</u> [37] tons		
Weight Limit - Bridge over Bent Branch @ milepoint 9.99		
TY I = 20 tons, TY II = <u>34</u> [36] 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 = <u>34</u> [36] tons, TY III = <u>37</u> [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 = <u>14</u> [44] tons, TY II = <u>14</u> [44] tons, TY III = <u>14</u> [44] tons, TY IV = 11 tons		
Weight Limit - Bridge over Fork of Big Creek @ milepoint 16.41		
TY I = 20 tons, TY II = <u>18</u> [36] tons, TY III = <u>21</u> [36] tons, TY IV = <u>40</u> [60] tons		
Weight Limit - Bridge over Big Creek @ milepoint 17.06		
TY I = 20 tons, TY II = 23 tons, TY III = 24 tons, TY IV = 27 tons		
Weight Limit - Bridge over Reed Fork @ milepoint 18.48		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Big Creek @ milepoint 20.13		
TY I = 20 tons, TY II = 24 tons, TY III = 28 tons, TY IV = 47 tons		
Weight Limit - Bridge over Tug River @ West Virginia State Line @ milepoint 29.7		
TY I = 20 tons, TY II = 45 tons, TY III = 45 tons, TY IV = 52 tons		
Old US 119	0.0 US 23 @ Ferguson Creek	2.8 US 119 West of Zebulon]
US 460	0.0 US 23	<u>25.4</u> [24.0] Virginia State LN
Weight Limit - Bridge over Levisa Fork @ milepoint 4.26		
TY I = 20 tons, TY II = <u>40</u> [38] tons, TY III = <u>40</u> [39] tons, TY IV = <u>47</u> [46] tons		
KY 80	0.0 US 460	<u>6.6</u> Wolfpen Branch RD [6.9 Virginia State LN]
Weight Limit - Bridge over Russell Fork of Big Sandy @ milepoint 3.07		
TY I = 20 tons, TY II = <u>42</u> [44] tons, TY III = <u>44</u> [42] tons, TY IV = <u>58</u> [67] tons		
Weight Limit - Bridge over Russell Fork & Clinchfield R.R. @ milepoint 3.60		
TY I = 20 tons, TY II = <u>33</u> [37] tons, TY III = <u>38</u> [39] tons, TY IV = <u>58</u> [67] tons		
KY 122	<u>2.3</u> Indian Creek RD	<u>11.9</u> Little Creek RD
	[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 = <u>34</u> [36] tons, TY III = <u>38</u> [37] tons, TY IV = <u>54</u> [53] tons		
Weight Limit - Bridge over Bear Fork north of Jones Chapel @ milepoint 8.28		
TY I = 20 tons, TY II = <u>34</u> [36] tons, TY III = 39 tons, TY IV = 60 tons		
KY 194	<u>6.1</u> Sycamore Creek RD	<u>44.4</u> Mine
	[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 = <u>27</u> [28] tons, TY III = <u>32</u> [30] tons, TY IV = <u>52</u> [48] tons		
Weight Limit - Third Fork Culvert @ milepoint 42.71		
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
	[29.6 KY 3418]	40.0 KY 1499]
	<u>50.0</u> Tipple [52.4 Prater Branch RD]	<u>55.7</u> KY 632 @ Phelps
Weight Limit - Bridge over Peter Creek @ milepoint 51.37		
TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons		
	[67.3 Mine]	67.7 KY 2062]
	<u>67.7</u> KY 2062 [69.6 KY 2069]	<u>73.2</u> Virginia State LN
KY 195	0.0 KY 197	<u>11.6</u> 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	<u>0.0</u> US 23 [9.8 KY 196]	<u>16.6</u> 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 = <u>32</u> [38] tons, TY III = <u>35</u> [40] tons, TY IV = <u>51</u> [66] tons		

ADMINISTRATIVE REGISTER - 2723

* KY 199	8.2 KY 1056	11.6 US 119
Weight Limit - Bridge over Pond Creek @ milepoint <u>8.29</u> [8.29]		
TY I = 20 tons, TY II = 39 tons, TY III = <u>41</u> [39] tons, TY IV = <u>59</u> [58] tons		
Weight Limit - Bridge over Pond Creek @ milepoint 8.72		
TY I = 20 tons, TY II = <u>22</u> [34] tons, TY III = <u>22</u> [35] tons, TY IV = <u>22</u> [44] tons		
Weight Limit - Pinson Fork Bridge @ milepoint 8.99		
TY I = 20 tons, TY II = 27 tons, TY III = 28 tons, TY IV = 37 tons		
Weight Limit - Bridge over Pond Creek @ milepoint 11.34		
TY I = 20 tons, TY II = <u>31</u> [44] tons, TY III = <u>32</u> [42] tons, TY IV = 43 [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 KY 1056 [US 119]	7.0 <u>US 119</u> [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	2.7 Burk Branch Road [0.0 US 23]	8.9 KY 122 [2.6 Myra-Tipple]
Weight Limit - Bridge over Shelby Creek @ milepoint 2.87		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Shelby Creek @ milepoint 5.90		
TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 60 tons		
Weight Limit - Bridge over Shelby Creek @ milepoint 6.95		
TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 50 tons		
Weight Limit - Bridge over Shelby Creek @ milepoint 7.79		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Long Fork @ milepoint 8.08		
TY I = 20 tons, TY II = 34 tons, TY III = 38 tons, TY IV = 55 tons		
[Weight Limit - Bridge over Beehide 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	8.0 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	3.9 [3.6] Mine
	6.6 Mine	8.4 KY 292
* KY 632	0.0 KY 194 @ Kimper	14.0 [15.9] KY 194 @ Phelps
Weight Limit - Bridge over Johns Creek @ milepoint 1.19		
TY I = 20 tons, TY II = <u>41</u> [40] tons, TY III = 43 [42] tons, TY IV = 60 tons		
Weight Limit - Bridge over Peter Creek @ milepoint <u>14.00</u> [14.96]		
TY I = 20 tons, TY II = 44 tons, TY III = <u>47</u> [46] tons, TY IV = 60 tons		
* KY 881	0.0 US 119	7.7 Mine [3.0 Brushy Fork Road]
* KY 1056	0.0 KY 199	11.6 W.Vir. ST LN
Weight Limit - Bridge @ milepoint 10.09		
TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 54 tons		
[Weight Limit - Bridge over Blackberry Creek @ milepoint 6.52 @ Ransom		
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
Weight Limit - Bridge over Blackberry Creek @ Nampa		
TY I = 20 tons, TY II = 43 tons, TY III = 45 tons, TY IV = 60 tons		
Weight Limit - Bridge over Tug Fork Big Sandy River @ milepoint 11.5		
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 53 tons]		
* KY 1373	4.8 Card Creek-Card Knob Road	6.7 US 460
* KY 1384	0.0 US 23 @ Boldman	6.9 US 23 North [6.1 KY 3417]
* KY 1426	2.0 KY 3417 [0.0 Floyd CO LN]	4.9 US 23
* KY 1441	8.9 Tipple [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 = 43 [41] tons, TY IV = <u>59</u> [58] tons		
* KY 1469	4.5 KY 3414	14.6 [14.5] US 23
Weight Limit - Shelby Creek Bridge @ milepoint 13.09		
TY I = 20 tons, TY II = 41 tons, TY III = 44 tons, TY IV = 57 tons		
Weight Limit - Caney Creek Bridge @ milepoint 14.51		

ADMINISTRATIVE REGISTER - 2724

TY I = 20 tons, TY II = 31 tons, TY III = 37 tons, TY IV = 60 tons		
* 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	6.7 [6.8] Daugherty Tipple	7.8 KY 632
* KY 1789	0.0 US 460	0.3 Tipple [1.1 KY 1441]
* KY 2059	0.0 KY 194	2.2 Lower Elk Creek RD [0.3 Private Haul Road]
Weight Limit - Bridge @ milepoint 1.10		
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons		
* KY 2061	[1.6 Private Haul Road]	2.3 Lower Elk Creek RD]
	0.0 US 23	7.1 KY 194
Weight Limit - Bridge over Cowpen Creek @ milepoint 0.81		
TY I = 18 tons, TY II = 18 [49] tons, TY III = 22 tons, TY IV = 35 [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 = 33 [36] tons, TY III = 38 tons, TY IV = 60 tons		
* KY 2062	0.0 KY 194 [at Jamboree]	3.1 KY 194 @ Stopover
* KY 2167	0.0 US 23	0.3 KY 122
* KY 2562	0.0 US 23	0.3 Shelbyana RD
Weight Limit - Bridge over Shelby Creek @ milepoint 0.04		
TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 30 tons]		
* KY 3154	0.0 Meathouse Branch RD	2.8 [2.7] US 119
* KY 3226	0.0 Gardiner Fork RD or	3.3 US 460
	Rockhouse Creek-Greasy RD	
* KY 3227	0.0 US 23	2.3 Clevingers Branch-Miller Creek RD
	7.6 Mine	[1.0 Coal Run Tipple]
Weight Limit - Bridge over West End of John's Creek @ milepoint 7.91		8.0 KY 194
TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons		
* KY 3414	1.7 Petty's Fork [2.4 Mine]	3.4 KY 1469
* KY 3415	0.0 KY 122 [Robinson Creek RD]	2.8 Newsome Branch RD [KY 122]
Weight Limit - Bridge over Robinson Creek @ milepoint 1.20 [0.4]		
TY I = 20 tons, TY II = 31 [28] tons, TY III = 37 tons, TY IV = 60 [40] tons		
Weight Limit - Bridge over Robinson Creek @ milepoint 1.71 [0.6]		
TY I = 20 tons, TY II = 27 [28] tons, TY III = 31 [37] tons, TY IV = 53 [40] tons		
* KY 3416	0.0 Long Br RD at Pigeon [Island Cr 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	5.8 [6.0] Kentucky Carbon Scales
Weight Limit - Bridge over Calloway Creek @ milepoint 4.94		
TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
	10.4 Tipple [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 = 28 [37] tons, TY III = 37 [48] tons, TY IV = 40 [60] tons		
[- Frozen Creek Road		
CR 5004	0.0 KY 1441	2.4 Mine]
* Winn Branch Road		
CR 5011	0.0 US 119	1.1 Mine [1.3 Chlee 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		
* Smith Fork RD		
CR 5014	0.0 US 119	0.3 Mine
* Scott Fork RD		
CR 5015	0.0 US 119	0.3 Mine
* 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
* Road Fork Big Creek RD		

ADMINISTRATIVE REGISTER - 2725

* <u>CR 5029</u>	<u>0.0 US 119</u>	<u>0.3 Mine</u>
* <u>Coburn Branch RD</u>		
* <u>CR 5038</u>	<u>0.0 KY 199</u>	<u>1.2 Mine</u>
* <u>Scant Branch RD</u>		
* <u>CR 5042</u>	<u>0.0 US 119</u>	<u>0.8 Mine</u>
* <u>Peg Branch Road</u>		
<u>CR 5043</u>	<u>0.0 US 119</u>	<u>0.6 Eastern Coal Mine</u>
* Goody-Aflex-Burnwell Road		
CR 5050	0.0 KY 292	0.8 Mine
* <u>Taylor Fork RD</u>		
* <u>CR 5065</u>	<u>0.0 KY 612</u>	<u>0.4 Noeben Fork RD</u>
* <u>Nosben Fork RD</u>		
* <u>CR 5067</u>	<u>0.0 Taylor Fork Rd</u>	<u>0.3 Mine</u>
* Bent Branch Road		
CR 5074	0.0 KY 468	<u>1.3 [1-1] Gex Tipple</u>
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	<u>0.2 Mine [0.5 Island Creek Mine]</u>
* 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		
* <u>King Camp Branch</u>		
* <u>CR 5080</u>	<u>0.0 KY 881</u>	<u>0.5 Mine</u>
* <u>Rye Straw Branch RD</u>		
* <u>CR 5088</u>	<u>0.0 KY 881</u>	<u>0.4 Mine</u>
* 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]		
* <u>Sycamore Creek RD</u>		
* <u>CR 5104</u>	<u>0.0 KY 194</u>	<u>0.3 Road Fork Sycamore Creek RD</u>
* <u>Road Fork - Sycamore Creek RD</u>		
* <u>CR 5106</u>	<u>0.0 Sycamore Creek RD</u>	<u>0.8 Mine</u>
* <u>Big Branch/Meathouse Creek Road</u>		
<u>CR 5111</u>	<u>2.4 Mine</u>	<u>4.2 Brushy Fork RD]</u>
* <u>Brushy Run Johns Creek RD</u>		
* <u>CR 5122</u>	<u>0.0 KY 194</u>	<u>0.9 Mine</u>
* Miller Creek Road		
CR 5123	<u>2.7 Clivergers BR Miller Creek RD</u>	<u>3.0 Mine</u>
[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		
<u>3.9 Tipple</u>		
* <u>Clevingers Branch - Miller Creek RD</u>		<u>5.1 KY 194</u>
* <u>CR 5124</u>	<u>0.0 KY 3227</u>	<u>1.7 Miller Creek Cowpen RD</u>
* <u>Lick Branch Road</u>		
<u>CR 5141</u>	<u>0.0 KY 468</u>	<u>0.8 Jex Big Hill Mine</u>
* <u>Hurricane Creek Road</u>		
<u>CR 5162</u>	<u>2.5 Wellmore Mine</u>	<u>3.7 KY 3418]</u>
* Dicks Fork Road		
CR 5163	0.0 KY 194 @ Phylliss	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		

ADMINISTRATIVE REGISTER - 2726

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	0.3 Tipple [0.0 Bane Tipple]	1.6 Mine [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	3.7 Mine [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		
* <u>Powell Creek RD</u>		
CR 5328	0.0 US 460	2.2 Mine
* <u>Miller Fork RD</u>		
CR 5348	0.0 US 460	0.8 Mine
* <u>East Main ST (Elkhorn City)</u>		
CR 5361U	0.0 Ohio Street	0.1 KY 80
* <u>Clinchfield ST (Elkhorn City)</u>		
CR 5361V	0.0 East Main ST	0.1 Tipple
[* Daniel Branch Road		
CR 5326	0.0 US 460	0.4 Mine
* <u>Biggs Creek Road</u>		
CR 5327	0.0 US 460	1.9 Mine
* <u>Little Fork of Harless Creek Road</u>		
CR 5329	0.0 Harless Creek RD	1.0 Mine
* <u>Harless Creek Road</u>		
CR 5330	0.0 US 460	1.5 Wellmore Mine
* <u>Jimmie Creek Road</u>		
CR 5341	0.0 US 460	0.6 Wellmore Mine
* <u>Old US 460 Loop #2 Road</u>		
CR 5353	0.3 Potter Coal Mine	0.8 US 460
* <u>Shortridge Fork Road</u>		
CR 5355	0.4 Wellmore Mine	0.9 Wellmore Private RD
* <u>Abes Fork Road</u>		
CR 5356	0.0 Virginia State LN	0.4 Potter Prep Plant
* <u>Ohio Street (Elkhorn City)</u>		
CR 5361T	0.0 KY 80	0.5 Potter Processing
* <u>Old Bridge Street (Elkhorn City)</u>		
CR 5361Z	0.0 KY 80	0.1 Private Access Road]
* <u>John Moore Branch Road</u>		
CR 5363	0.0 KY 197	0.9 Federal Tipple
[* Jackson Branch Road		
CR 5371	0.0 KY 197	1.9 Mine
* <u>Brushy Branch Road</u>		
CR 5379	0.0 KY 195	0.8 Ratliff Elkhorn Mine]
* <u>Marrowbone Creek Road</u>		
CR 5381	0.0 KY 195	2.5 Mine [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		
* <u>Marrowbone Creek RD</u>		
CR 5381	0.0 KY 195	2.5 Mine
* <u>Seng Branch RD</u>		
CR 5383	0.0 KY 195	1.2 Mine
* <u>Bowling Fork Road</u>		
CR 5384	0.0 KY 195	1.7 Nats Fork RD
* <u>Nats Fork RD</u>		
CR 5385	0.0 Bowling Fork RD	0.2 Mine
* <u>Flatwoods Access RD</u>		
CR 5391A	0.0 US 23	2.0 Mine
* <u>Big Branch RD</u>		

ADMINISTRATIVE REGISTER - 2727

CR 5419	0.0 KY 195	1.1 Mine
* 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		
	4.7 Mine [5.3 Joe Brown RD]	6.3 KY 3226
* Joe Brown Road		
CR 5429	0.0 Rockhouse Creek Greasy RD	1.2 Mine [0.3 Mine]
* Prichard Branch Road		
CR 5430	0.0 Wolfpit Branch Gardiner Fork RD	0.6 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
* Shalbiana Road		
CR 5473	0.0 KY 2553	0.5 Coalmae Shelby Tipple]
* Old KY 610 Loop		
CR 5447	0.0 US 23	0.2 Mine
	1.2 Mine	1.4 US 23
* John Hollow RD		
CR 5470	0.0 US 23	0.7 Mine
* Marion Branch Road		
CR 5478	0.0 KY 1426	1.8 [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	0.5 Mine [0.9 Amber #0 Mine]
* Dog Fork/Hurricane Creek Road		
CR 5522	0.0 KY 1384	1.3 Peter Fork Joline Mine
* Coal Run RD		
CR 5524	0.0 US 23	0.4 Lackens Branch RD
* Lackens Branch RD		
CR 5525	0.0 Coal Run RD	1.5 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	1.7 Ray Branch RD [2.3 Mine]
* Ray Branch Road		
CR 5537	0.0 Island Creek RD	0.7 Mine
* Long Branch Cemetery RD		
CR 5538	0.0 Island Creek RD	1.1 Mine
* Bear Fork - Tinker Fork Road		
CR 5547	0.0 Bear Fork Branch RD	1.1 Floyd CO LN
* Little Robinson - Floyd County Road		
CR 5550	0.0 Robinson Creek RD	0.6 Floyd CO LN
* Little Fork/Robinson Creek Road		
CR 5553	0.0 KY 3415	1.4 [1.6] Apache Mining Mine
* Robinson Creek Road		
CR 5554	0.0 KY 3415	1.0 Little Robinson Floyd RD [1.3 Mine]
* Turkeypen Branch RD		
CR 5560	0.0 KY 122	1.5 Mine
* Indian Creek RD		
CR 5561	0.0 KY 122	0.1 Mine
* Petty's Fork RD		
CR 5572	0.0 KY 3414	1.4 Mine
* Burk Branch RD		
CR 5578	0.0 KY 610	0.9 Tipple
* Arnold Fork Road		
CR 5555	0.0 KY 122	0.3 Apache Mining Mine
* Lizzie Fork Road		

ADMINISTRATIVE REGISTER - 2728

CR 5690	0.0 US 23	1.0 Mine
Weight Limit - Bridge over Cane 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
* Esco RD		
CR 5609	0.0 US 23	0.6 Tipple
* 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
* Hartley RD		
CR 5621	0.0 KY 1469	0.3 Mine

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 = 35 [37] tons, TY III = 38 tons, TY IV = 47 [46] tons		
Weight Limit - Bridge over Red River @ milepoint 18.22		
TY I = 20 tons, TY II = 35 [37] tons, TY III = 38 [37] tons, TY IV = 47 [46] tons		
Weight Limit - Bridge over Red River @ milepoint 24.83		
TY I = 20 tons, TY II = 40 [39] tons, TY III = 40 tons, TY IV = 52 [50] tons		
Weight Limit - Bridge over Cane Creek @ milepoint 26.12		
TY I = 20 tons, TY II = 46 [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 = 45 [44] tons, TY III = 47 [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 = 56 [55] tons		
Weight Limit - Bridge over Middle Fork Red River @ milepoint 31.96		
TY I = 20 tons, TY II = 36 [37] tons, TY III = 38 tons, TY IV = 47 [46] tons		
Weight Limit - Bridge over KY 11 & 15 @ milepoint 32.08		
TY I = 20 tons, TY II = 43 [42] tons, TY III = 43 tons, TY IV = 56 [54] tons		
* KY 11	21.0 KY 15 @ Clay City	25.0 Montgomery CO LN
* KY 15	3.6 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		
* KY 82	4.1 Mountain Pkwy {(KY 402)} @ KY 82	8.9 Clark CO LN
	0.0 Estill CO LN	2.1 KY 15

PULASKI COUNTY

ROAD	FROM	TO
* Cumberland PKWY	72.1 Russell CO LN	88.5 US 27
Weight Limit - Bridge over Fishing Creek @ milepoint 84.31		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* 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 = 35 [39] tons, TY III = 40 [38] tons, TY IV = 55 [59] tons		
* KY 80	21.6 KY 80 Bypass	40.4 Laurel CO LN
[Weight Limit - Bridge over Buck Creek @ milepoint 31.65]		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons		
* KY 80B	0.0 US 27	2.3 KY 80
* KY 90	0.0 Wayne CO LN	4.2 US 27
Weight Limit - Bridge over Cumberland River @ milepoint 3.07		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* KY 192	0.0 KY 80 Business Route [Bypass]	15.0 Old Whitley RD
Weight Limit - Bridge over Pitman Creek @ milepoint 4.13		
TY I = 20 tons, TY II = 39 [40] tons, TY III = 41 [39] tons, TY IV = 60 [58] tons		
Weight Limit - Bridge over Buck Creek @ milepoint 10.57		
TY I = 20 tons, TY II = 36 [37] tons, TY III = 37 [38] tons, TY IV = 49 [48] tons		

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* KY 790	0.0 Wayne CO LN	5.7 KY 90]
* KY 1247	0.0 US 27	0.3 Cooper Power Plant RD [5.5 KY 1580]
Weight Limit - Bridge over Southern RR @ milepoint 0.08 TY I = 20 tons, TY II = 41 [40] tons, TY III = 43 [41] tons, TY IV = 53 [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
* Belthouse Ridge Road		
CR 5017	0.0 Ano RD	0.9 Ikard Bandy Mine
* Ano Road		
CR 5018	0.0 Acorn Lick Creek RD	1.4 Belthouse Ridge RD]
* Old Whitley Road		
CR 5216	0.0 KY 192	3.8 Cumberland River RD
* Cumberland River Road		
CR 5225	0.0 Old Whitley RD	0.8 Mine
* Bauer Road		
CR 5232	0.0 McCreary CO LN	0.8 Mine]
* Cooper Power Plant Road		
CR 5349	0.0 KY 1247	0.6 E KY Power Plant

ROBERTSON COUNTY

ROAD	FROM	TO
* US 68	0.0 Nicholas CO LN	1.4 Fleming CO LN

[ROCKCASTLE COUNTY

ROAD	FROM	TO
* US 25	11.8 + 75	13.9 US 150
* US 150	0.0 Lincoln CO LN	10.5 US 25]

RUSSELL COUNTY

ROAD	FROM	TO
* Cumberland PKWY	57.8 Adair CO LN	72.1 Pulaski CO LN

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 = 42 [28] tons, TY III = 47 [37] tons, TY IV = 60 [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 Tennessee State [Warren CO] Line	3.2 KAEC Gasahol Plant
(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)		
	3.2 KAEC Gasahol Plant	6.5 KY 100 in Franklin
	6.5 KY 100 in Franklin]	14.0 Warren CO [Tennessee State] LN
[(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)		

SPENCER COUNTY

ROAD	FROM	TO
* US 31E	0.0 Nelson CO LN	2.4 Bullitt CO LN]

ADMINISTRATIVE REGISTER - 2730

TAYLOR COUNTY

ROAD	FROM	TO
* US 68	4.6 Warehouse LN (Consumer)	4.9 KY 55
* KY 55	0.0 Adair CO LN	10.3 US 68
Weight Limit - Bridge over Green River @ milepoint 2.17		
TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 40 tons		

[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 = 36 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	5.7 KY 109 [9.2 Mine]
Weight Limit - Bridge over Branch of Cypress Creek @ milepoint 3.66		
TY I = 20 tons, TY II = 36 [38] tons, TY III = 39 tons, TY IV = 57 [66] tons		
* KY 56	0.0 Illinois State LN	2.7 KY 109
Weight Limit - Bridge over Ohio River @ milepoint 0.02		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* KY 109	0.0 Webster CO LN	13.7 KY 56 [1.5 US 60 (West)]
	1.5 US 60 (East)	4.9 KY 492]
Weight Limit - Bridge over Cypress Creek @ milepoint 8.13		
TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 55 tons		
Weight Limit - Bridge over Geiger Creek Branch @ milepoint 9.72		
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 60 tons		
* 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 = 40 [34] tons, TY III = 46 [36] tons, TY IV = 60 [69] tons		
* Davis Mine Road		
CR 5227	0.0 KY 109	0.3 Private Haul Road

WARREN COUNTY

ROAD	FROM	TO
* Green River Parkway	3.6 US 31W [0.0+66]	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 Simpson Co Ln [Green River Pkwy]	9.0 Green River PKWY [Simpson County LN]
Weight Limit - Bridge over Seaboard System Railroad @ milepoint 7.99		
TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons		
[(Extended weights shall be available only to TY IV vehicles with a gross weight of 90,000 pounds or less.)]		
* US 68	0.0 Logan CO LN	8.2 Green River Parkway

[WASHINGTON COUNTY

ROAD	FROM	TO
* Bluegrass Parkway	39.3 Nelson CO LN	44.8 Anderson CO LN
Weight Limit - Bridge over Chaplin River @ milepoint 42.08		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		

WAYNE COUNTY

ROAD	FROM	TO
* KY 90	0.0 Clinton CO LN	25.2 Pulaski CO LN
Weight Limit - Bridge over Beaver Creek @ milepoint 8.65		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Meadow Creek @ milepoint 19.51		
TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons		
* KY 776	7.5 KY 790	9.8 Brammer Hill Ridge RD
* KY 790	1.3 KY 776	10.5 Pulaski CO LN
Weight Limit - Bridge over Sinking Creek @ milepoint 2.02		

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TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 41 tons

* Brammer Hill Ridge Road	0.0 KY 776	4.1 Jonesville Cemetery RD
CR 5023		
* Denny Creek Road	0.0 KY 776	1.7 Shamrock Mine
CR 5024		
* Brammer Hill Delta Road	0.0 KY 790	2.2 Brammer Hill Ridge RD
CR 5030		
* Jones Cemetery #2 Road	0.0 Brammer Hill Ridge RD	2.4 Mine
CR 5031		
* Sizemore Road	0.0 Denny Creek RD	1.1 Mine]
CR 5155		

WEBSTER COUNTY

ROAD	FROM	TO
* Pennyrile PKWY	55.0 [48.0] Hopkins CO LN	62.6 [55.6] KY 56
* US 41	0.0 Hopkins CO LN	2.8 KY 147 [42.1 Henderson CO LN]
	9.5 KY 56 West	12.1 Henderson CO LN
* US 41A	0.0 Hopkins CO LN	19.5 KY 56 East
* 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 = 52 [64] tons		
Weight Limit - Bridge over Caney Fork @ milepoint 10.72		
TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 52 [64] tons		
* KY 132	7.6 KY 109 [23.6 Mine]	16.4 US 41A [25.9 KY 494]
Weight Limit - Bridge B0062 @ milepoint 10.49		
TY I = 20 tons, TY II = 22 tons, TY III = 23 tons, TY IV = 39 tons		
Weight Limit - Bridge B0063 @ milepoint 11.15		
TY I = 20 tons, TY II = 22 tons, TY III = 23 tons, TY IV = 39 tons		
Weight Limit - Bridge over Crab Orchard Creek @ milepoint 12.55		
TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons		
* KY 147	0.0 US 41	3.5 Onton-Wrightsburg RD
* KY 270	8.4 Mine	8.9 Slover Creek RD [43.2 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
* Onton-Wrightsburg RD		
CR 5024	0.0 KY 147	3.1 Dock
* Old Eastwood Ferry Road		
CR 5034	0.0 KY 56	0.5 Dock [0.1 Seabee Dock]
[* Quinns Landing Road		
CR 5036	0.0 Henderson CO LN	0.2 Big Rivers Plant]
* Bruce RD		
CR 5254	0.0 Luttlontown-Lisman	0.9 Slover Creek RD
* Luttlontown-Lisman RD		
CR 5255	1.7 Bruce RD	2.5 Bill Dorris RD
* Bill Dorris RD		
CR 5256	0.4 Tipple	1.4 Luttlontown-Lisman RD
* Slover Creek RD		
CR 5257	0.0 Bruce RD	0.9 KY 270

WHITLEY COUNTY

ROAD	FROM	TO
[* US 25T	0.0 US 25W	0.7 US 25W]
* US 25W	0.0 Tenn. ST LN [4.7 Kensee Creek Rd]	14.1 KY 26 (South)
Weight Limit - Bridge over Elk Fork Creek @ milepoint 0.53		
TY I = 20 tons, TY II = 28 tons, TY III = 36 tons, TY IV = 40 tons		
Weight Limit - Bridge over Clear Creek @ milepoint 5.04		
TY I = 20 tons, TY II = 30 tons, TY III = 32 tons, TY IV = 40 [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 = 41 [39] tons		

ADMINISTRATIVE REGISTER - 2732

Weight Limit - Bridge over L&N RR @ milepoint 11.02

TY I = 20 tons, TY II = 40 [38] tons, TY III = 42 [40] tons, TY IV = 60 tons

* KY 6 32.1 KY 26 (North) 32.8 US 26T (South)
0.8 KY 1064 1.6 Knox CO LN

~~Weight Limit - Bridge over Corn Creek @ milepoint 1.64~~

~~TY I = 20 tons, TY II = 20 tons, TY III = 30 tons, TY IV = 40 tons~~

* KY 11 0.0 KY 92 2.6 Knox CO LN
 * KY 26 0.0 US 25W (South) 12.3 KY 6 [14.3 US 26W (North)]
 * KY 92 0.0 McCreary CO LN 21.3 KY 1064 [11.3 US 26W (South)]

Weight Limit - Bridge over Pleasant Run @ milepoint 0.23

TY I = 20 tons, TY II = 32 [34] tons, TY III = 37 [36] tons, TY IV = 60 [68] tons

Weight Limit - Bridge over Pleasant Run @ milepoint 1.51

TY I = 20 tons, TY II = 29 [31] tons, TY III = 32 [33] tons, TY IV = 46 tons

Weight Limit - Bridge over Jellico Creek @ milepoint 2.99

TY I = 20 tons, TY II = 23 [25] tons, TY III = 26 [28] tons, TY IV = 38 [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 = 39 [40] tons, TY III = 41 [39] tons, TY IV = 53 [54] tons

24.7 KY 11 [11.3 US 26W (North)] 28.0 KY 904 [33.4 Bell CO LN]

~~Weight Limit - Bridge over Cumberland River @ milepoint 22.02~~

~~TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 42 tons~~

Weight Limit - Bridge over Golden Fork @ milepoint 26.66

TY I = 20 tons, TY II = 32 [34] tons, TY III = 36 tons, TY IV = 51 [60] tons

Weight Limit - Bridge over Harpes Creek @ milepoint 27.89

TY I = 20 tons, TY II = 38 tons, TY III = 40 [38] tons, TY IV = 60 tons

* KY 312 2.5 US 26W 2.6 Knox CO LN]
 * KY 628 1.5 [1.7] Mine 5.2 US 25W

Weight Limit - Bridge over Possum Creek @ milepoint 3.91

TY I = 20 tons, TY II = 42 [38] tons, TY III = 43 [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 = 42 [39] tons, TY IV = 50 [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 = 38 [40] tons, TY III = 43 [42] tons, TY IV = 55 [60] tons

* KY 1064 0.0 KY 904 @ Dixie 5.1 KY 92 @ Loudon

~~Weight Limit - Bridge over Cumberland River @ Loudon~~

~~TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons~~

~~Weight Limit - Bridge over Unnamed Stream 0.70 miles North of Loudon~~

~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~

* KY 1595 9.3 KY 779 17.1 KY 6
3.0 Mine 4.6 KY 92

Weight Limit - Bridge over Poplar Creek @ milepoint 4.49

TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 62 tons

* KY 1673 0.0 KY 92 0.4 McCreary CO LN

* KY 1804 0.4 McCreary CO LN 1.2 Ball Branch RD]

0.0 US 25W 2.7 Sandy Flats RD

2.9 Keswick-Gatliff RD 5.1 Buck Creek RD

~~Weight Limit - Bridge over Cane Creek @ milepoint 3.04~~

~~TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons~~

* KY 1809 0.0 KY 92 1.4 Knox CO LN

Weight Limit - Bridge over Golden Creek @ milepoint 0.21

TY I = 20 tons, TY II = 36 [37] tons, TY III = 40 [39] tons, TY IV = 56 [53] tons

* Goldens Creek RD

CR 5171 0.0 KY 1809 0.7 Knox CO LN

* Mosley Road 0.0 KY 1064 0.9 Mine

* McNeil Hollow Corn Creek Road 2.4 Brenda Mine 3.6 KY 1064

CR 5045 0.0 KY 1064 0.9 Mine

* Dec Siler Road 2.4 Brenda Mine 3.6 KY 1064

CR 5223 0.0 KY 1064 0.9 Mine

* Skaggs Branch Road 0.0 Tennessee ST LN 0.1 Skaggs Branch RD

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CR 5224	0.0 Doe Siler RD	0.7 Bowlin Mine]
* Keswick-Gatliff Road		
CR 5227	0.0 KY 1804 [3.3 Upper Cane Cr 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		
* Buck Creek RD		
CR 5253	0.0 KY 1804	1.2 Mine
* Old Williamsburg - Jellico RD		
CR 5260	2.1 Jasper - Redmond ST	2.5 Clear Ck - Mt Ash RD
* Jasper - Redmond ST (Mountain Ash)		
CR 5261C	0.0 US 25 W	0.3 Old Williamsburg - Jellico RD
* Savoy - Clear Creek - Mountain Ash RD		
CR 5262	7.0 Mine	8.2 Old Williamsburg - Jellico RD
* Little Patterson Creek RD		
CR 5265	0.0 KY 904	1.8 Mine
* Sandy Flats RD		
CR 5274	0.0 KY 1804	1.5 Mine
* Happy Hollow Rd		
CR 5306	0.0 KY 92	1.8 Mine
[* 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	57.7 Morgan CO LN [42.7 KY 155]
Weight Limit - Bridge over Swiftcamp Creek and Harvest RD @ milepoint 43.77		
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 47 tons		
Weight Limit - Bridge over KY 1812 @ milepoint 49.67		
TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 53 tons		
Weight Limit - Bridge over KY 205 @ milepoint 57.19		
TY I = 20 tons, TY II = 43 tons, TY III = 43 tons, TY IV = 60 tons		
* KY 15	0.0 Breathitt CO LN	10.4 KY 651 [40.3 KY 651]
[Weight Limit - Bridge over Holly Creek @ milepoint 1.79		
TY I = 20 tons, TY II = 46 tons, TY III = 47 tons, TY IV = 60 tons		
	13.4 Mountain PKWY (KY 402)	14.0 KY 715]
* KY 15S	0.0 KY 15	1.1 Mountain PKWY [(KY 402)]
Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05		
TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 58 tons		
* KY 205	0.0 Breathitt CO LN	6.9 Morgan CO LN
* KY 651	0.0 Sandy Ridge RD [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]
* Sandy Ridge RD		
CR 5220	0.0 KY 651	3.6 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. Tyrene Power Plant	7.1 US 60X in Versailles
Weight Limit - Bridge under Southern R.R. @ Tyrene @ milepoint 0.1		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons]		

ADMINISTRATIVE REGISTER - 2734

Section 5. Restricted Bridge Use. A [Ne] person shall not 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. Bridge Posted Weight Limits. 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. Additional Bridge Restrictions. A [Ne] person shall not 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. Local Resolutions. 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. Incorporation by Reference. 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, 7th Floor, State Office Building, 501 High Street, Frankfort, Kentucky. Office hours are 8 a.m. until 4:30 p.m., eastern time on weekdays. 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.

J. M. YOWELL, P.E., State Highway Engineer
JERRY D. ANGLIN, Commissioner of Highways
DON C. KELLY, P.E., Secretary

APPROVED BY AGENCY: April 19, 1993

FILED WITH LRC: April 29, 1993 at 9 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on June 24, 1993 at 10 a.m. local prevailing time in the Transportation Cabinet, Training Rooms A & B, Corner of High, Clinton and Holmes Streets, 501 High Street, Frankfort, Kentucky 40622. Any person who intends to attend this meeting must in writing by June 19, 1993 so notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given the opportunity to comment on the administrative regulation. A transcript of the public comment hearing will not be made unless a written request for a transcript is made and then only at the requestor's expense. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 19, 1993. This request does not have to be in writing. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will only be accepted until June 19, 1993. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 1003 State Office Building, 501

High Street, Frankfort, Kentucky 40622, (502) 564-4890.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: 6,000 coal transporters.

(a) Direct and indirect costs or savings to those affected: Savings incurred as a result of being allowed to transport coal at extended weights over more roads. At the same time a number of roads are being deleted from the system causing an additional cost for the coal transporters who have been operating on those routes.

1. First year: The savings and cost to the industry as a whole should balance. However, individual companies can see a large swing in their cost/savings.

2. Continuing costs or savings: Same

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: The road segments added to the extended weight system will require more maintenance.

(a) Direct and indirect costs or savings:

1. First year: The cost of additional maintenance for roads added to the system will be thousands of dollars. Almost all the highways which are being deleted from the system will still have to have additional maintenance or reconstruction because of the transportation of coal at extended weights. Therefore, there will be no off-setting savings for the Transportation Cabinet.

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs: The lifespan of bridges which are used at these extended weights is considerably shortened. Therefore, the cost to the Transportation Cabinet over the existence of the extended weight coal haul road system will be additional millions of dollars.

(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: KRS 177.9771 mandates the annual update of the extended weight coal haul road system listing. Therefore, legally there are no alternatives.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: The city of Paintsville submitted a resolution requesting that US 23 in Johnson County be removed from the Extended Weight Coal Haul Road System in order to remove the heavily-laden trucks from downtown Paintsville. Only a portion of the resolution was honored. Removing the traffic between KY 3 in Floyd County and KY 1428 in Johnson County severely limits the amount of coal traffic in Paintsville while not disrupting the majority of the coal being transported on US 23.

Tiering: Was tiering applied? Yes. The entire administrative regulation is a tiering of weight and axles allowed on certain roads.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:307. Adoption of 29 CFR Part 1910.101-.120.

RELATES TO: KRS Chapter 338, 29 CFR 1910
STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to incorporate by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry. The standards are arranged in numerical order in order to facilitate reference to 29 CFR 1910.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910.101-.120 revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions:

(1) 29 CFR 1910.101(b), "Compressed Gases," shall be amended by revocation of referenced pamphlets P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(2) The amendment to 29 CFR 1910.103(a)(1)(ii), "Hydrogen," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(3) The amendment to 29 CFR 1910.103, "Hydrogen," as published in the Federal Register, Volume 55, No. 151, August 6, 1990, is incorporated by reference.

(4) 29 CFR 1910.106, "Flammable and Combustible Liquids" is amended as follows:

(a) 29 CFR 1910.106(a)(3) shall read: "The term automotive service station, or service stations, shall mean that portion of property where flammable or combustible liquids used as motor fuel are stored and dispensed from fixed equipment and into the fuel tanks of motor vehicles and shall include any facilities available for the sale and servicing of tires, batteries, accessories and for minor automotive maintenance work and shall also include private stations not accessible or open to the public such as those used by commercial, industrial or governmental establishments. This section shall not apply to agriculture."

(b) The amendment to 29 CFR 1910.106(a)(35), "Flammable and Combustible Liquids," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(c) 29 CFR 1910.106(g)(1)(i)(g), "Flammable and Combustible Liquids," as published in the Federal Register, Volume 51, Number 188, September 29, 1986, is removed.

(d) Amendment to 29 CFR 1910.106, "Flammable and Combustible Liquids," as published in the Federal Register, Volume 55, No. 151, August 6, 1990, is incorporated by reference.

(5) The amendment to 29 CFR 1910.107(a)(8), "Spray Finishing Using Flammable and Combustible Materials," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(6) The amendment to 29 CFR 1910.108(a)(3), "Dip Tanks Containing Flammable or Combustible Liquids," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(7) The amendment to 29 CFR 1910.109(d)(2)(iii)(a), "Explosives and Blasting Agents," as published in Federal Register, Volume 53, Number 70, April 12, 1988, is incorporated by reference.

(8) The amendment to 29 CFR 1910.109, as published in the Federal Register, Volume 57, Number 36, February 24, 1991, is incorporated by reference.

(9) The amendment to 29 CFR 1910.109, "Explosive and Blasting Agents," as published in the Federal Register, Volume 58, Number 58, March 29, 1993, is incorporated by reference.

(10) ~~(9)~~ The amendment to 29 CFR 1910.110, as published in the Federal Register, Volume 55, Number 151, is incorporated by reference.

~~(11) [(10)]~~ The amendments to 29 CFR 1910.110(a)(14), (b)(2)(iii), (c)(5)(i)(g)(i) and (f)(5)(iv), "Storage and Handling of Liquefied Petroleum Gases," as published in Federal Register, Volume 53, Number 70, April 12, 1988, are incorporated by reference.

~~(12) [(11)]~~ The amendment to 29 CFR 1910.110, as published in the Federal Register, Volume 55, Number 119, June 20, 1990, is incorporated by reference.

(13) The amendment to 29 CFR 1910.110(d)(11), "Storage and Handling of Liquefied Petroleum Gases," as published in the Federal Register, Volume 58, Number 52, March 19, 1993, is incorporated by reference.

~~(14) [(12)]~~ The amendments to 29 CFR 1910.111(b)(1)(ii) and the new paragraph 1910.111(b)(1)(vi), "Storage and Handling of Anhydrous Ammonia," as published in Federal Register, Volume 53, Number 70, April 12, 1988, are incorporated by reference.

~~(15) [(13)]~~ 29 CFR 1910.119, as published in the Federal Register, Volume 57, Number 36, February 24, 1991, is incorporated by reference, with the following additions, exceptions, or deletions: The corrections to 1910.119, as published in the Federal Register, Volume 57, Number 43, March 4, 1992, are incorporated by reference.

~~(16) [(14)]~~ 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response," as published in the Federal Register, December 19, 1986, Volume 51, No. 244, is incorporated by reference.

(a) Corrections to amendments to 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response," as published in Federal Register, Volume 52, Number 85, May 4, 1987, are incorporated by reference.

(b) 29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response," as published in the Federal Register, Volume 54, Number 42, March 6, 1989, is incorporated by reference.

(c) The amendment to 29 CFR 1910.120, as published in the Federal Register, Volume 55, Number 72, April 13, 1990, is incorporated by reference.

(d) Amendments, revisions and additions to 29 CFR 1910.120, as published in the Federal Register, Volume 56, Number 75, April 18, 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.

CAROL M. PALMORE, Chairman

APPROVED BY AGENCY: May 12, 1993

FILED WITH LRC: May 14, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 29, 1993 at 10 a.m., at the Ground Floor Auditorium of the Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 24, 1993, 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: Mr. William L. Ralston, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601, (502) 564-2778.

ADMINISTRATIVE REGISTER - 2736

REGULATORY IMPACT ANALYSIS

Agency Contact: Kembra Taylor, William L. Ralston

(1) Type and number of entities affected: Section 1(9) affects all employers engaged in the manufacture and/or storage of explosives or pyrotechnics; Section 1(13) affects all employers that store and handle liquified petroleum gases.

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

1. First year: There will be no additional costs to those affected by this Section 1(9) as the Department of Mines and Minerals in the Public Protection and Regulation Cabinet has been enforcing this regulation, as amended, since 1987 in establishments which manufacture, store, and handle explosives. Section 1(13) will have no costs or savings to those affected as it merely eliminates an unenforceable recommendation.

2. Continuing costs or savings: For Section 1(9) there should be no continuing costs or savings as the storage areas will remain in place once they are established; Section 1(13) will have no costs or savings as it merely eliminates an unenforceable recommendation.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors increasing or decreasing cost due to these amendments. See Item 1, above.

(b) Reporting and paperwork requirements: These amendments do not require any reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: These amendments will not affect the costs to the promulgating administrative body either directly or indirectly as neither requires the purchases of additional equipment, add to the time of an inspection of an employer's facility, or add to clerical duties, nor will savings be incurred due to the fact that inspection time will not be decreased nor will clerical duties decrease.

(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: These amendments do not require additional reporting or paperwork beyond what is normally required when reporting an apparent violation of a regulation.

(3) Assessment of anticipated effect on state and local revenues: These amendments will not have an effect local or state revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered, as this is a federally mandated change.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: The Department of Mines and Minerals in the Public Protection and Regulation Cabinet has identical requirements to amendment to Section 1(9), which results in overlapping jurisdiction and duplication of this requirement though it does not require the employer to duplicate his efforts. There is no overlapping or duplication for amendment to Section 1(13), and no conflict for either 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:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. The regulations of the Kentucky Occupational Safety and Health Program's regulations affect all employers with one (1) or more employees. It targets its inspection toward those industries or firms that pose higher risks to worker safety and health, or from which the Kentucky OSH Program has received worker complaints.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate, Public Law 91-596 (Occupational Safety and Health Act of 1970, Section (c)(2)).

2. State compliance standards. Section 1(9) amendment requires Kentucky employers to comply with standards governing the manufacture, and storage of explosives and pyrotechnics; Section 1(13) amendments require the employers of Kentucky to comply with standards governing the handling and storage of liquified petroleum gases.

3. Minimum or uniform standards contained in the federal mandate. Section 1(9) amendment adopt amendments contained in the Federal Register, Volume 58, Number 58, published March 29, 1993; Section 1(13) amendments adopt amendments published in the Federal Register, Volume 58, Number 52, March 19, 1993.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? These amendments are identical to the changes contained in the federal standards cited in Item 3.

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 the federal standards as they are identical to the federal 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.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. Section 1(9) will affect only those parts or divisions of local government which store and handle explosives or pyrotechnics; Section 1(13) will affect only those parts or divisions which handle and store liquified petroleum gases.

3. State the aspect or service of local government to which this administrative regulation relates. These revisions affect the safety and health of the employees of local government.

4. How does this administrative regulation affect the local government or any service it provides? These amendments do not directly affect the services of local government.

LABOR CABINET

Department of Workplace Standards Kentucky Occupational Safety and Health (Proposed Amendment)

803 KAR 2:310. Adoption of 29 CFR Part 1910.151-.153.

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, Part 1910.151-.153 of the Code of Federal Regulations revised as of July 1, 1986, published by the Office of the Federal Register, National Archives and Records Services, General Services Administration. These standards are hereby incorporated by reference with the following additions, exceptions, and deletions: 29 CFR 1910.151 relating to medical services and first aid shall be

changed to read as follows:

(1) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.

(2) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first aid supplies approved by the consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonal labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees.

(3) All other employees shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First aid supplies approved by the consulting physician shall be readily available.

(4) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

(a) Such facilities shall comply with the provisions of the American National Standards Institute (ANSI) Z-358.1-1990, "Standard for Emergency Eyewash and Shower Equipment", which is incorporated by reference.

(b) In remote areas where a person is visibly and audibly separated from coworkers, an audible or visible alarm shall activate to alert appropriate personnel when the unit is in use. The alarm shall continue until the unit is no longer in use.

(c) Plumbed units shall deliver free flowing potable water at a comfortable temperature range (sixty (60) to ninety (90) degrees Fahrenheit).

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.

CAROL M. PALMORE, Chairman

APPROVED BY AGENCY: May 12, 1993

FILED WITH LRC: May 14, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 29, 1993 at 10 a.m., at the Ground Floor Auditorium of the Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 24, 1993, 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: Mr. William L. Ralston, Kentucky Labor Cabinet, 1049 U.S. 127 South, Frankfort, Kentucky 40601, (502) 564-2778.

REGULATORY IMPACT ANALYSIS

Agency Contact: Kembra Taylor, William L. Ralston

(1) Type and number of entities affected: Section 1(4) revision affects all employers in the Commonwealth who handle corrosives.

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

1. First year: The total cost of compliance for Kentucky employers affected by implementation of Section 1(4)(a) is impossible to determine as there are no numbers available as to how many employers handle corrosives and the number of shower/eyewash units would be required.

The current standard now being enforced requires that there be suitable facilities for quick drenching or flushing of the eyes and body where the eyes or body of any person may be exposed to injurious corrosive materials. The amendment to Section 1(4)(a), which adopts the American National Standards Institute (ANSI) Z358.11990, "Standard for Emergency Shower and Eyewash Equipment", clarifies what the promulgating agency considers to be adequate facilities for the quick drenching or flushing of the eyes and body. Currently the ANSI standard is used by federal OSHA as a guideline in enforcing the standard now in effect.

Those employers who store and handle corrosives now complying with current regulations will have minimal cost with the implementation of Section 1(4)(a). Additional costs for those employers would be the salary of those who would be required to test the eyewash/showers on a weekly basis as required by ANSI. It is estimated that the time to test a facility without drainage would be fifteen (15) minutes. Based on the most recent figures distributed by the Statistical Services Section in the Division for Administration and Financial Management in the Cabinet for Human Resources, this cost would be approximately \$3.16 per eyewash/emergency shower in the manufacturing industry. (Calculation based on \$505.56 average weekly salary for manufacturers in the Commonwealth at forty (40) hours per week.) This figure of course, would run for the life of the unit.

For those employers who are not complying with the current standard or who have deficiencies in the facilities they now use for the quick drenching or flushing of the eyes and body, approximate costs per unit are as follows: plumbed eyewash, \$130 - \$170 (plus costs of plumbing); plumbed shower, \$135 - \$170 (plus costs of plumbing); plumbed eye/face wash, \$140 - \$180 (plus costs of plumbing); combination eyewash/emergency shower, \$500 - \$600 (plus costs of plumbing); self-contained plastic eyewash, \$250 - \$280; self-contained stainless steel eyewash, \$740 - \$760. (These figures come directly from a manufacturer.) This is a one-time cost.

Costs for complying with Section 1(4)(b) which requires, for those eyewash/showers located in remote areas of the facility, an alarm to be activated when the unit is in use, will vary. Most employers, who have the capability, will install warning light or audible alarm at a minimal cost per unit. Remote signals may be purchased for approximately \$400 per unit. A system of bells and lights suitable for Class I Division 2 locations will run to \$1200 per unit. Installation costs are, of course, one time costs. The only recurring expenses would be minimal for maintenance of the alarm system.

For Section 1(4)(c), cost figures for installation of a system to assure proper water temperature from plumbed eyewash/showers were supplied by a manufacturer of emergency showers and eyewashes based on average water temperature figures for calendar year, 1992, supplied by the Kentucky American Water Co., Lexington.

In those cases where the building is heated hot and cold water is available, the shower and eyewash capability is needed for one or a number of showers in a specific area, and it is anticipated that there will be only one shower operational with tempered water, the cost of the system is estimated to be

1 shower/eyewash station systems - \$3500 per station

5 shower/eyewash station systems - \$750 per station

10 shower/eyewash station systems - \$350 per station

For outdoor stations which are connected to a dedicated shower system, currently having cold water available only where plant steam is available that can be connected to the dedicated system and multiple showers are needed in a large process area, eg. refinery, chemical processing plant, the cost is estimate at:

1 shower - \$15,000

- 5 showers - \$3000 per station
- 10 showers - \$1500 per station
- 30 showers - \$500 per station

2. Continuing costs or savings: See Item 1.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There will be no additional factors regarding this revision which will increase or decrease costs. There will be no effect on competition as all employers handling corrosives must comply, those within the Commonwealth by this amendment, those outside the Commonwealth through federal Department of Labor policy.

(b) Reporting and paperwork requirements: This amendment does not entail any reporting or paperwork requirements.

(2) Effects on the promulgating administrative body: The amendment to Section 1(4)(a) will affect the promulgating administrative body only indirectly, as the amendment clarifies for the employers affected what the agency defines as effective drenching and flushing facilities for the eyes and body. This should result in less time by employees in the agency explaining what is required and in prosecuting contested cases. This should result in more efficient operation and allows employees of the agency to direct their efforts to other matters. Sections 1(4)(b) and (c) will have no effect on costs to the agency. None of the proposed amendments will significantly affect the time spent by the agency in inspecting an employer's facility or add to clerical duties, nor will savings be incurred as inspection time will not be decreased nor will clerical duties decrease.

(a) Direct or indirect costs or savings:

(1) First year:

(2) Continuing costs or savings:

(3) Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: There will be no additional reporting or paperwork requirements as a result of this revision.

(3) Assessment of anticipated effect on state and local revenues: These amendments will not affect state or local government revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Several versions of the amendments were considered. All were based on the wording of the American National Standards Institute (ANSI) Standard Z358.1-1990, "Standard for Emergency Shower and Eyewash Equipment". It was determined that for clarity for affected employers that adoption of the ANSI standard was appropriate to define an acceptable facility for the quick drenching and flushing of the eyes and body. It was determined that the amendment Section 1(4)(b), requiring an alarm on the eyewash/shower for those working alone in remote facilities, was needed to alert personnel that an accident had occurred and that an employee was in need of aid. Section 1(4)(c) requiring that water dispensed from the eyewash/shower be at a temperature range of 60-95 degrees F. to minimize the threat of hypothermia.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflicting, overlapping, or duplication as a result of the adoption 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:

(6) Any additional information or comments: The regulations of the Kentucky Occupational Safety and Health (KY OSH) Program affect all employers employing one (1) or more employees. It targets inspections toward those industries or firms that pose higher risks to worker safety and health, or from which the KY OSH Program has received worker complaints.

TIERING: Was tiering applied? No. If no, explain why tiering was not applied. 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. These amendments clarify for those affected employers what is considered by the promulgating agency to be a suitable facility "for quick drenching or flushing of the eyes and body." Such a facility is required when corrosives are handled. Prior to the promulgation of these proposed amendments, specifically Section 1(4)(a), the affected employers did not have notice as to what constituted an acceptable facility for the quick drenching and flushing of the eyes and body.

3. Minimum or uniform standards contained in the federal mandate. The federal requirement calls for suitable facilities for quick drenching and flushing of the eyes and body to be provided in the work area for immediate emergency use where the eyes or body of any person may be exposed to injurious corrosive materials.

4. Will this administrative regulation impose stricter requirements or additional or different responsibilities or requirements, than those required by the federal mandate? Section 1(4)(a) does not impose significantly more stringent requirements than the federal mandate. Rather it clarifies for the affected employer the expected performance installation, design, and location requirements of an acceptable facility used for the quick drenching or flushing of the eyes and body. That section of the ANSI standard adopted, which requires weekly testing of the facility, is an additional requirement. The amendment does not call for any more facilities for the quick drenching or flushing of the eyes and body than is now required. Section 1(4)(b) requiring an alarm on those eyewash/emergency showers located in remote work areas where the injured employee would not be in contact with other personnel, imposes another additional requirement. Also, Section 1(4)(c), requiring that water from plumbed eyewash/emergency showers to be at a comfortable temperature range, defined as 60 -90 degrees F., is more stringent than the federal mandate. That section of this amendment requiring that the water be free flowing and potable is now enforced through federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. That requirement in ANSI Z358.1-1990 adopted in Section 1(4)(a) is needed to assure the eyewash/emergency showers are in working order at all times. Weekly inspections will also assist in assuring that the water is free of sediment. Exceptions to certain requirements in the adopted ANSI standard may result in confusion to affected employers. Section 1(4)(b) is needed so that injured employees remote work areas, by activating the eyewash/emergency shower, will alert others that there has been an accident and he is in need of aid. The alarm will give notice, of an accident which will assure the victim of getting immediate comfort and aid. Adoption of Section 1(4)(c) is needed to assure that water delivered from plumbed eyewash/emergency showers is delivered at a comfortable temperature range which will encourage and allows the victim to assure a complete washing/drenching of the wound or burn. Adoption of this amendment will also minimize the chance of hypothermia when it is necessary to use the facility.

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

State whether this administrative regulation will affect the local government or only a part or division of the local government. These amendments will affect only those divisions or parts of local government which would handle or store corrosives.

provided for in this regulation.

EDWARD J. HOLMES, Secretary

BURL SCOTT, Commissioner

APPROVED BY AGENCY: May 11, 1993 at 2 p.m.

FILED WITH LRC: May 11, 1993 at 10 a.m.

regulation shall be held on Friday, June 25, 1993, at 10 a.m., prevailing local time, in the first floor conference room of the Department of Mines and Minerals, Administration Building, 3572 Iron Works Pike, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 20, 1993, 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 canceled. 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.

CONTACT PERSON: Eugene D. Attkisson, Kentucky Department of Mines and Minerals, Post Office Box 14080, Lexington, Kentucky 40512, (606)254-0367.

REGULATORY IMPACT ANALYSIS

Agency Contact: Eugene D. Attkisson

(1) Type and number of entities affected: This amended administrative regulation - like House Bill 468, the budget enacted by the 1992 General Assembly, upon which this amendment is predicated - would affect all of Kentucky's surface and underground mines, whose number annually averages approximately 1450.

(a) Direct and indirect costs or savings to those affected: In 1991, before such fees were increased, \$134, with that following the increase in 1992, \$300, it appears that the average annual additional cost to each mine in Kentucky is approximately \$156.

1. First year:

2. Continuing costs or savings: Since mine licensure is a recurring annual obligation, the average costs to mine operators described above are anticipated to remain fairly consistent from year to year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors which bear upon the annual license fees described above. Neither does this proposed amendment affect competition, since it will be uniformly applied to all mines, both surface and underground, without regard to the financial resources of the mine operator.

(b) Reporting and paperwork requirements: Since operators are currently required to annually file an application for a mine license, which includes the payment of a license fee, no additional reporting or paperwork requirements are created as a result of this amendment.

(2) Effects on the promulgating administrative body: This agency neither anticipates nor has experienced any additional administrative responsibilities as a result of the increased annual license fees which are the subject of this amendment.

(a) Direct or indirect costs or savings:

1. First year:

2. Continuing costs or savings: There are no indirect costs to the promulgating administrative body; neither are there savings, apart from the additional revenues generated by the collection of the increased license fees.

3. Additional factors increasing or decreasing costs: There are no additional factors which bear upon this agency's annual mine licensure activities described above.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals

(Proposed Amendment)

805 KAR 5:010. Fees for licenses to mine [repealed].

RELATES TO: KRS 351.175

STATUTORY AUTHORITY: KRS Chapter 13A, 351.175

Department of Mines and Minerals to establish mine license fees. This administrative regulation establishes the fees to be charged with respect to the application for [and issuance of] a license to operate a mine.

Section 1. For purposes of this administrative regulation, "working section" means all areas of a coal or clay mine from the loading point or transfer point of the section to and including the working faces. This is the definition given "working section" in KRS 352.010(1)(iii).

Section 2. Every application [or request] to the Department of Mines and Minerals for [the issuance of] a license to operate a mine shall be accompanied by a United States Postal Money Order or Cashier's Check drawn in favor of the State Treasurer. The amount of this license fee for an underground mine shall be determined by the number of working sections in such a mine and by reference to subsections (1) and (2) of this section.

(1) The annual license fee for mines with one (1) working section shall be \$300 [426].

(2) The annual license fee for mines with more than one (1) working section shall be \$300, [426] plus \$100 [twenty-five (25) dollars] for each additional working section. [The maximum license fee shall not exceed \$1,000.]

Section 3. The license fee for a surface mine shall be determined by the tonnage produced from such mine and by reference to subsections (1) and (2) of this section.

(1) The minimum annual license fee for a surface mine[s] shall be \$300 [426].

(2) The annual license fee for mines having produced, in the preceding calendar year, at or in excess of 100,000 tons per year shall be \$300, [426] plus \$100 [twenty-five (25) dollars] for each additional 100,000 tons or part thereof. [The maximum license fee shall not exceed \$1,000.]

[Section 4. No application for a license to operate a mine shall be processed and no license to operate a mine shall be issued by the Department of Mines and Minerals without first having received a United States Postal Money Order or Cashier's Check in the amount

(3) The course of annual retraining [program] shall include but not be limited to the following subjects [courses of instruction]:

(a) Transportation controls and communications systems. The course shall include instruction in procedures for riding on and in mine conveyances, the controls in effect for the transportation of miners and material, the use of the mine communication system, warning signals and directional signs.

(b) Barricading. The course shall include instruction and review of the methods of barricading and locations of barricading materials.

(c) Roof control and ventilation plans. The course shall include instruction in and review of the roof control and ventilation plans in effect at the mine, the procedures for roof and rib control, and the procedures for maintaining ventilation and control of ventilation.

(d) First aid. The course shall include instruction and review of first aid methods.

(e) Electrical hazards, moving equipment. The course shall include instruction in [en] the recognition and avoidance of electrical hazards and procedures for working on and near moving equipment throughout the mine.

(f) Accident prevention. The course shall include instruction in and review of the prevention of accidents, both electrical and mechanical.

(g) Self-rescue devices. The course shall include instruction in the use, care and maintenance of self-rescue devices.

(h) Explosives. The course shall include instruction in and review of the hazards related to explosives and procedures for the safe handling and use of explosives.

(i) Health and safety standards. Instruction shall be given on the health and safety standards set out in KRS Chapters 351 and 352 and in the Federal Mine Safety and Health Act of 1977 (PL 95-165) as such requirements are related to the tasks and work assignments of each miner.

(4) In addition to the minimum of sixteen (16) hours of annual retraining required above for all certified persons, those persons who hold a mine foreman certificate, including mine foremen, assistant mine foremen, fire bosses, and mine superintendents, shall receive an additional four (4) hours of annual retraining which is specifically applicable to the duties and standards of conduct generally exercised by holders of mine foreman certificates. This annual retraining of mine foreman certificate holders shall include, at a minimum, instruction in the following subjects:

(a) Mine accident investigation and reporting techniques.

(b) Identification and avoidance of electrical hazards.

(c) Identification and avoidance of haulage hazards.

(d) Preparation for and response to mine emergencies.

(e) Mine safety law.

(f) Development, implementation, and enforcement of mine plans.

(g) Performance of pre-shift and on-shift mine examinations.

(h) Techniques in conducting effective safety meetings and minor communications.

Section 2. All persons required to receive annual retraining shall complete that retraining within not more than twelve (12) months from the end of the month in which their most recent annual retraining was completed. Each instructor administering annual retraining shall, within ten (10) days of administering it, certify to the department, on forms prepared by it, the nature of the retraining administered by him and the names of the persons receiving it. All persons required to receive annual retraining may receive it within less than twelve (12) months from the month of completion certified by an instructor and recorded as such by the department, whereupon those persons shall be required to satisfy their annual retraining requirement within not more than twelve (12) months from the month of completion of all successive annual retraining received by them.

Section 3. The operator shall annually verify in the form of an affidavit to the department that each certified person in his employ has received the [minimum sixteen (16) hours of] annual retraining

(b) Reporting and paperwork requirements: Since this agency is currently administering an annual mine licensure program, no additional impact upon associated reporting and paperwork activities is anticipated as a result of the proposed amendment.

(3) Assessment of anticipated effect on state and local revenues: As noted above, if an average of 1450 mines pay an annual license fee increased by an average of \$166, the additional annual revenues to the Commonwealth are approximately \$240,700. No effect on local revenues is anticipated.

(4) Assessment of alternative methods: reasons why alternatives were rejected: This administrative regulation is proposed for amendment in order to bring its schedule of fees into compliance with those created in the budget for the 1992-93, 1993-94 biennium. The alternative to such amendment is to allow the subject mine license fees to revert to their pre-1992-93 budget level at the expiration of that budget on June 30, 1994.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This proposed amendment neither conflicts with nor overlaps any statute, administrative regulation or government policy. It duplicates 1992 House Bill 468, codified as KRS Chapter 47, Appendix A, Part I, K., 69, at page 117, insofar as such proposed amendment increases its mine license fees to the amounts established in the subject Acts 1992, Chapter 462.

(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:

(6) Any additional information or comments: This amendment is proposed in an effort to avoid any lapse in this agency's authority to collect the increased annual mine license fees described above following the expiration or lapse on June 30, 1994, of the biennial budget for 1992-93, 1993-94.

TIERING: Was tiering applied? Yes. Tiering was applied in the promulgation of this proposed amendment because the annual mine license fees collected by this agency are different both as to type and amount from other agency fees collected with regard to explosives and blasting or oil and gas well drilling activities, for example.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals

(Proposed Amendment)

805 KAR 7:030, Annual retraining [program].

RELATES TO: KRS 351.105

STATUTORY AUTHORITY: KRS 13A.100, 351.106

Commissioner of the Department of Mines and Minerals to promulgate such reasonable administrative regulations as are necessary to establish a program for miner training and examination according to the criteria and standards established by the Board of Miner Training, Education and Certification. This administrative regulation effects the provisions of that statute.

Section 1. [Annual Retraining Program:] (1) All certified persons shall receive a minimum of sixteen (16) hours of annual retraining, at least eight (8) hours of which shall be administered in a classroom. The balance of such annual retraining may be administered in segments of not less than fifteen (15) minutes; the persons who receive annual retraining in this manner shall be notified that each segment is being administered in satisfaction of the annual retraining requirement.

(2) The annual retraining set forth in this administrative regulation shall be administered to each certified person in the manner established in Section 2 of this administrative regulation.

[as] required by this administrative regulation. Such affidavit shall state the dates on which the annual training sessions were conducted and the names and corresponding Social Security numbers of those persons, including persons no longer in the employ of the operator, receiving the annual retraining; provided, however, that no person shall be required to disclose his Social Security number for purposes of this affidavit. In the event that a person who has received the annual retraining refuses to disclose his Social Security number, the operator shall make a notation to that effect in the affidavit in lieu of stating that person's Social Security number.

Section 4. If ~~Willful failure of~~ a certified person willfully performs duties for which ~~to attend a minimum of sixteen (16) hours of~~ annual retraining is required by this administrative regulation without having received that annual retraining, that person's performance of such duties shall constitute grounds for revocation, suspension, or probation of the certificate, in accordance with KRS 352.390.

EDWARD J. HOLMES, Secretary
BURL SCOTT, Commissioner

APPROVED BY AGENCY: May 11, 1993

FILED WITH LRC: May 11, 1993 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, June 25, 1993, at 10 a.m., prevailing local time, in the first floor conference room of the Department of Mines and Minerals, Administration Building, 3572 Iron Works Pike, Lexington, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 20, 1993, 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 canceled. 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.

CONTACT PERSON: Eugene D. Attkisson, Kentucky Department of Mines and Minerals, Post Office Box 14080, Lexington, Kentucky 40512, (606)254-0367.

REGULATORY IMPACT ANALYSIS

Agency Contact: Eugene D. Attkisson

(1) Type and number of entities affected: This proposed amendment will create an additional retraining requirement for all of Kentucky's certified underground mine foremen, whose number annually averages approximately 10,000.

(a) Direct and indirect costs or savings to those affected: The direct costs associated with this amendment are attributable to providing an additional 4 hours of annual retraining to mine foreman certificate holders. For certificate holders who purchase such annual retraining from private, so-called "contract" trainers, the cost to each certificate holder will be approximately \$50, annually; for those certificate holders who receive their additional annual retraining from trainers provided by this agency or by their employers, the cost to the training provider will be approximately \$15 per trainee.

1. First year:

2. Continuing costs or savings: Since annual retraining is a recurring obligation, the costs described above are anticipated to remain fairly consistent from year to year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors which bear upon the annual retraining costs described above. Neither does this proposed amendment affect competition, since it will be uniformly

applied to all certified mine foremen, without regard to their financial resources or those of their employers.

(b) Reporting and paperwork requirements: This administrative regulation currently requires each instructor administering annual retraining to certify to this agency, within 10 days of that annual retraining, the nature of the retraining administered by him and the names of the persons receiving it. This proposed amendment will merely increase the amount of retraining required of one group of certified miners, i.e., mine foremen; the manner in which that retraining is reported and recorded is unchanged.

(2) Effects on the promulgating administrative body: This proposed amendment will require this agency to not only record and maintain current retraining information on all of Kentucky's approximately 10,000 certified underground mine foremen, but also to provide the additional 4 hours of annual retraining to those persons who request it. Currently, approximately 60% of all certified persons receive their annual retraining from this agency. If that percentage persists, we would be required to provide the additional 4 hours of annual retraining to approximately 6,000 persons, most of whom are currently receiving their annual retraining from instructors employed by this agency.

(a) Direct or indirect costs or savings: As noted above, if 6,000 certified mine foremen request this agency to provide their foreman-specific annual retraining, the cost to this agency of such retraining will be approximately \$90,000, annually, most of which will be absorbed by the agency through maximization of existing resources and allocation among current fixed retraining costs, such as salaries and travel. Little, if any, additional net retraining costs to the agency are therefore anticipated.

1. First year:

2. Continuing costs or savings: Since annual retraining is a recurring obligation, the costs described above are anticipated to remain fairly consistent from year to year.

3. Additional factors increasing or decreasing costs: There are no additional factors which bear upon the annual retraining costs described above.

(b) Reporting and paperwork requirements: Since this agency is currently recording annual retraining data, little additional impact on associated reporting and paperwork activities is anticipated as a result of this proposed amendment.

(3) Assessment of anticipated effect on state and local revenues: The only anticipated effect of this proposed amendment on local revenues would be the additional expenditures by trainees and income to trainers following "contract" retraining. As noted above, little or no effect on state revenues is anticipated, since most agency retraining costs are fixed and are not expected to significantly increase.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative to the enactment of this proposed amendment would be to leave unchanged the current standards for the annual retraining of underground mine foremen. This amendment is proposed in an effort to enhance underground mine safety practices, since it is mine foremen who daily most influence such practices.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This proposed amendment neither conflicts with, overlaps, nor duplicates any statute, administrative regulation or government policy.

(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:

(6) Any additional information or comments: The enactment of this proposed amendment will require additional task-specific annual retraining of underground mine foremen, thereby increasing the likelihood that such mine foremen will acquire more specific knowledge of their responsibilities and will more safely supervise the miners

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for whom they are responsible.

TIERING: Was tiering applied? Yes. Tiering was applied in the promulgation of this amendment because the proposed program of annual retraining of underground mine foremen is comprised of topics and techniques which are often significantly different from those associated with the retraining of the general population of underground miners. This proposed amendment would apply only to underground mine foremen, who would be required to receive retraining in the courses of instruction described in the administrative regulation's proposed Section 1(4).

PUBLIC PROTECTION AND REGULATION CABINET Department of Housing, Buildings and Construction Division of Plumbing (Proposed Amendment)

815 KAR 20:130. House sewers and storm water piping; methods of installation.

RELATES TO: KRS Chapter 318

STATUTORY AUTHORITY: KRS 13A.120, 318.130

NECESSITY AND FUNCTION: The department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This administrative regulation identifies the materials that may be used in the construction of house sewers, storm water piping as well as the methods of installation. This administrative regulation is being amended to lower the venting requirements on small residential sewage ejectors as outlined in Section 18 of this administrative regulation and to provide clarification on the requirements for surface water drainage and inspecting existing basement floor drains when they are part of the house sewer system being connected to a new sanitary sewer system. ~~[allow storm sewers in sizes of ten (10) inches and larger. Originally the industry did not recognize sizes over eight (8) inches for this use but has recently applied the same standard to the larger size.]~~

Section 1. Independent System. The drainage and plumbing system of new building and of new work installed in an existing building shall be separate and independent of other buildings except as outlined in this administrative regulation. A building shall have an independent connection with either a public or private sewer or sewer system.

Section 2. Exception. If a building stands in the rear of other buildings or on an interior lot and a sewer connection cannot be made available to the rear building through an adjoining alley, court, yard or driveway, the sewer from the front building may be extended to the rear building and it shall be considered as one (1) sewer. This exception shall not apply to corner lots if a sewer connection is available from the street or alley or to a new or existing building which abuts a street or alley.

Section 3. Connection with Private Sewage Disposal System. If a sewer is not available, the house drain from a building shall connect with an approved private sewage disposal system.

Section 4. Excavations. Excavations made for the installation of a house sewer shall be open trench work, and the trenches shall be kept open until the piping has been inspected, tested and approved.

Section 5. Depth of Sewer at the Property Line. (1) If possible, the sewer at the property line shall be at a sufficient depth to properly serve a plumbing connection installed in the basement of a building.

(2) House sewers shall be laid on a grade of not less than one-eighth (1/8) inch nor more than one-fourth (1/4) inch per foot.

Sewers shall have at least an eighteen (18) inch cover. Sewer piping installed under property subject to vehicular traffic (e.g., driveways, parking lots and similar locations) shall have at least a three (3) foot cover unless constructed of cast iron piping. If less than a three (3) foot cover is available, sewer piping shall be encased in a minimum of six (6) inches of concrete on all sides and the top. Sewers shall be backfilled by hand and tamped six (6) inches above the piping, or filled with six (6) inches grillage above the piping. All joints in cast iron and vitrified clay pipe shall be made in conformance with the State Plumbing Code.

Section 6. New House Sewer Connections. House sewers installed where a private sewerage system has been discarded may connect to the house drain, if the existing plumbing system meets the State Plumbing Code.

Section 7. Materials for House Sewers. House sewers or combined sewers, beginning two (2) feet outside the foundation wall of a building, shall be made of either extra heavy cast iron pipe, service weight cast iron, aluminum, vitrified clay, concrete, PVC or ABS plastic pipe schedules 40 and 80 and cellular core PVC produced and labeled as ASTM F-891, cellular core ABS produced and labeled as ASTM 628, truss pipe and extra heavy SDR 35 pipe and Type PS-46, Poly(Vinyl Chloride) (PVC) in sizes four (4) inches through fifteen (15) inches produced and labeled as ASTM F 789-82 or PVC ribbed pipe produced and labeled as ASTM 795.

Section 8. Material for Storm Sewers Inside Buildings. Material for storm sewers inside of buildings to a point two (2) feet outside a building in sizes eight (8) inches and smaller shall be cast iron pipe, aluminum or Schedule 40 ABS or PVC DWV pipe. Storm sewers in sizes of ten (10) inches and larger shall be either cast iron, aluminum, Schedule 40 ABS or PVC DWV pipe, vitrified clay or concrete conforming to appropriate commercial specifications with approved joints.

Section 9. Change of Direction. Change in direction of a sewer shall be made with long curves, one-eighth (1/8) bends or Y's.

Section 10. Size of House Sewers and Horizontal Branches. The minimum size of a house sewer shall not be less than four (4) inches nor less than that of the house drain. House sewers receiving branches shall be sized in the same manner as house drains (see 815 KAR 20:090).

Section 11. Size of Storm Systems. The required sizes of storm sewers shall be determined on the basis of the total drained areas in horizontal projection in accordance with the following table. A storm sewer shall not be laid parallel to or within two (2) feet of a bearing wall. The storm sewer shall be laid at a sufficient depth to protect it from freezing.

Diameter of pipe - inches	Maximum drained roof area square feet*	
	Slope 1/8 in. fall to 1 ft.	Slope 1/4 in. fall to 1 ft.
3		1,160
4	1,880	2,650
5	3,340	4,720
6	5,350	7,550
8	11,500	6,300
10	20,700	29,200
12	33,300	47,000
15	59,500	84,000

*The calculations in this table are based on a rate of rainfall of four (4) inches per hour.

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Section 12. Combined Storm and Sanitary Sewer System. If a combined sewer system is used, the required size of the house drain or house sewer shall be determined by multiplying the total number of fixture units carried by the drain or sewer by the conversion factor corresponding to the drained area and the total fixture units, adding the product to the drained area and applying the sum of the preceding table for storm water sewers. A combined house drain or house sewer shall not be less than four (4) inches in diameter, and a combined house drain or house sewer shall not be smaller in size than that required for the same number of fixture units or for the same roof area in separate systems.

CONVERSION FACTORS FOR COMBINED STORM AND SANITARY SYSTEM

Number of fixture units on sanitary system

Drained roof area in square feet	Up to 6	7 to 18	19 to 36	37 to 60	61 to 96	97 to 144	145 to 216	217 to 324
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Up to 120	180	105	60	45	30	22	18	15
121 to 240	160	98	57	43	29	21	17.6	14.7
241 to 480	120	75	50	39	27	20	16.9	14.3
481 to 720	75	62	42	35	24	18	15.4	13.2
721 to 1,080	54	42	33	29	20	15	13.6	12.1
1,081 to 1,620	30	18	16	15	12	11.5	11.1	10.4
1,621 to 2,430	15	12	11	10.5	9.1	8.8	8.6	8.3
2,431 to 3,645	7.5	7.2	7.0	6.9	6.6	6.5	6.4	6.3
3,646 to 5,460	2.0	2.4	3.0	3.3	4.1	4.2	4.3	4.4
5,461 to 8,190	0	2.0	2.1	2.2	2.3	2.4	2.5	2.6
8,191 to 12,285	0	0	2.0	2.1	2.1	2.2	2.3	2.3
12,286 to 18,420	0	0	0	2.1	2.1	2.1	2.2	2.2
18,421 to 27,630	0	0	0	0	2.0	2.1	2.2	2.2
27,631 to 40,945	0	0	0	0	0	2.0	2.1	2.2
40,946 to 61,520	0	0	0	0	0	0	2.0	2.1
Over 61,520	0	0	0	0	0	0	0	2.0

Number of fixture units on sanitary system

Drained roof area in square feet	325 to 486	487 to 732	733 to 1,098	1,099 to 1,645	1,646 to 2,467	2,468 to 3,702	3,703 to 5,556	Over 5,556
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Up to 120	12	10.2	9.2	8.4	8.2	8.0	7.9	7.8
121 to 240	11.8	9.9	9.1	8.3	8.1	8.0	7.9	7.8
241 to 480	11.5	9.7	8.8	8.2	8.0	7.9	7.8	7.7
481 to 720	10.8	9.2	8.6	8.1	7.9	7.9	7.8	7.7
721 to 1,080	10.1	8.7	8.3	8.0	7.8	7.8	7.7	7.6
1,081 to 1,620	9.8	8.4	8.1	7.9	7.7	7.7	7.6	7.5
1,621 to 2,430	8.0	7.9	7.8	7.7	7.6	7.5	7.4	7.4
2,431 to 3,645	6.2	6.3	6.4	6.4	6.8	7.0	7.1	7.2
3,646 to 5,460	4.5	4.7	5.0	5.1	6.1	6.4	6.9	6.9
5,461 to 8,190	2.8	3.2	3.7	4.6	5.0	5.6	6.2	6.4
8,191 to 12,285	2.4	2.5	2.6	2.7	3.5	4.5	5.2	5.6
12,286 to 18,420	2.3	2.3	2.4	2.4	2.6	3.2	4.2	4.7
18,421 to 27,630	2.3	2.3	2.3	2.3	2.4	2.5	2.8	3.1
27,631 to 40,945	2.2	2.2	2.2	2.2	2.2	2.2	2.3	2.4
40,946 to 61,520	2.1	2.1	2.1	2.1	2.1	2.1	2.1	2.1
Over 61,520	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

Section 13. House Sewer in Undisturbed or Filled Ground. House sewers laid in undisturbed ground shall be laid on at least four (4) inches of pea gravel, sand or other approved grillage. House sewers laid in filled ground shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert, or other support that shall be approved by the department. Supports in filled ground

shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock. House sewers constructed of flexible thermoplastic sewer piping shall be installed with at least six (6) inches of gravel on the bottom, top and sides of the piping.

Section 14. Storm Sewers in Undisturbed or Filled Ground. Storm sewers laid in undisturbed ground shall not require grillage. Storm sewers laid in filled ground shall be embedded to the lower quadrant with at least a four (4) inch concrete pad below the invert or other support that shall be approved by the department. Supports in filled ground shall be on ten (10) feet centers to a solid footing, either undisturbed earth or rock.

Section 15. Drainage Below Sewer Level (Public). In public buildings in which the whole or part of the building drain and plumbing system lies below the level of the main sewer, sewage and waste shall be lifted by an approved artificial means and discharged into the house sewer.

Section 16. Drainage Below Sewer Level (Residential). In homes where the house sewer level is above the basement floor, waste water shall be lifted by means of an approved sump pump. The sump pit shall be constructed of either poured or precast concrete, approved fiberglass or polyethylene material with a tight fitting cover. The sump pit shall be provided with a two (2) inch vent which may also act as a waste and vent for a laundry tray. The pump discharge piping shall discharge into a two (2) inch waste pipe extended inside the building to a height at least twelve (12) inches above the outside grade. The sump pit shall be provided with a tight-fitting concrete cover. On the outside of the building this waste piping shall connect into a four (4) inch by two (2) inch sanitary tee which shall connect into a four (4) inch P trap and then into the sanitary sewer. The four (4) inch by two (2) inch sanitary tee shall be extended at least two (2) inches above the finished grade and shall be provided with a ventilated cap.

Section 17. Sumps and Receiving Tanks. All subsoil drains shall discharge into an air tight sump or receiving tank located to receive the sewage by gravity. The sewage shall be lifted and discharged into the house sewer by a pump, ejector or any equally efficient method. The sumps shall automatically discharge.

Section 18. Ejectors, Vented. Sewage ejectors serving residential installations shall be vented with a two (2) inch vent. Ejectors serving commercial or industrial installations shall be vented with a three (3) inch vent except when a three (3) inch vent stack is serving a fixture that empties into the ejector pit and is located within twenty-five (25) feet of the pit, the ejector may be revented with a two (2) inch vent back to the three (3) inch vent stack. In no instance shall the ejector vent be smaller than that recommended by the manufacturer of the pump. [Ejectors shall be vented with a three (3) inch vent. Fixtures or appliances connected to an ejector shall be vented in accordance with other sections of this administrative regulation.]

Section 19. Ejector Power: Motors, Compressors, Etc. Motors, air compressors and air tanks shall be located where they are open for inspection and repair at all times. The air tanks shall be proportioned to furnish sufficient air at suitable pressure to the ejector to completely empty the sump or storage tank with the compressor not operating. The end pressure in the tank shall not be less than two (2) pounds for each foot of height through which sewage is raised.

Section 20. Ejectors for Subsoil Drainage. If subsoil catch basins are installed below the sewer level, an approved automatic ejectors shall be used. The ejector or any device raising subsoil water shall discharge into a properly trapped fixture or into a storm-water drain.

Section 21. Drainage of Yards, Areas and Roofs. Roofs, paved areas, courts, and courtyards shall be drained into a storm water system or into a combined sewerage system or into a surface drainage area if not prohibited by the local health department or sewer district; ~~but shall not be drained into sewers intended for sewage only.~~ If drains are connected to a combined sewerage system, they shall be trapped. If roof leaders, conductors, or gutter openings are located more than ten (10) feet from a window, scuttle, or air shaft, a trap shall not be required. Traps shall be set below the frost line or on the inside of the building. ~~[If there is no storm or combined sewer available, the line may discharge into a drainage area unless prohibited by the local health department or sewer district.]~~ If the drains are not connected to a combined sewer, a trap shall not be required.

Section 22. Size of Rain Water Leader. An inside leader shall not be less size than the following:

Area of Roof (In Square Feet)	Leader, Diameter (Inches)
Up to 90	1 1/2
91 to 270	2
271 to 810	3
811 to 1,800	3 1/2
1,801 to 3,600	4
3,601 to 5,500	5
5,501 to 9,600	6

Section 23. Inside Conductors or Roof Leaders. If conductors and roof leaders are placed within the walls of a building, or in an interior court or ventilating pipe shaft, they shall be constructed of cast iron pipe, galvanized wrought iron, galvanized steel, copper, aluminum, schedule 40 ABS/PVC DMV pipe or reinforced thermosetting resin pipe produced and labeled as ASTM D-2996 (red and silver thread). The vertical distance of PVC or ABS conductors shall not exceed forty-five (45) feet from the base to the penetration through the roof. Provisions shall be made for the expansion and contraction of plastic pipe.

Section 24. Outside Conductors. If outside sheet metal conductors or downspouts are connected to a house drain, they shall be connected by means of a cast iron pipe extending vertically at least one (1) foot above the grade line. Along public driveways, without side walks, they shall be placed in niches in the walls, protected by wheel guards, or enter the building through the wall at a forty-five (45) degree slope at least twelve (12) inches above the grade.

Section 25. Defective Conductor Pipes. If an existing sheet metal conductor pipe within the walls of a building becomes defective, the conductor shall be replaced by one which conforms to this administrative regulation.

Section 26. Vent Connections with Conductors Prohibited. A conductor pipe shall not be used as a soil, waste or vent pipe. A soil, waste, or vent pipe shall not be used as a conductor.

Section 27. Overflow Pipes. Overflow pipes from cisterns, supply tanks, expansion tanks, or drip pans shall connect only indirectly with any house sewer, house drain, soil or waste pipe.

Section 28. Subsoil Drains, Below Sewer Level. Subsoil drains shall discharge into a sump or receiving tank and shall be automatically lifted and discharged into the storm drainage system or upon the ground outside the building it serves.

Section 29. Approvals of New Sewer Connections to Existing

Buildings. In areas where the local health department or sanitary sewage system board, plant, district or treatment plant owner prohibits the discharge of basement floor drains or other apparatus into the sanitary sewer system, existing basement floor drains and sump pump apparatuses shall comply with the new construction requirements of this code and be inspected prior to the approval of connections for a new sewer line.

CHARLES A. COTTON, Commissioner

EDWARD J. HOLMES, Secretary

APPROVED BY AGENCY: May 10, 1993

FILED WITH LRC: May 11, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 21, 1993 at 9 a.m. in the office of the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, (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, 1047 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: All licensed master and journeyman plumbers.

(a) Direct and indirect costs or savings to those affected: No costs or savings involved with the implementation of this amendment.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None created by this amendment.

(2) Effects on the promulgating administrative body: None beyond requirements of updating State Plumbing Code with approved amendments to regulations.

(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: State or local revenues will not be affected by this amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Plumbing Code Committee and Board of Housing review all proposed amendments and accept on basis within limits defined. This amendment has been approved by the Plumbing Code Committee and the Board of Housing.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Was tiering applied? Yes. Different sized equipment

requires different venting size and only where local authority requires shall existing floor drains be prohibited from connecting to sewer system.

CABINET FOR HUMAN RESOURCES
Interim Office of Health Planning & Certification
(Proposed Amendment)

902 KAR 20:004. Certificate of need process.

RELATES TO: KRS 216B.010 to 216B.130, 216B.990(1), (2)
 STATUTORY AUTHORITY: KRS 13A.350, 216B.040, 216B.075,
 Executive Orders 92-419, 92-540

NECESSITY AND FUNCTION: KRS 216B.040 and 216B.075 require the promulgation of administrative regulations relating to certificate of need applications and review procedures and requirements for batching, issuing advisory opinions, cost escalations and cost overruns and progress reports.

Section 1. Definitions. (1) "Capital expenditure authorized" means the amount of the capital expenditure approved by the interim office to implement a proposal.

(2) "Cost escalation" means an increase in the capital expenditure authorized on a certificate of need which has not been obligated as prescribed in KRS 216B.015(28).

(3) "Cost overrun" means an increase in the capital expenditure authorized on a certificate of need which has been obligated without hearing officers' approval.

(4) "Hearing officers" means those persons appointed by the Secretary of the Cabinet for Human Resources to perform the adjudicatory and decision-making functions of the Interim Office of Health Planning and Certification.

(5) "Improvement" means change or addition to the premises of an existing facility so as to enhance its capability to deliver those services which it is authorized to offer under its existing license or under an outstanding certificate of need approval.

(6) "Interim office" means the Interim Office of Health Planning and Certification created by Executive Order 92-419, dated April 27, 1992, and any successor office or agency.

(7) "Mobile health services" means those services which provide medical services in various locations and which in some instances utilize a specially equipped vehicle such as a van, trailer or mobile home. These services include mobile diagnostic imaging and examination services, mobile treatment services, and any other medical or dental services provided through the use of a mobile vehicle or performed at various locations.

(8) "New construction" means building projects other than those which constitute the repair, renovation, alteration or improvement to the physical plant of an existing health facility.

(9) "Public information channels" means the Office of Communications in the Cabinet for Human Resources.

(10) "Review commences" means the date of public notice of the appropriate batching cycle for the particular application after it is deemed complete.

(11) "Temporary basis" means on an occasional and irregular basis or until the applicant's proposal for permanent acquisition or regular use by a health care facility is reviewed under the formal or nonsubstantive review process.

Section 2. Criteria. In determining whether to issue or deny a certificate of need the hearing officers shall utilize the following criteria:

(1) Consistency with plans. To determine conformance with this criterion, the applicant shall address and the hearing officers shall consider the relationship of the proposal to the state health plan.

(2) Need and accessibility. To determine conformance with this

criterion, the applicant shall address and the hearing officers shall consider:

(a) The need that the population served or to be served has for the services proposed to be offered or expanded, and the extent to which all residents of the area, and in particular low income persons, racial and ethnic minorities, women, individuals with disabilities and other underserved groups are likely to have access to those services.

(b) The contribution of the proposed service to meeting the health-related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services (for example, low income persons, racial and ethnic minorities, women and people with disabilities), particularly those needs identified in the state health plan. In this regard, the hearing officers shall consider:

1. The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations will use the proposed services if approved.

2. The extent to which the applicant offers alternative means, other than through admission by a physician, by which a person will have access to its services (e.g., admission through a clinic or emergency room).

(c) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided.

(d) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools in the area will have access to the services for training purposes.

(e) Special needs and circumstances of those entities which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas. These entities may include medical and other health professions schools, multidisciplinary clinics and specialty centers.

(f) Whether the approval of the proposal will adversely impact the public's access to needed services.

(3) Interrelationships and linkages. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider:

(a) The relationship of the services to be provided to the existing health care system of the area in which the services are proposed to be provided.

(b) The relationship, including the organizational relationship, of the health services proposed to be provided to ancillary or support services.

(c) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed.

(4) Costs, economic feasibility, and resource availability. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider:

(a) The availability of less costly or more effective alternative methods of providing the services to be offered, expanded or relocated.

(b) The immediate and long-term financial feasibility of the proposal, as well as the probable impact of the proposal on the costs of and charges for providing health services by the person proposing the service.

(c) The availability of resources (including health personnel, management personnel, and funds for capital and operating needs) for the provision of the services proposed to be provided and the availability of alternative uses of these resources for the provision of other health services.

(d) The impact of the proposal on the financial resources of the overall health care delivery system.

(e) In the case of construction or renovation projects:

1. The costs and methods of the proposed construction or renovation, including the costs and methods of energy provision; and

2. The probable impact of the construction or renovation project reviewed on the costs of providing health services by the persons proposing the construction or renovation project and on the costs and charges to the public of providing health services by other persons.

(f) The effect of competition on the supply of the health services being reviewed, and whether the approval of the application will unnecessarily increase the cost of health care to the public.

(g) Improvements or innovations in the financing and delivery of health services which foster competition and serve to promote quality assurance and cost effectiveness.

(5) Quality of services. To determine conformance with this criterion the applicant shall address and the hearing officers shall consider the quality of care provided by the applicant in the past or the qualifications of the principals who will provide the health service which would assure that quality care will be provided and any perceivable detrimental effects of the proposal on the quality of similar services in the area to include: [-

~~(6) The hearing officers shall also consider:~~

(a) Whether the approval of the applicant's proposal will have an adverse impact on the quality of care provided by any person offering the same or similar services in any portion of the applicant's proposed service area due to decreased volume or number of procedures.

(b) Whether the applicant will be able to comply with applicable licensure requirements.

Section 3. Proposed New Use. If a person acquires major medical equipment ~~(not located in a health facility)~~ without a certificate of need and proposes at any time to use that equipment to serve inpatients of a health care facility, the proposed new use must be reviewed unless the equipment will be used to provide services to inpatients of a health care facility only on a temporary basis in the case of an emergency, a natural disaster, a major accident, or an equipment failure.

Section 4. Review Process. (1) Prior to submitting an application for certificate of need, applicants shall first file a letter of intent with the interim office on Form #1 (Letter of Intent (1992)). Letters of intent shall be filed at least thirty (30) days prior to filing an application for certificate of need. Letters of intent shall not be required for requests

for nonsubstantive review under Section 7 of this administrative regulation.

(2) A letter of intent shall be valid for a period of one (1) year. If an application is denied, a new letter of intent shall be filed in order to resubmit the application. If an application is withdrawn prior to a final decision, a new letter of intent must be filed.

(3) Upon receipt of a letter of intent, the interim office shall acknowledge receipt of the letter of intent and shall provide the applicant with the appropriate form as follows:

(a) Form #2a (Certificate of Need Application (1992)); or

(b) Form #2b (Certificate of Need Application for Ground Ambulance, Air Ambulance and Nonemergency Health Transportation Services (1992)).

(4) An original certificate of need application and two (2) ~~four (4)~~ copies shall be filed with the interim office according to the timetable set out in subsection (9) of this section.

(5) Fifteen (15) days after receipt of the application, the interim office shall acknowledge receipt and shall notify the applicant whether or not the application is complete.

(6) If the application is not complete, the notice to the applicant shall give the applicant the option of completing the application by submitting additional information or of notifying the interim office that the applicant elects for the application to be processed as originally submitted.

(7)(a) Upon receipt of the requested additional information or upon receipt of a letter from the applicant stating that he elects for the application to be processed as originally submitted, the interim office shall deem the application complete and shall give notice of the beginning of review.

(b) Applications must be declared complete at least six (6) working days prior to the date of public notice in order to be included in the public notice. In order to submit additional information to be made a part of the record after the application has been declared complete, it must be introduced at a public hearing.

(8) The notice of completeness shall include the schedule for the review and the period in which a public hearing may be requested by the applicant and other affected persons. The notice to members of the public and third party payors shall be provided through public information channels. Notice to all other known affected persons shall be by mail.

(9) Batching review cycles shall be as follows:

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TYPE OF PROPOSAL	Applications must be filed by third Wednesday of:	Month of public notice, ninety (90) days prior to decision date	Month of decision, third Wednesday of:
(a) Acute, psychiatric, rehab, chemical dependency facilities, psychiatric residential treatment facilities and other related components in the SHP (except specialized equipment and services) such as IC/CC, neonatal, and surgical services (including free-standing ambulatory surgical center) and birthing centers.	October, January, April, July	November, February, May, August	February, May, August, November
(b) Skilled nursing, nursing home, intermediate care, personal care, or nursing facility.	November	December	March
(c) Personal care or IC MR/DD	November, February, May, August December, June	December, March, June, September January, July	March, June, September, December April, October
(d) Transplantation, magnetic resonance imaging, lithotripter, radiation therapy, C.T. scanner, cardiac catheterization, open heart surgery, and new technological developments.			
(e) Day health care center, ambulatory care clinic, rehab agency, hospice, home health or home health/hospice.	October, January, May, July	November, February, June, August	February, May, September, November
(f) Ambulance, NE health transportation, and air ambulance services.	November, January, April, June, August	December, February, May, July, September	March, May, August, October, December
(g) All mobile services except those covered under specialized equipment and services.	October, December, February, April, June, August	November, January, March, May, July, September	February, April, June, August, October, December
(h) Any proposals not listed above will be placed in the most appropriate cycle as determined by the interim office.			
(i) Any proposals granted nonsubstantive review status as specified in KRS 216B.095(3)(a)(b)(c)(d)(e)(f) and (g) [plus technical modifications (CON)] will be processed in accordance with KRS 216B.095(1).			

(10) The interim office shall notify the applicant by certified mail and any party to the proceeding by regular mail of the hearing officers' final action on a certificate of need application.

(11) The written notification shall include:

(a) Verification that the criteria have been met or, if the application is inconsistent with any criteria, the reasons for approval notwithstanding the inconsistency;

(b) Amount of capital expenditure authorized, where applicable;

(c) If the application is disapproved, the reasons for the disapproval; and

(d) Notice of appeal rights.

(12) All applications not declared complete with a year from the date of filing shall expire and shall not be reviewed.

(13) If an application for certificate of need is disapproved, it may not be refiled for a period of twelve (12) months, absent a showing of a significant change in circumstances to be determined by a hearing officer.

Section 5. Certificate of Need Hearings. (1) Notice of the date, time and location of the hearing shall be mailed to all known affected persons (other than third party payors and members of the public) at least ten (10) days before the date of the hearing. Notice to third party payors and members of the public shall be provided through public information channels.

(2) Hearing requests may be withdrawn by written requested filed

with the interim office. If the hearing has already been scheduled, the written request to withdraw must be received at least three (3) working days in advance of the scheduled hearing date. In order for a public hearing to be cancelled, all persons who requested the hearing must agree in writing to cancellation. Agreement of other affected persons shall not be required.

(3) The hearing officers may:

(a) Conduct prehearing conferences to resolve issues not in dispute or not requiring an evidentiary record; and

(b) Issue prehearing orders which shall determine the form and the manner in which the evidentiary hearing is conducted.

(4) The hearing officer may, by prehearing order, require affected persons to submit to the interim office five (5) working days prior to the scheduled date of the hearing [within five (5) working days after receipt of the prehearing order] the following:

(a) A list of witnesses on Form #3 (Witness List (1993));

(b) A list of exhibits they intend to introduce on Form #4 (Exhibit List (1993)); or

(c) A list of those persons who will enter an appearance [which may appear] on behalf of a party on Form #5 (Notice of Appearance (1993)).

(5) The hearing officers may place reasonable time limits upon the presentation of testimony, evidence and argument, and may terminate or exclude irrelevant or redundant evidence, testimony or argument.

(6) There shall be no prehearing discovery allowed of any affected person by any affected person, other than the exchange of exhibits.

(7) The record on any certificate of need application shall be final for evidentiary purposes upon completion of the public hearing and may be reopened only upon order of the hearing officers.

(8) Upon completion of a public hearing, parties to the proceedings may submit proposed findings of fact and conclusions of law for consideration by the hearing officers, within reasonable time limits set by the hearing officers.

Section 6. Request for Reconsideration. (1) The hearing officers shall act upon request for reconsideration no later than thirty (30) days following receipt of a request.

(2) If reconsideration is granted, a reconsideration hearing shall be held within thirty (30) days of the decision to grant reconsideration, and a final decision shall be made no later than thirty (30) days following the reconsideration hearing.

Section 7. Nonsubstantive Review. (1) In addition to the projects specified in KRS 216B.095(3)(a) through (f), if a proposal described in this section requires certificate of need approval, it will be granted nonsubstantive review status:

(a) Technical modifications to an approved certificate of need;

(b) Cost overruns of the capital expenditure authorized by an approved certificate of need;

(c) ~~[(b)]~~ Emergency circumstances which, if not promptly acted upon, would pose a threat to the life, health and safety of any citizen of the Commonwealth;

1. Emergency circumstances shall include acts of God, fire, vandalism, structural or mechanical failure and other situations which pose a life, health or safety threatening circumstance. Emergency circumstances will be deemed to exist if ambulance services are not available within a thirty (30) minute response time.

2. An applicant acting under this subsection may proceed to relieve any of these listed emergency circumstances provided the:

a. Office is notified in writing prior to an action; and

b. Application is submitted within thirty (30) days of the occurrence of the emergency.

(d) ~~[(e)]~~ New construction which does not involve a substantial change in bed capacity, a substantial change in a health service, or the addition of major medical equipment;

(e) ~~[(e)]~~ Applications proposing the use of existing mobile services and equipment to provide health care access in unserved geographic areas of the Commonwealth;

(f) ~~[(e)]~~ Applications proposing the use of existing mobile services to provide health care access for which the Kentucky General Assembly has specifically appropriated funds; and

(g) Department of Corrections applications proposing the establishment or construction of nursing facility beds for which the Kentucky General Assembly has specifically appropriated funds.

(2) Procedures for nonsubstantive review shall be as follows:

(a) The original certificate of need application and two (2) ~~four (4)~~ copies, with a request for nonsubstantive review shall be submitted to the interim office.

(b) Within fifteen (15) days of the receipt of the application, the interim office shall acknowledge receipt of the application in writing to the applicant, and shall notify the applicant whether or not the application is complete.

(c) If the application is not complete, the notice to the applicant shall give the applicant the option of submitting the additional information or of notifying the interim office upon receipt of the request for additional information, that he elects for the application to be processed as originally submitted.

(d) Upon receipt of the requested additional information by the interim office, or upon receipt of a letter from the applicant that he elects for the application to be processed as originally submitted, the

interim office shall declare the application to be deemed complete.

(e) The hearing officers' decision to grant or deny nonsubstantive review status shall be provided to the applicant and notice of the decision to conduct a nonsubstantive review shall be provided to other known affected persons (other than members of the public and third party payors) by mail no later than the tenth day after the application has been deemed complete. The notice of the review to members of the public and third party payors shall be provided through public information channels.

(f) If nonsubstantive review status is denied, the applicant may request a public hearing by filing a request with the interim office within ten (10) days of the notice to deny nonsubstantive review. As applicable, hearings shall be conducted as provided by KRS 216B.085.

(g) If a certificate of need is denied following a nonsubstantive review and a formal review is requested, no letter of intent shall be required, but the filing of the request for nonsubstantive review shall be considered compliance with any requirement for a letter of intent.

Section 8. Conditions Relative to a Certificate of Need. (1) A person shall not transfer from one (1) legal applicant to another an approved certificate of need for the establishment of a new health facility or the replacement of an existing facility without first obtaining a certificate of need.

(2) Other certificates of need may be transferred to the new owner of the facility or service if a change of ownership occurs prior to the implementation of the project for which the certificate of need was issued.

(3) A certificate of need approved for establishment of a new health facility or the replacement of an existing facility is valid ~~issued~~ only for the location stated on the certificate.

(4) A certificate of need holder shall notify the interim office of any reduction or termination of a health service or a reduction in bed capacity for an approved project no later than the first progress report after the decision to make the change has been determined.

Section 9. Administrative Cost Escalations and Overruns. (1) A certificate of need using Form #2c (1993) shall be required for an escalation or cost overrun of the capital expenditure authorized by an approved certificate of need in all instances where there is a substantial change in the project, or where the escalation or overrun exceeds the following limits:

(a) Twenty (20) percent of the capital expenditure authorized or \$100,000, whichever is greater, in the case of projects with a capital expenditure of less than \$500,000;

(b) Twenty (20) percent of the capital expenditure authorized, in the case of projects with a capital expenditure of \$500,000 or greater, but less than \$5,000,000;

(c) Ten (10) percent of the amount in excess of \$5,000,000, plus \$1,000,000, in the case of projects with a capital expenditure of \$5,000,000 or greater, but less than \$25,000,000;

(d) Five (5) percent of the amount in excess of \$25,000,000, plus \$3,000,000, in the case of projects with a capital expenditure of \$25,000,000 or greater, but less than \$50,000,000; or

(e) Two (2) percent of the amount in excess of \$50,000,000, plus \$4,250,000 in the case of projects with a capital expenditure of \$50,000,000 or greater.

(2)(a) Requests for administrative cost escalations or cost overruns shall be submitted to the interim office, on the following forms:

1. Form #6 (Cost Escalation (1992)); or

2. Form #7 (Cost Overrun (1992)).

(b) The requests shall include:

1. Amount of the escalation or overrun;

2. Factors causing the escalation or overrun; and

3. Information to assure that the scope of the project as originally approved has not changed.

(c) The hearing officers shall review all requests for administrative cost escalations and overruns and the interim office shall notify the certificate of need holder within thirty (30) days of receipt whether the requested escalation or overrun meets the requirements of subsection (1) of this section.

(3) The certificate of need holder shall submit any additional certificate of need application fee required by the increased capital expenditure pursuant to the requirements of 902 KAR 20:135.

~~[(4) A certificate of need holder who obligates an amount exceeding the capital expenditure authorized without receiving an approved escalation per subsection (1) of this section is subject to the appropriate penalty per KRS 216B.990.]~~

Section 10. Timetables and Standards for Implementation. (1)(a) As ~~a [one (1) of the]~~ condition for the issuance of a certificate of need, all certificate of need holders shall submit ~~[a report of]~~ progress reports on Form #8 (Progress Report (1993 ~~[1992]~~)) at six (6) month intervals as ~~[according to the timetables and standards]~~ established in this section or more frequently if required by the interim office, until such time as the project has been deemed complete by the interim office.

~~(b) A certificate of need shall be deemed complete, when the project has been approved for licensure and occupancy by the Division of Licensing and Regulation or the appropriate license has been obtained, a final cost breakdown has been submitted, and for projects for which a certificate of need has been issued for a specific service area, the certificate holder shall submit documentation that services are being provided to all of the licensed service area.~~

~~(c) A certificate of need or portions thereof, [(b) The hearing officers] may be revoked [the certificate of need, or portions thereof,] for failure to submit reports as required.~~

(2) Certificate of need holders shall be sent notice specifying the date each progress report is due.

(3) The first progress report ~~[shall be due six (6) months from the date the certificate was issued and]~~ shall include the following:

(a) On all projects for purchase of equipment only, a copy of the purchase order;

(b) For all ~~[construction]~~ projects involving the acquisition of real property, evidence of an option to acquire the site;

~~(c) For all construction/renovation projects, evidence that schematic plans have been submitted to the Department of Housing, Buildings and Construction and the Division of Licensing and Regulation. [a copy of the deed or the option to acquire the site.]~~

~~(4) For projects not deemed complete a second progress report [shall be due twelve (12) months from the date of the certificate of need was issued and] shall include the following: [documentation that:]~~

~~(a) Documentation that beds in all projects for conversion of beds are licensed [complete];~~

~~(b) Documentation that all projects for addition of new services or expansion of existing services, not involving construction or renovation or the installation of equipment, are approved for licensure and occupancy by the Division of Licensing and Regulation and licensed, if applicable; and [complete];~~

~~(c) Schematic plans have been submitted to the Department of Housing, Buildings and Construction and the Cabinet for Human Resources for construction projects.]~~

~~(c) [(6) The second progress report for]~~ All construction or renovation projects shall ~~[also]~~ include:

1. ~~[(a)]~~ Schedule for project completion with projected dates;
2. ~~[(b)]~~ Evidence of preliminary negotiation with financial agent;
and

3. ~~[(c)]~~ Evidence of preliminary negotiation with contractors.

(5) For projects not deemed complete, a third progress report shall include the following:

(a) For construction/renovation projects:

~~[(6) Within eighteen (18) months after a certificate of need has~~

~~been issued, a third progress report shall be submitted which shall include the following information regarding all construction projects:]~~

1. ~~[(a)]~~ Copy of deed or lease of land;

2. Documentation of final financing. ~~[(b) Evidence that the holder has sufficient capital obligated to complete the project.]~~ If the source of capital is to be a financing agreement, the holder must have evidence that a final enforceable agreement or note has been executed;

3. ~~[(c)]~~ Documentation that final plans have been submitted to the Department of Housing, Buildings and Construction and the Division of Licensing and Regulation ~~[Cabinet for Human Resources];~~

4. ~~[(d)]~~ Enforceable contract with construction contractor;

~~[(b) [(e)]~~ On all projects for purchase of equipment only, evidence of approval for licensure and occupancy by the Division of Licensing and Regulation ~~[that equipment has been installed].~~

~~(6) For projects not deemed complete, a fourth progress report shall include documentation of final plan approval by the Department of Housing, Buildings and Construction and the Division of Licensing and Regulation and that the walls and roof are up and plumbing is roughed in on all construction/renovation projects.~~

~~(7) For projects not deemed complete, a fifth progress report shall include documentation that construction/renovation is progressing according to schedule for project completion on all construction/renovation projects.~~

~~(8) For projects not deemed complete, a sixth progress report shall include documentation that the project has been approved for licensure and occupancy by the Division of Licensing and Regulation and where applicable, that the appropriate license has been obtained for the project.~~

~~(9) For projects not deemed complete after the sixth progress report, the certificate holder shall, upon request, provide the interim office with a written statement showing cause why the certificate should not be revoked. The interim office may defer revocation action upon a showing by the certificate holder that the project will be completed on a revised schedule of completion, subject to progress reports which the interim office may require.~~

~~[(7) Within two (2) years after a certificate of need has been issued, a fourth six (6) month report shall be submitted which shall verify that all construction projects have the walls and roof up and plumbing roughed in.]~~

~~(10) [(9)]~~ Within six (6) months following licensure ~~[completion]~~ of a project for which a certificate of need has been issued for a specific service area, the ~~[all]~~ certificate holder shall submit documentation that services are being provided to all of the licensed service area. Failure to provide such documentation shall constitute grounds for revocation of the certificate of need and the license for those areas where service is not being provided.

~~(11) If the project involves a capital expenditure, a final cost breakdown shall be included in the final progress report.~~

Section 11. Advisory Opinions. The process for seeking an advisory opinion from the hearing officers shall be as follows:

(1) Requests for advisory opinions shall be completed on Form #9 (Advisory Opinion (1992)).

(2) The hearing officers may require verification of information and may request additional documentation, if necessary.

(3) The hearing officers shall issue a written advisory opinion within thirty (30) days of receipt of a completed request for an opinion or of receipt of additional information.

(4) An affected person ~~[party]~~ may request a public hearing regarding a written advisory opinion by requesting same from the interim office in writing within thirty (30) days of the public notice of the advisory opinion which shall be published in the monthly certificate of need newsletter and disseminated through public information channels. If a public hearing is not requested, the advisory opinion shall be the final action of the administrative agency, subject to judicial review. Failure to request a public hearing shall not constitute

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a failure to exhaust administrative remedies. [final determination.]

(5) Advisory opinion hearings shall be conducted pursuant to the provisions of Section 5 of this administrative regulation.

Section 12. Final Decisions. All final decisions regarding certificate of need related matters will be decided by the individual hearing officer to whom that particular matter is assigned.

Section 13. Incorporation by Reference. (1) "Form #1 (Letter of Intent (1992))", "Form #2a (Certificate of Need Application (1993 [1992]))", "Form #2b (Certificate of Need Application for Ground Ambulance, Air Ambulance and Nonemergency Health Transportation Services (1993 [1992]))", "Form #2c (Certificate of Need Application for Change of Location, Ownership, Replacement, Cost Escalation or Cost Overrun (1993))", "Form #3 (Witness List (1993 [1992]))", "Form #4 (Exhibit List (1993 [1992]))", "Form #5 (Notice of Appearance List (1993 [1992]))", "Form #6 (Cost Escalation (1992))", "Form #7 (Cost Overrun (1992))", "Form #8 (Progress Report (1993 [1992]))" and "Form #9 (Advisory Opinion (1993 [1992]))", "Form #10 (Acquisition of a Health Facility Notice of Intent (1993))" are incorporated by reference.

(2) These forms may be inspected, copied or obtained at the Interim Office of Health Planning & Certification, Cabinet for Human Resources, 275 East Main, Frankfort, Kentucky 40621, 8 a.m. to 4:30 p.m., Monday through Friday.

GREG LAWTHOR, Acting Executive Director

FONTAINE BANKS, Secretary

APPROVED BY AGENCY: April 29, 1993

FILED WITH LRC: May 5, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 1993, at 9 a.m., in the Vital Statistics Conference Room, First Floor, Cabinet for Human Resources Building. However, this hearing will be cancelled unless interested persons notify the following office in writing by June 17, 1993, of their desire to appear and testify at the hearing: William Kimble Moore, Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Greg Lawthor

(1) Type and number of entities affected: Current certificate of need holders and all persons seeking to provide a health service or establish a health facility in the Commonwealth will be affected.

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

1. First year: None - certificate of need application fees remain unchanged.

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: Same as under previous regulation.

(2) Effects on the promulgating administrative body: Allow the certificate of need process to function, albeit under the restraint of the moratorium imposed by executive orders.

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements:

(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: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Regulations apply uniformly to all applicants and certificateholders.

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

904 KAR 3:010. Definitions.

RELATES TO: KRS 194.050, 7 CFR 217.2, 273.1, 273.4, 273.5, 273.6, 273.7, 273.11, 273.16, PL 102-237

STATUTORY AUTHORITY: KRS 194.050, 7 CFR 271.4

NECESSITY AND FUNCTION: The Cabinet for Human Resources is required to administer a Food Stamp Program. KRS 194.050 provides that the secretary shall, by regulation, develop policies and operate programs concerned with the welfare of the citizens of the Commonwealth. This administrative regulation sets forth definitions of terms used by the cabinet in administrative regulations pertaining to the Food Stamp Program.

Section 1. Definition of terms utilized in administrative regulations relating to the Food Stamp Program are as follows:

(1) "Application for participation" means the form designed or approved by Food and Nutrition Service (FNS) that is completed by:

(a) A household member; or

(b) An authorized representative.

(2) "Authorization to participate card" (ATP) means the document that is issued by the state agency to a certified household to show the allotment the household is authorized to receive on presentation of such document.

(3) "Authorized representative":

(a) Means an individual designated by a household member to act on behalf of the household in one (1) or all of the following capacities:

1. Making application for the program;

2. Obtaining the coupons; and

3. Using the coupons.

(b) An adult who is a nonhousehold member may be designated as the authorized representative for certification purposes if the authorized representative:

1. Has been designated in writing by:

a. The head of the household;

b. The spouse; or

c. Another responsible member of the household; and

2. Is an adult who is aware of relevant household circumstances.

(c) The following individuals shall not act as an authorized representative unless:

1. The specific written approval of the designated state agency officials is obtained; and

2. That official determines that no one else is able to serve as the authorized representative:

a. A state agency employee who is involved in the certification or issuance processes;

b. A retailer that is authorized to accept food coupons; and

c. An individual disqualified for an intentional program violation.

(d) The cabinet shall disqualify an individual from participating as an authorized representative up to one (1) year if the cabinet obtains evidence that the individual has:

1. Misrepresented a household's circumstances;

2. Knowingly provided false information pertaining to the household; or

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3. Made improper use of coupons.
- (4) "Boarder":
 - (a) Means an individual to whom a household furnishes lodging and meals for reasonable compensation;
 - (b) "Reasonable compensation" is determined:
 1. By considering only the amount paid for meals; and
 2. Provided that the amount paid for meals is distinguishable from the amount paid for lodging.
 - (c) A reasonable monthly payment for meals shall be:
 1. An amount which equals or exceeds the thrifty food plan for the appropriate size of the boarder household for a boarder whose board arrangement is for more than two (2) meals a day; or
 2. An amount which equals or exceeds two-thirds (2/3) of the thrifty food plan for the appropriate size of the boarder household for a boarder whose board arrangement is for two (2) meals or less per day.
 - (d) A boarder is ineligible to participate in the program independent of the household providing the board.
 - (5) "Certification" means the action necessary to determine eligibility of a household including:
 - (a) Interview;
 - (b) Verification; and
 - (c) Decision.
 - (6) "Communal dining facility" means:
 - (a) A public or nonprofit private establishment, approved by FNS, that prepares and serves meals for elderly persons;
 - (b) A public or private nonprofit establishment (eating or otherwise) that feeds:
 1. Elderly persons; and
 2. SSI recipients and their spouses;
 - (c) Federally subsidized housing for the elderly that prepares and serves meals to the residents; and
 - (d) A private establishment that contracts with an appropriate state or local agency to offer meals at concessional prices to:
 1. Elderly persons; and
 2. SSI recipients and their spouses.
 - (7) "Coupon" means:
 - (a) Any stamp;
 - (b) Coupon; or
 - (c) Type of certificate; that is
 - (d) Issued in accordance with the Food and Nutrition Service regulations for the purchase of eligible food.
 - (8) "Date of entry" or "date of admission" means the date established by the Immigration and Naturalization Service as the date the sponsored alien was admitted for permanent residence.
 - (9) "Disabled" means:
 - (a) An individual who receives:
 1. Supplemental Security Income (SSI) or presumptive SSI under 42 USC 1381 to 1385;
 2. Disability or blindness payments under:
 - a. 42 USC 301 to 306;
 - b. 42 USC 402 to 433;
 - c. 42 USC 1201 to 1206;
 - d. 42 USC 1351 to 1355; or
 - e. 42 USC 1381 to 1385;
 3. Optional or mandatory state supplementation;
 4. Disability retirement benefits from a:
 - a. Federal;
 - b. State; or
 - c. Local governmental agency; and
 - d. Resulting from a disability considered payment under 42 USC 221(i);
 5. Annuity payments under:
 - A. 45 USC 231(a); and
 - b. Is determined to qualify for Medicare by the Railroad Retirement Board; or
 - c. Is disabled based upon the criteria used under 42 USC 1381

to 1385; or

(b) A veteran with a service connected or nonservice connected disability rated by the Veteran's Administration (VA) or paid as total (100 percent) by the VA under Title 38 of the United States Code;

(c) A veteran considered by the VA to be in need of regular aid and attendance or permanently housebound under Title 38 of the United States Code;

(d) A surviving spouse of a veteran and considered by the VA to be in need of regular aid and attendance or permanently housebound;

(e) A surviving child of a veteran and considered by the VA to be permanently incapable of self-support under Title 38;

(f) A surviving spouse or surviving child of a veteran and considered by the VA to be entitled to:

1. Compensation for a service-connected death;

2. Pension benefits for a nonservice-connected death under Title 38; and

3. Has a disability considered permanent under 42 USC 221(i);

(g) An individual in receipt of disability related medical assistance under 42 USC 1396;

(h) An individual who is certified to receive, but not yet receiving SSI or Social Security disability payments; or

(i) An individual who is currently having their entire SSI or Social Security disability benefit check recouped to recover a prior overpayment.

(10) "Drug addiction or alcoholic treatment and rehabilitation program" means any:

(a) Drug addiction; or

(b) Alcoholic treatment and rehabilitation program;

(c) Conducted by:

1. A private nonprofit organization; or

2. Institution that is certified as responsible for the administration of the state's program for:

a. Alcoholics; or

b. Drug addicts; by

(i) The cabinet; or

(ii) Agencies designated by the Governor.

(11) "Elderly" means an individual who is:

(a) Age sixty (60) or older; or

(b) Fifty-nine (59) years of age at the time of application but shall turn age sixty (60) before the end of month of application.

(12) "Eligible foods" means any of the following:

(a) Any food or food product intended for human consumption except:

1. Alcoholic beverages;

2. Tobacco;

3. Hot foods; and

4. Hot food products prepared for immediate consumption;

(b) Seeds and plants to grow foods for the personal consumption by eligible households;

(c) Meals prepared and delivered by an authorized meal delivery service to households eligible to use coupons to purchase delivered meals;

(d) Meals served by a communal dining facility for:

1. The elderly;

2. SSI households; or

3. To both; and

4. To households eligible to use coupons for communal dining;

(e) Meals prepared and served by an authorized drug addict or alcoholic treatment and rehabilitation center to eligible households;

(f) Meals prepared and served by an authorized group living arrangement facility to residents who are blind or disabled as defined in subsection (9) of this section.

(g) Meals prepared and served by an authorized shelter for battered women and children to its eligible residents;

(h) Meals prepared for and served by an approved authorized public or private nonprofit establishment (e.g., soup kitchen, temporary shelter) that feeds homeless persons, provided that the facility

shall:

1. Be a nonprofit establishment;
2. Be a licensed food service establishment; and
3. Provide meals to the homeless.

(13) "Excluded household member" means an individual residing with a household but excluded when determining the household's size in accordance with the provisions of 904 KAR 3:035, Section 5(3) and (4).

(a) The income and resources of the excluded household member shall be treated the same as that of an ineligible household member in accordance with 904 KAR 3:035, Section 5(3) and (4).

(b) The following are excluded household members and shall not participate as a separate household:

1. An ineligible alien;
2. An individual disqualified for failure to provide a social security number;
3. An individual disqualified for intentional program violation; or
4. An individual disqualified for failure to comply with work or workforce requirements.

(14) "Employment and training program" means a program consisting of one (1) or more of the following components:

- (a) Work;
- (b) Training;
- (c) Education; or
- (d) Job search.

(15) "Federal fiscal year" means a period of twelve (12) calendar months beginning with each October 1 and ending with September 30 of the following calendar year.

(16) "FNS" means the Food and Nutrition Service of the United States Department of Agriculture.

(17) "Group living arrangement":

(a) Means a public or private nonprofit residential setting that:

1. Serves no more than sixteen (16) residents; and
2. Is appropriately certified.

(b) To be eligible, a resident shall be blind or disabled as defined in subsection (9) of this section.

(18) "Head of household" means the person ~~[with primary financial responsibility and]~~ in whose name the application for participation is made as:

(a) Having primary financial responsibility for the household;

(b) Being an adult parent of a child of any age and living in the household; or

(c) An adult having parental control over a child under the age of eighteen (18) and living in the household.

(19) "Household" means an individual living alone or with others, or a group of individuals living together where living quarters are shared.

(a) A household may be composed of any of the following individuals or groups of individuals specified in subsection (19)(b) of this section, provided that such individuals or groups of individuals are not:

1. Residents of an institution;
2. Residents of a commercial boarding house; or
3. Living with others and paying compensation to others for meals and lodging except as otherwise specified in subsection (4) of this section.

(b) A household may be composed of:

1. An individual living alone;
2. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;
3. A group of individuals living together for whom food is customarily purchased in common and for whom meals are prepared together for home consumption;
4. An individual who is:

a. Sixty (60) years of age or older (and the spouse of such individual);

b. Living with others; and

c. Unable to purchase and prepare meals because he:

(i) Suffers from a disability considered permanent under 42 USC;

or

(ii) Suffers from a nondisease-related, severe, permanent disability; and

d. Provided that the income of the others, excluding the income of the individual's spouse, with whom the individual resides does not exceed 165 percent of the federal income poverty guidelines.

(c) In no event shall separate household status or nonhousehold member status be granted to:

1. Parents and natural, adopted or stepchildren, unless:

a. At least one (1) parent is elderly or disabled as defined in subsection (10) of this section; or

b. Unless three (3) generations live together and one (1) of the children has minor children and meals are prepared separately;

2. A child under eighteen (18) years of age, under the parental control of an adult member of the household;

3. A spouse of a member of the household;

4. Siblings (natural, adopted, half or stepbrothers and sisters), unless:

a. At least one (1) sibling is elderly or disabled as defined in subsection (10) of this section; or

b. One (1) sibling has a minor child and meals are prepared separately.

(20) "Identification (ID) card" means a card which identifies the bearer as eligible to receive and use food coupons.

(21) "Immigration and Naturalization Service (INS)" means the Immigration and Naturalization Service, United States Department of Justice.

(22) "Institution of higher education" means any institution providing post high school education, which normally requires a high school diploma or equivalency certificate for a student to enroll, including but not limited to:

(a) College;

(b) University; and

(c) Vocational or technical school.

(23) "Meal delivery service" means an entity with which the cabinet has contracted for the preparation of meals at concessional prices to an individual who is unable to adequately prepare his meals.

(a) A "meal delivery service participant" shall include:

1. An elderly person and his spouse;
2. The physically or mentally handicapped; and
3. A person otherwise disabled and his spouse.

(b) The cabinet shall contract with any of the following "meal delivery service" providers:

1. A political subdivision;
2. A private nonprofit organization; or
3. A private establishment.

(24) "Medicaid" means medical assistance under 42 USC 1396.

(25) "Nonassistance household" (NA) means a household containing at least one (1) member who is not included in a public assistance (PA) household grant.

(26) "Nonprofit cooperative food purchasing venture" means any private nonprofit association of consumers whose members pool their resources to buy food.

(27) "Nonhousehold member" means an individual residing with a household but not considered a household member in determining the household's eligibility or allotment.

(a) The following shall be considered a nonhousehold member and if otherwise eligible, may participate in the program as a separate household:

1. Roomer. An individual to whom a household furnishes lodging, but not meals, for compensation.

2. Live-in-attendant. An individual who resides with a household to provide medical, housekeeping, child care or other similar personal services.

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3. Other. Another individual who shares living quarters with the household but who does not customarily purchase food and prepare meals with the household.

(b) The following shall be considered as a nonhousehold member, ineligible to participate in the program as a separate household, and treated as described in 904 KAR 3:035:

1. An ineligible student;
2. A person disqualified for noncompliance with the work requirements;
3. A border;
4. A resident of an institution, except as provided in subsection (17) of this section;
5. A striker, unless:
 - a. The household was eligible the day prior to the strike; and
 - b. The household is eligible at the time of application;
6. A household disqualified due to voluntary quit provisions.

(28) "Overissuance" means the amount by which coupons issued to a household exceeds the amount the household was eligible to receive.

(29) "Public assistance" (PA) means any of the programs authorized under 42 USC 601 to 686 including:

- a. Old age assistance;
- b. Aid to families with dependent children (AFDC);
- c. Aid to the blind;
- d. Aid to the permanently and totally disabled; and
- e. Aid to aged, blind or disabled.

(30) "Retrospective budgeting" means the computation of a household's food stamp allotment for an issuance month based on actual income and circumstances which existed in a previous month.

(31) "Shelter for battered women and children" means a public or private nonprofit residential facility that serves battered women and children. If a facility serves other individuals, a portion of the facility must be set aside on a long-term basis to serve only battered women and children.

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

(33) "Sponsored alien" means an alien lawfully admitted for permanent residence as an immigrant as defined under 8 USC 1101.

(34) "Spouse" means either of two (2) individuals who:

- (a) Would be defined as married to each other under applicable state law; or
- (b) Are living together and are holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or tradespeople.

(35) "Striker" means anyone involved in a strike or other concerted stoppage of work by employees. This shall include:

- (a) A stoppage by reason of expiration of a collective-bargaining agreement; and
- (b) Any concerted slowdown or other concerted interruption of operations by employees, unless:

1. The individual is exempt from work registration for reasons other than employment; and
2. The exemption existed on the day prior to the strike.

(36) "Supplemental security income (SSI)" means monthly cash payments made under the authority of:

- (a) 42 USC 1381 to 1385 to the aged, blind and disabled;
- (b) 42 USC 1382e; or
- (c) 42 USC 1382.

(37) "Thrifty food plan" means:

(a) The diet required to feed a family of four (4) persons, determined in accordance with the Secretary of the United States Department of Agriculture calculations, consisting of:

1. A man and a woman twenty (20) through fifty (50);
2. A child six (6) through eight (8); and
3. A child nine (9) through eleven (11) years of age; and

(b) The cost of such diet shall be the basis for uniform allotments for all households regardless of their actual composition, except that the Secretary of the United States Department of Agriculture shall make household-size adjustment in the thrifty food plan taking into account economies of scale.

(38) "Underissuance" means the amount that the allotment to the household was entitled exceeds the allotment which the household received.

MIKE ROBINSON, Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: April 13, 1993

FILED WITH LRC: May 3, 1993 at 8 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on June 22, 1993, at 9 a.m. at the Vital Statistics Conference Room, 1st Floor, CHR Building. Individuals interested in being heard at this hearing shall notify this committee in writing by June 17, 1993 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: W. Kimble Moore, Deputy Counsel - Administrative Law, Department of Law, 275 East Main Street, 4th Floor West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Contact person: Truett DeMoisey

(1) Type and number of entities affected: None. The amendment to this regulation reflects current policy. Therefore, no recipients will be affected by the amendments to this regulation.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings: None

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

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

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: None

TIERING: Is tiering applied? No. Federal and state statutes mandate that eligibility requirements for the Food Stamp Program be implemented in a like manner on a statewide basis, thereby prohibiting tiering.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. This regulation pertains to the definition of the head of household as

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it relates to the Food Stamp Program as prescribed by 7 CFR 273.1(d).

2. State compliance standards. There are no differing state compliance standards.

3. Minimum or uniform standards contained in the federal mandate. The provisions of this administrative regulation are promulgated in accordance with the Food Stamp Act of 1977, as amended, and applied in a like manner on a statewide basis.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. The provisions of this administrative regulation coincide with those mandated by the Food and Nutrition Service.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation will not impose any stricter requirements or any additional or different responsibilities than those required by the federal mandate.

PROPOSED ADMINISTRATIVE REGULATIONS RECEIVED THROUGH NOON, MAY 15, 1993

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing

201 KAR 20:235. The prevention of transmission of HIV and HBV by nurses.

RELATES TO: PL 102-141, Section 633

STATUTORY AUTHORITY: KRS 314.131(1)

NECESSITY AND FUNCTION: PL 102-141, Section 633 requires each state to institute the guidelines issued by the United States Centers for Disease Control or guidelines which are equivalent to those promulgated by the Centers for Disease Control concerning recommendations for preventing the transmission of the human immunodeficiency virus and the hepatitis B virus during exposure-prone invasive procedures. This regulation implements those guidelines for nurses.

Section 1. Definitions. (1) "HIV" means the human immunodeficiency virus.

(2) "HBV" means the hepatitis B virus.

(3) "Exposure-prone procedure" means the digital palpation of a needle tip in a body cavity or the simultaneous presence of a nurse's finger and a needle or other sharp instrument in an anatomic site.

(4) "Universal precautions" means the appropriate use of hand and skin washing, protective barriers, care in the use and disposal of needles and other sharp instruments, and those other techniques recommended in current U.S. Centers for Disease Control guidelines.

(5) "Nurse" means an advanced registered nurse practitioner, registered nurse or licensed practical nurse.

(6) "Invasive procedure" means entry into body tissues, cavities or organs.

(7) "Board" means Board of Nursing.

Section 2. Provisions for Nurses Generally. (1) All nurses shall adhere to universal precautions in their respective practices.

(2) Nurses shall comply with current U.S. Centers for Disease Control guidelines for disinfection and sterilization of reusable devices used in invasive procedures.

(3) All nurses who perform exposure-prone procedures should know their HIV antibody status.

(4) All nurses who perform exposure-prone procedures and who do not have serologic evidence of immunity to HBV from vaccination or from previous infection should know their hepatitis-B-surface-antigen (HBsAg) status, and, if that is positive, should also know their hepatitis-B-e-antigen (HBeAg) status.

Section 3. Provisions for HIV and HBV Seropositive Nurses. (1) Nurses who are HIV or HBV seropositive (and are HBeAg positive) shall not perform exposure-prone procedures unless they have sought counsel from an expert review panel and have been advised under what circumstances, if any, they may continue to perform those procedures.

(2) Nurses who are HIV or HBV seropositive (and are HBeAg positive) shall report their status to the individual designated by the board to receive this information. This individual shall maintain the information as confidential and shall not release it except to the expert review panel or to a hearing panel, if one is required.

(3) The individual receiving the information shall convene an expert review panel. The panel shall consist of the following:

(a) The nurse's personal physician or ARNP;

(b) An infectious disease specialist with expertise in the epidemiology of HIV and HBV transmission; and

(c) A nurse with expertise in the procedures performed by the

infected nurse.

(4) The nurse who is HIV or HBV seropositive shall appear before the expert review panel. The panel shall issue an order to the nurse and to the individual designated by the board to receive the information. The order shall state under what circumstances, if any, the nurse may continue to perform exposure-prone procedures. The nurse may be represented by legal counsel and may present witnesses.

(5) The expert review panel shall maintain the confidentiality of the information and order to the greatest extent possible. However, the panel may, in its discretion, require disclosure to patients or employers.

(6) Failure to comply with the order of the expert review panel shall result in initiation of the complaint procedure set forth in 201 KAR 20:161 and disciplinary action procedure set forth in 201 KAR 20:162.

SUSAN J. HOCKENBERGER, President

APPROVED BY AGENCY: April 22, 1993

FILED WITH LRC: May 5, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on June 21, 1993, at 10 a.m. in the Office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by June 16, 1993, 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. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation on or before the date for hearing. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, (502) 329-7000.

REGULATORY IMPACT ANALYSIS

Contact person: Nathan Goldman

(1) Type and number of entities affected: Approximately 44,000 registered nurses and licensed practical nurses.

(a) Direct and indirect costs or savings to those affected: The amendments do not add or delete any 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: Affected nurses will report this status to the board.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: The regulation will require some additional cost in its implementation. It is impossible to estimate since there is no way to estimate the number of costs.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: The amendments do not add additional reporting requirements.

(3) Assessment of anticipated effect on state and local revenues: There will be some cost to the board.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The method used was felt to be the one which would allow implementation and remain consistent with federal law.

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- (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: Is tiering applied? Tiering is not applicable.

GENERAL GOVERNMENT CABINET Department of Agriculture Division of Animal Health

302 KAR 20:054. Fee basis schedule.

RELATES TO: KRS Chapter 257

STATUTORY AUTHORITY: KRS 257.020, 257.030

NECESSITY AND FUNCTION: To establish procedures for setting a fee basis schedule for reimbursement payments to licensed and accredited veterinarians for expenses incurred in performing professional services found necessary to eliminate brucellosis and to achieve the status of a brucellosis free state.

Section 1. Definitions. (1) "Per head allowance" means the allowance or rate of reimbursement by the department for professional veterinarian services based on testing performed on each animal.

(2) "Stop fee" means the allowance or rate of reimbursement by the department for professional veterinarian services performed based on each farm at which animals are tested.

Section 2. Fee Basis Payments. Upon request and approval of the department, licensed and accredited veterinarians providing the professional services found necessary to eliminate brucellosis and to achieve the status of a brucellosis free state shall receive payment for professional services from the department at a stop fee rate not to exceed twenty (20) dollars and a per head allowance not to exceed three (3) dollars.

Section 3. Reimbursement Due. A claim for a payment shall be submitted on a brucellosis testing statement of services performed. The statement shall provide that no payment for brucellosis testing services shall be made until the appropriate brucellosis test chart has been received and validated by the state veterinarian. All samples must be of test quality.

Section 4. The state veterinarian may deny a fee basis payment when he has good cause to believe that the licensed and accredited veterinarian has:

- (1) Failed to perform services in a reasonably prudent and professional manner;
- (2) Misrepresented or concealed facts in order to receive or enable others to receive payments;
- (3) Misrepresented facts regarding animals tested or test results; and
- (4) Submitted false or questionable requests for fee basis payments.

Section 5. Fee Basis Forms. A fee basis claim must be made on forms provided by the state veterinarian. The fee basis claim shall be for services performed on or after April 15, 1993, and may be obtained at the Office of the State Veterinarian, 100 Fair Oaks Lane, Frankfort, Kentucky 40601. The effective day of this regulation shall be April 15, 1993.

ED LOGSDON, Commissioner

APPROVED BY AGENCY: April 15, 1993

FILED WITH LRC: April 15, 1993 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on Monday, June 21, 1993 at 9 a.m. at the Department of Agriculture, 7th Floor Conference Room, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in attending this hearing shall notify this agency in writing by June 15, 1993, 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 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: Donna Greenwell Dutton, General Counsel, Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4696.

REGULATORY IMPACT ANALYSIS

Contact person: D. L. Notter, DVM

(1) Type and number of entities affected: All herd owners and veterinarians in Kentucky

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

1. First year: N/A

2. Continuing costs or savings: N/A

3. Additional factors increasing or decreasing costs (note any effects upon completion): N/A

(b) Reporting and paperwork requirements: N/A

(2) Effects on the promulgating administrative body: Fee basis claims must be filled out and submitted to the Department of Agriculture.

(a) Direct and indirect costs or savings: \$20 stop fee and per head. Allowance not to exceed \$3.

1. First year: \$18,500

2. Continuing costs or savings: Vary from year to year based on number of infected herds.

3. Additional factors increasing or decreasing costs: Same as above.

(b) Reporting and paperwork requirements: Veterinarians must submit claims on forms provided.

(3) Assessment of anticipated effect on state and local revenues: Money spent will be from the Department of Agriculture's budget.

(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: N/A

(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

Was tiering applied? No. This administrative regulation provides for the same fee basis rates for all brucellosis testing found necessary by the Department of Agriculture.

JUSTICE CABINET Department of Criminal Justice Training

503 KAR 5:130. Base salaries and undue hardship.

RELATES TO: KRS 95.960

STATUTORY AUTHORITY: KRS 95.960

NECESSITY AND FUNCTION: KRS 95.960 requires the Justice Cabinet to reimburse cities, urban counties, or charter counties with ten (10) or fewer police officers for their base salaries while the

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officers are in training if the governmental unit can show undue hardship. This administrative regulation defines "base salaries" and "undue hardship."

Section 1. Definitions. (1) For purposes of this regulation the term "base salary" shall mean the gross total salary, excluding overtime, that is subject to federal and state withholding tax of a regular full-time police officer but shall not include any monetary or nonmonetary benefits paid or provided by the employer over and above the total gross salary.

(2) For purposes of this regulation the term "undue financial hardship" means the expenditure of additional financial funds by the city, the urban county or charter county government, referred to in this regulation as governmental unit, with regular police departments of ten (10) or fewer officers that require the governmental unit to pay actual funds for replacement officers during the specific training required by KRS 95.960. The actual funds expended must be over and above the budgeted resources of the governmental unit based on the actual revenue available to the governmental unit. In order to determine if the governmental unit falls under this category, the Justice Cabinet may request: the actual approved budget of the governmental unit for that current and the preceding year, the number of officers and the timing of each officer's training for the current and preceding year, the actual revenue receipts of the governmental unit for that current and the preceding year, and a detailed explanation of why the governmental unit cannot meet the cost of providing the training. In no event shall any actual funds be paid out until the Justice Cabinet has acquired documented costs of reimbursement of the actual extra funds expended by the governmental unit in order to comply with the requirements of KRS 95.960.

BILLY G. WELLMAN, Secretary

APPROVED BY AGENCY: May 10, 1993

FILED WITH LRC: May 11, 1993 at 1 p.m.

PUBLIC HEARING: A public hearing on this administration regulation shall be held on Monday, June 21, 1993, at 10 a.m. at 403 Wapping Street, Bush Building, Second Floor, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by June 16, 1993, 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 canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. Any disabled person desiring to attend or participate in this public hearing will be provided reasonable accommodation if requested at the time of notification of intent to attend. A transcript of the public hearing will not be made unless a written request for a transcript is made, with cost therefore to be borne by the requesting party. If you do not wish to attend the public hearing, you may submit written or oral comments on the proposed administrative regulation by June 16, 1993. Send written notification to attend the public hearing or comments on the proposed administrative regulations to: Paul F. Isaacs, General Counsel, Justice Cabinet, 403 Wapping Street, Bush Building, Second Floor, Frankfort, Kentucky 40601, (502) 564-3279, Fax: (502) 564-4840.

REGULATORY IMPACT ANALYSIS

Contact Person: Paul F. Isaacs

(1) Type and number of entities affected: All cities with less than ten full-time police officers.

(a) Direct and indirect costs or savings to those affected: These costs would have to be determined on a case-by-case basis and reevaluated each year.

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: Justice Cabinet would have to review requests for hardship payments.

(2) Effects on the promulgating administrative body: There may be some costs to the Kentucky Law Enforcement Foundation Program Fund, if any cities request hardship funding. This would fluctuate each year.

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

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Minimum additional paperwork.

(3) Assessment of anticipated effect on state and local revenues: Minimum

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

(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: Is tiering applied? No. Regulation only applies to one class of cities, those with less than ten full-time police officers.

FISCAL NOTE ON LOCAL GOVERNMENT

(1) Does this administrative regulation relate to any aspect of local government, including any service provided by that local government? Yes

(2) State what unit, part or division of local government this administrative regulation will affect. Police officer agencies.

(3) State the aspect of service of local government to which this administrative regulation relates. Reimbursement of base salary of police officers in training for cities with ten or less full-time police officers who can demonstrate undue hardship.

(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: This regulation provides for a case-by-case determination of hardship payments based on application by an eligible city. There is no method of determining which cities will apply, if they are eligible, and for how much.

TRANSPORTATION CABINET

Department of Highways
Division of Planning

603 KAR 9:010. Railroad crossing closure procedure.

RELATES TO: KRS 177.120-177.130

STATUTORY AUTHORITY: KRS 177.120

NECESSITY AND FUNCTION: KRS 177.120 requires the Transportation Cabinet to promulgate administrative regulations that contain standards governing the establishment, vacation, relocation, and separation of grades at public railway/highway grade crossings. This administrative regulation sets forth procedures the Transportation Cabinet shall follow regarding the production of a list of railroad crossings which shall be considered for closure, the evaluation of the candidate list with respect to possible closure, and the ultimate decision to recommend closure or other appropriate changes to

highway facilities crossing railroad rights-of-way. KRS 177.120 considers that public safety will be enhanced by the closure of redundant and inherently dangerous crossings.

Section 1. Candidate Lists. (1) The Transportation Cabinet shall compose a list of candidate railroad crossings for possible closure drawn from the following sources:

(a) Responses to a letter sent to each county or local government in the Commonwealth through which railroad rights-of-way pass requesting a list of railroad crossings suggested for closure;

(b) Responses to a letter sent to each railroad company operating in the Commonwealth requesting a list of railroad crossings suggested for closure;

(c) Recommendations from other public or private agencies or individuals; and

(d) Railroad crossings which the Transportation Cabinet considers candidates for closure.

(2) The Transportation Cabinet may consider any railroad crossing as a candidate for closure when:

(a) An alternate railroad crossing is available within one-quarter (1/4) track mile in urban areas and the railroad crossing has a current average daily traffic count of 500 vehicles or less;

(b) An alternate railroad crossing is available within one (1) track mile in rural areas and the railroad crossing has a current average daily traffic count of 150 vehicles or less; or

(c) The railroad crossing has sight distance obstructions or other layout characteristics which create unsafe conditions and closure of the railroad crossing is an economically preferable alternative to correcting the deficiencies at the site.

Section 2. Evaluation. (1) The Transportation Cabinet's recommendation to retain or close a candidate railroad crossing shall include one (1) or more of the following factors:

(a) Highway traffic flow through the railroad crossing;

(b) Highway operating speeds through the railroad crossing;

(c) Train traffic through the railroad crossing;

(d) Train speed through the railroad crossing;

(e) Character, function and type of highway traffic through the railroad crossing;

(f) The necessity of the crossing for provision of emergency services;

(g) Accident history at the railroad crossing for the past five (5) years;

(h) Railroad crossing geometry including sight distance, acute crossing angle, high profile, etc.;

(i) Type of warning device currently in place at the railroad crossing;

(j) Condition of alternate railroad crossing surface;

(k) Condition of alternate railroad crossing;

(l) Distance and time to alternate railroad crossing;

(m) Character of adjacent road network;

(n) Reasonable access to public and private lands;

(o) Use of the railroad crossing by pedestrians and bicycles;

(p) Frequency of roadway blockage by trains;

(q) Community impacts of train whistle;

(r) Economic importance of the railroad crossing; or

(s) Development projections in the vicinity of the railroad crossing.

(2)(a) The Transportation Cabinet may consider a number of railroad crossings as a group in evaluating the merits of closing a given railroad crossing. If many railroad crossings of a rail line exist close together, the cabinet may recommend that one (1) or more of the railroad crossings be closed, subject to other evaluation criteria.

(b) The Transportation Cabinet may perform or recommend the performance of a traffic study of the road network in the vicinity of a railroad crossing being considered for closure to analyze the effect of the closure on users of the railroad crossing and on local traffic flow.

(c) The Transportation Cabinet may evaluate a railroad crossing

in terms of its economic costs and benefits, considering:

1. The railroad crossing's effects on highway and rail operations safety;

2. Changes in highway capital and maintenance costs due to closure;

3. Effects on local business operations and property values, either positive or negative;

4. Effects on rail and highway vehicle operating costs due to closure; or

5. Any other effect which may have economic impact.

Section 3. Data Verification. If the evaluation performed pursuant to Section 2 of this administrative regulation indicates that a railroad crossing is a candidate for closure, the Transportation Cabinet shall verify elements of its information file which are critical to accurate evaluation of the particular railroad crossing. This verification shall, as available, consist of the following:

(1) Collection of updated information from local officials;

(2) Collection of updated information from officials of the affected railroad company; and

(3) Field data collection activities such as updated traffic counts at the railroad crossing.

Section 4. Public Input. (1) If based on the evaluation results of Sections 2 and 3 of this administrative regulation the Transportation Cabinet reaches a preliminary decision to recommend closure of a railroad crossing, the Transportation Cabinet may conduct public information meetings regarding the proposed railroad crossing closure in the region affected by the proposed closure.

(2) If a hearing is requested as specified in KRS 177.120(3), the Transportation Cabinet shall hold a contested case hearing in accordance with the hearing process specified in 601 KAR 1:030, except that the transcript shall be paid for by the Transportation Cabinet and the Report and Recommended Order shall be presented to the Transportation Secretary.

(3) The burden of proof for retention of the railroad crossing shall be the responsibility of the individuals, organizations, or agencies that contested the closure decision.

(4) The Transportation Cabinet Secretary's decision following the public hearing shall be based on the evaluation performed and information obtained in Sections 2 and 3 of this administrative regulation, subject to new information acquired through the public information and hearing process.

Section 5. Official Order. If the Transportation Cabinet's final decision is to close the candidate railroad crossing, the secretary shall issue an official order to that effect.

Section 6. Local Closures. The Transportation Cabinet's railroad crossing closure program, as mandated by KRS 177.120, shall not preclude local officials and railroad companies from pursuing railroad crossing closure agreements independent of the cabinet's program.

J. M. YOWELL, State Highway Engineer
JERRY D. ANGLIN, Deputy Secretary, Commissioner
DON C. KELLY, Secretary

APPROVED BY AGENCY: May 3, 1993

FILED WITH LRC: May 13, 1993 at 3 p.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on June 24, 1993 at 2 p.m. local prevailing time in the Transportation Cabinet, Corner of High, Clinton and Holmes Streets, 501 High Street, Room 1003, Frankfort, Kentucky 40622. Any person who intends to attend this meeting must in writing by June 19, 1993 so notify this agency. If no notification of intent to attend the hearing is received by this date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given the opportunity to comment on the administrative regula-

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tion. A transcript of the public comment hearing will not be made unless a written request for a transcript is made and then only at the requestor's expense. If you have a disability for which the Transportation Cabinet needs to provide accommodations, please notify us of your requirements by June 19, 1993. This request does not have to be in writing. If you do not wish to attend the public hearing, you may submit written comments on the administrative regulation. If the hearing is held, written comments will be accepted until the close of the hearing. If the hearing is cancelled, written comments will only be accepted until June 19, 1993. Send written notification of intent to attend the public comment hearing or written comments on the administrative regulation to: Sandra G. Pullen, Staff Assistant, Transportation Cabinet, 1003 State Office Building, 501 High Street, Frankfort, Kentucky 40622, (502) 564-4890.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: County governments (89), city and municipal governments (over 100), and railroad companies (13) are affected by this administrative regulation. Any rail line which intersects a county road, city street, or road on the state-maintained highway system creates a potential railroad-highway crossing closure candidate.

(a) Direct and indirect costs or savings to those affected: There would be direct costs to the railroad company from each closure as a result of the cost of removing the crossing and installing the street barricade. These costs would be offset by the elimination of future maintenance responsibility for the closed crossing (estimated at \$900 - \$1300/year). Indirect costs or savings must be determined on a case-by-case basis. A crossing closure will eliminate the potential for a train-vehicle accident, resulting in an inherent savings of accidents costs and potentially human life.

1. First year:

2. Continuing cost or savings:

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

(b) Reporting and paperwork requirements: Cities, counties and railroads are asked to respond to correspondence from the Transportation Cabinet requesting submission of a recommended list of rail-highway crossing candidates for potential closure.

(2) Effects on the promulgating administrative body: A study of each crossing closure candidate will require extensive time for cabinet personnel to conduct office and field review. Should a candidate crossing be chosen for closure, local coordination and local public review and responses must be addressed. The potential exists for extensive and lengthy legal appeals regarding decisions to close a rail crossing, which could result in extensive paperwork requirements.

(a) Direct and indirect costs or savings:

1. First year: \$50,000 - \$75,000 range as a result of personnel, equipment, travel, etc.

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

3. Additional factors increasing or decreasing costs: If we have lawsuits over the issue, costs will increase drastically.

(b) Reporting or paperwork requirements: Annually contacting all affected entities.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: An alternative method presently exists whereby the railroad companies and the local jurisdictional body can agree to close a rail-highway crossing independent of Transportation Cabinet involvement. This administrative regulation does not preclude the continuance of this process.

(5) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping or duplication: KRS 178.355 provides a process for the elimination of railroad crossings

on county roads. This statute could be considered as potentially overlapping the provisions of this administrative regulation.

(a) Necessity of proposed regulation if in conflict: Not in conflict.

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

(6) Any additional information or comments:

Tiering: Was tiering applied? Yes. The administrative regulation takes into consideration the amount of traffic and other such factors when selecting crossings for possible closure.

CABINET FOR HUMAN RESOURCES Department for Health Services Vital Statistics Branch

901 KAR 5:032. Repeal of 901 KAR 5:031.

RELATES TO: KRS Chapters 13A, 213, 311

STATUTORY AUTHORITY: KRS 13A.120(2)(e)

NECESSITY AND FUNCTION: 901 KAR 5:031 is no longer required because KRS 13A.120(2)(e) prohibits an administrative body from promulgating an administrative regulation when a statute prescribes the same or similar procedure for the matter regulated. KRS 213.011 sets forth the definition for live birth and fetal death, and KRS 311.720 sets forth the definition for abortion. KRS 213.046 prescribes the requirements for registration of live births, KRS 213.096 prescribes the requirements for registration of fetal deaths, and KRS 213.101 prescribes the requirements for reporting of induced termination of pregnancy performed in the Commonwealth.

Section 1. 901 KAR 5:031, Reporting of termination of pregnancies; live births, is hereby repealed.

RICE C. LEACH, M.D., Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 13, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for June 22, 1993, at 9 a.m., in the Vital Statistics Conference Room, 1st 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 17, 1993, of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, CHR, 275 East Main Street, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Barbara White

(1) Type and number of entities affected: None. Procedures outlined in repealed regulation are set out in statute.

(a) Direct and indirect costs or savings to those affected: There will be no additional cost.

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: There should be no costs involved.

(a) Direct and indirect costs or savings: No costs involved.

1. First year: No costs involved.

2. Continuing costs or savings: No continuing costs will be associated with this regulation.

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: This change is necessary in order to bring the affected regulation into compliance with KRS 13A.120(2)(e).

(5) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: KRS 213.011, 213.096, 213.101.

(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: None

Tiering: Was tiering applied? No. This regulation repeals an existing regulation and therefore tiering cannot be applied in this case.

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

902 KAR 8:040. Definition of terms applicable for the personnel program for local health departments.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.170, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. The purpose of this administrative regulation is to provide for definitions of terms used in administrative regulations 902 KAR 8:050 through 902 KAR 8:140 that describe the various components of a personnel administration program applicable for local health departments established under the provisions of KRS Chapter 212.

Section 1. Definitions. As used in administrative regulations 902 KAR 8:050 through 902 KAR 8:140:

(1) "Agency" means a local health department established under the provisions of KRS Chapter 212, except for a health department in a county containing a city of the first class, an urban county health department, or an independent district health department.

(2) "Allocate" means assigning a position to an appropriate class on the basis of similarity of work and level of responsibility performed in the position.

(3) "Appeal" means the right, under the provisions of 902 KAR 8:110 to appear before the Local Health Personnel Advisory Council or a hearing officer appointed by the department and be heard on matters of discrimination or disciplinary actions, provided for under 902 KAR 8:050 through 902 KAR 8:140.

(4) "Appointing authority" means the board of health or other lawfully delegated individual authorized under KRS Chapter 212 to make appointments.

(5) "Available" means an individual on a register for a class of positions willing to accept appointment in specified areas to a particular position of that class.

(6) "Cabinet" means the Cabinet for Human Resources.

(7) "Certification of eligibles" means a list of eligibles issued by the Department for Health Services to the appointing authority of an agency certifying that the individuals meet the established minimum qualifications of the position, passed the required examination, and may be considered for employment.

(8) "Class" means a group of positions similar as to the duties performed; degree of supervision exercised or required; minimum requirements of training, experience or skill; and other characteristics.

(9) "Classified service" means employment subject to the terms of administrative regulations 902 KAR 8:050 through 902 KAR 8:140 except for:

(a) A health officer employed under the provisions of 902 KAR

8:140; or

(b) An employee appointed on a seasonal, temporary, or emergency basis as described in administrative regulation 902 KAR 8:080.

(10) "Classification plan" means the system of assigning positions to individual classes based on the duties performed.

(11) "Compensation plan" means a series of salary ranges to which classes of positions are assigned so that classifications evaluated by the department as approximately equal may be assigned to the same salary range.

(12) "Compensatory time" means accumulation of leave time for time worked on an hour-for-hour basis in excess of thirty-seven and one-half (37.5) hours per week subject to the provisions of KRS Chapter 337 and the Fair Labor Standards Act, 29 USC 206.

(13) "Competitive examination" means a formal process of measuring the qualifications of applicants for employment or promotion.

(14) "Council" means the Local Health Personnel Advisory Council appointed by the Secretary of the Cabinet for Human Resources under the provisions of 902 KAR 8:050.

(15) "Demotion" means a change of an employee from a position in one (1) class to a position in another class having a lower entrance salary.

(16) "Department" means the Department for Health Services within the Cabinet for Human Resources.

(17) "Detail to special duty" means the assignment of an employee to a position for not more than twenty-six (26) pay periods to fulfill the responsibilities of an employee on leave or the assumption of additional job duties.

(18) "Disabled veteran" means a veteran who has established by official records of the United States government the present existence of a service connected disability.

(19) "Discrimination" means any administrative decision based in whole or in part on a person's race, sex, age, religion, national origin or disability, except where such decision is supported by a valid occupational qualification.

(20) "Discipline" means any effort to positively instruct or punish an employee concerning inappropriate conduct and behavior or unsatisfactory job performance requiring redirection.

(21) "Eligible" means an individual whose name appears on a register for a particular class.

(22) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions.

(23) "Emergency appointment" means the appointment of a person to a position, for a period not to exceed six (6) pay periods, when an emergency makes it impractical or impossible to fill the position through standard appointment procedures.

(24) "Flagrant violation" means a breach of state law, agency rules, policies or directives by an employee, which, under the circumstances, constitutes a clear, present or immediately foreseeable threat or danger to the life, safety, health, or welfare of patients, other employees, the subject employee, or general public, or otherwise seriously disrupts the agency's normal course of business.

(25) "Immediate family" means the spouse, parent, child, brother, or sister, or the spouse of either of them, grandparent, grandchildren, mother- or father-in-law, daughter- or son-in-law.

(26) "Job description" means a written description for each classification setting forth the title of the class, the characteristics of the work, the minimum requirements, and the special requirements including any physical standards deemed necessary to satisfactorily do the work.

(27) "Local health department" means an agency as defined above subject to the provisions of administrative regulations 902 KAR 8:050 through 902 KAR 8:140.

(28) "Minimum qualifications" means a comprehensive statement setting forth the minimum background required as to education and

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experience.

(29) "Minimum salary" means the lowest rate of pay in the salary range for a class of positions.

(30) "Nonstatus employee" means a provisional, emergency, temporary, or seasonal employee or an employee who has not completed the initial probationary period.

(31) "Initial probationary period" means the period an employee is required to serve prior to becoming a permanent employee in an agency.

(32) "Outstanding merit payment" means a lump sum payment made to an employee based on an employee's outstanding job performance.

(33) "Part-time 100 hour employee" means an employee appointed on a part-time basis to work at least 100 hours per month.

(34) "Performance evaluation" means a method of evaluating each employee on the employee's capability of performing the duties and responsibilities of the job.

(35) "Probationary employee" means an employee serving the required initial probationary period following appointment.

(36) "Promotional probationary period" means a period during which an employee is required to demonstrate fitness for the duties to which the employee has been promoted by actual performance of the duties of the position.

(37) "Reemployment list" means a list of persons who may be appointed to a class of positions without further certification or examination due to their prior career status in the classification or related classification.

(38) "Register" means an officially promulgated list of eligibles for a job classification in the order of their final ratings on a merit examination.

(39) "Salary range" means the rate and range of pay established for a class of positions.

(40) "Seasonal position" means a position established for a specific seasonal purpose and for a specific period of time not to exceed nineteen (19) pay periods.

(41) "Severe infraction" means the violation of agency policy that may result in financial liability or potential litigation or the commitment of an act in the provision of a service that may pose a risk to the individuals being served.

(42) "Status employee" means an employee who has satisfactorily completed the required initial probationary period and is afforded the rights and privileges provided by administrative regulation 902 KAR 8:050 through 902 KAR 8:140.

(43) "Temporary appointment" means an appointment for a period not to exceed thirteen (13) pay periods from a register of eligibles for a period not to exceed a six (6) month period.

RICE C. LEACH, M.D., Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 5, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency contact person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under the provisions of KRS Chapter 212, excluding the Louisville-Jefferson County, the Lexington-Fayette

County, and the Northern Kentucky District Health Department.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs or savings for this administrative regulation as it establishes definitions which are used in 902 KAR 8:050 through 902 KAR 8:140.

1. First year: See (1)(a).

2. Continuing costs or savings: See (1)(a).

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors were identified.

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

(2) Effects on the promulgating administrative body: The regulation provides definition of terms so there would be no effect on the promulgating agency.

(a) Direct and indirect costs or savings:

1. First year: There is no cost incurred by the administrative regulation.

2. Continuing costs or savings: no continuing costs or savings. See (2)(a)1.

3. Additional factors increasing or decreasing costs: No additional factors were identified.

(b) Reporting and paperwork requirements: There are no reporting or paperwork requirements.

(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 alternatives were considered as this administrative regulation establishes definition of terms.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The administrative regulation defines terms which are used in several regulations governing the merit system for local health departments in Kentucky. The definitions would be applied and used by all health departments.

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? No. This regulation is to provide definitions of terms applicable for the personnel program for local health departments.

(2) State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

(3) State the aspect or service of local government to which this administrative regulation relates. See above.

(4) How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES Department for Health Services

902 KAR 8:050. Local Health Personnel Advisory Council for local health departments and administrative support of the council.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 194.170, 211.170, 212.170

NECESSITY AND FUNCTION: KRS 211.190, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. This administrative regulation establishes the Local Health Personnel Advisory Council as an administrative body with specified responsibilities to advise the cabinet regarding the merit system program of personnel for local health departments. This administrative regulation also provides for the administrative support of the merit system by the Cabinet for Human Resources.

Section 1. Local Health Personnel Advisory Council. There is hereby created a Local Health Personnel Advisory Council which shall be attached to the department.

Section 2. Composition of Local Health Personnel Advisory Council. (1) The Local Health Personnel Advisory Council shall be composed of five (5) members who shall be appointed by the Secretary of the Cabinet for Human Resources.

(2) A member of the council shall not have held political office or have been an officer in a political organization during the year preceding appointment nor hold such office during term of appointment. A member of the council shall not be an employee of an agency or the department or have been an employee of an agency or department within one (1) year prior to his appointment.

(3) Members of the council shall serve for a term of three (3) years or until successors have been appointed, except that in the first instance two (2) members shall be appointed for one (1) year; two (2) members for two (2) years; and one (1) member for three (3) years. A member appointed to fill a vacancy occurring prior to the expiration of the term shall be appointed for the remainder of the term.

(4) The Local Health Personnel Advisory Council shall have the following duties:

(a) To review and advise the department as to amendments to administrative regulations applicable for the merit system; and

(b) To hear appeals of employees regarding a demotion, suspension, dismissal, or discrimination, and recommend a final order to the department; and

(c) To hear appeals of disqualified applicants or an eligible removed from a register and recommend a final order to the department;

(d) To advise the department in formulating procedures for conducting merit examinations;

(e) To review, at least annually, recommendations of the department regarding revision(s) of the classification and compensation plans;

(f) To promote public understanding of the purposes, policies, and practices of the merit system.

Section 3. Meetings of the Local Health Personnel Advisory Council. (1) Meetings shall be held at least semiannually.

(2) In addition to these regular meetings, special meetings of the Local Health Personnel Advisory Council may be held upon call of the department.

(3) Meetings of the Local Health Personnel Advisory Council shall comply with KRS 61.805-61.845.

Section 4. Administrative Support of the Department. The department shall:

(1) Prepare and score examinations administered by monitors through local health departments;

(2) Prepare, retain, and maintain appropriate registers of eligibles;

(3) Determine the availability of eligibles for appointment;

(4) Certify eligibles for appointment;

(5) Determine the adequacy of existing registers;

(6) Interpret and enforce the merit system regulations;

(7) Maintain a position classification plan and establish classifications;

(8) Approve variations to established entrance salaries;

(9) Initiate and maintain a personnel file, subject to state and federal audit, for each employee of an agency with the minimum contents consisting of the following:

(a) Application for employment;

(b) Notification of appointment;

(c) Forms used for participation in Kentucky's Employees' Retirement System or other retirement system;

(d) Federal and state tax information;

(e) Hour and wage exemption status;

(f) Report of personnel actions approved by an agency and department;

(g) Reports of performance evaluations or disciplinary actions given to employee;

(h) Employee position description which shall include:

1. Title of the position;

2. Duties of the position;

3. Requirements for training and experience necessary to qualify for the position; and

4. Location of work station;

(10) Maintain performance evaluations pursuant to 902 KAR 8:080;

(11) Report administrative activities of the department at regularly scheduled meetings of the Local Health Personnel Advisory Council.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, with the exception of Louisville-Jefferson, Lexington-Fayette County and Northern Kentucky Health Departments.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the health departments. The Local Health Personnel Advisory Council activities and administrative support staff are supported by general funds of the administrative agency.

1. First year: Same as (a).

2. Continuing costs or savings: Costs involved are already an integral part of the administrative agency.

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

(b) Reporting and paperwork requirements: Preparing minutes of council meetings, establishing personnel records for newly employed for local health department employees, and the costs of maintaining an existing automated personnel system by the administrative agency.

(2) Effects on the promulgating administrative body: No additional effects in administrative body as it is an ongoing activity with an incurred cost.

(a) Direct and indirect costs or savings:

1. First year: The regulation would not have any additional effects on the administrative body as this is an ongoing administrative activity.

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2. Continuing costs or savings: Same as 2(1).
3. Additional factors increasing or decreasing costs: No additional factors in addition to normal compensation increases for staff assigned to activity.

(b) Reporting and paperwork requirements: No additional costs or savings.

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation pertains to the unction and structure of the Local Health Advisory Council, supportive staff of the administrative agency, and requirements for employee file(s).

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? No. The specific regulation establishes a Merit System Council, advisory to the administrative agency.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES Department for Health Services

902 KAR 8:060. Classification and compensation plans for local health departments of Kentucky.

RELATES TO: KRS 211.170(1),(2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.090, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. This administrative regulation provides for the classification and compensation plans for local health departments. The classification plan provides position classification descriptions which describe the duties and responsibilities, and the minimum requirements of training, experience, and other qualifications that are necessary or desirable for the satisfactory performance of the duties of the various classes. The compensation plan provides salary schedules for the various classes with the salary of each class consistent with the functions outlined in the job specifications and provides requirements which must be met for salary adjustments for employees.

Section 1. Classification Plan. (1) A comprehensive position classification plan shall be established by the department with the advice of the Local Health Personnel Advisory Council.

(2) The classification plan shall set forth, for each class of positions:

- (a) A title; and
- (b) A description of the duties and responsibilities; and
- (c) The minimum requirements of training and experience; and
- (d) Other qualifications that are necessary or desirable for the satisfactory performance of the duties of the class.

(3) The class specifications shall be descriptive and explanatory and used to allocate positions to classes as determined by their duties or responsibilities. The language of class specifications shall not be construed as limiting or modifying the authority which an appointing authority has to change the duties and responsibilities or assign duties to employees which are of similar kind or quality.

(4) Each position in an agency shall be allocated to one (1) of the classes established by the classification plan.

(5) A reallocation or allocation shall be made to new or existing classes as additional classes are established, abolished, or changed.

(6) The department shall allocate newly established positions to classes upon receipt of a statement of duties, responsibilities, and requirements of such positions from the appointing authority.

(7) The department shall:

(a) Maintain the position classification plan by reviewing job descriptions prepared by the appointing authority for appropriate allocation of positions to approved classes; and

(b) Conduct a general review of the classification plan at least annually based on the review of job descriptions and other information.

(8) The department shall change the classification of existing positions through a reclassification if a material and permanent change in the duties or responsibilities of a position occurs.

(a) The employee within a position at the time it is reclassified, shall serve with the same status obtained before the position was reclassified.

(b) A reclassification shall not be permitted during the initial employment probationary period.

(9) An employee who is advanced to a higher pay grade through a reclassification of his position shall have his salary increased to the higher of:

(a) Five (5) percent; or

(b) To the minimum salary assigned to the reclassified position if the employee's salary is below the minimum of the new grade.

(10) The department shall change the allocation of existing positions if it is determined that the position is incorrectly allocated and there has been no substantial change in duties from those in effect when the position was originally classified. If a position is reallocated, the employee within the class of position shall be entitled to serve with the same status obtained before the position was reallocated.

(11) The department shall maintain a master set of all approved class specifications. The department shall provide each appointing authority with a set of the class specifications.

(12) An agency may be required to have approval of the department prior to establishing positions after approval of the agency's budget.

Section 2. Compensation Plan. (1) The department shall establish a compensation plan with the advice of the Local Health Personnel Advisory Council. The plan shall take into consideration the following:

- (a) Financial conditions of the agencies; and
- (b) Experience in recruiting for positions; and
- (c) Prevailing rates of pay for services of similar kind and quality;

and

(d) Benefits received by employees; and

(e) Consistency in application among local health departments.

(2) The compensation plan shall include minimum, intermediate, and maximum rates of pay for the various classes within the classification plan. The compensation plan shall also be used to determine salary adjustments provided for under this administrative regulation.

(3) The department shall annually review and amend as neces-

sary the compensation plan with the advice of the Local Health Personnel Advisory Council. Amendments shall include changes in minimum, midpoint and maximum salary levels for respective classifications of the classification plan.

(4) The entrance salary of any employee entering employment shall be at the minimum of the range established for the class to which the employee is appointed unless otherwise approved by the department.

(5) A new minimum entrance salary may be established by an agency with the approval of the department if it is determined that it is not possible to recruit qualified employees for a class of positions at the established entrance salary. Appointments to the position may be made within the new salary range applicable to the class. If appointments are made at the new established minimum entrance salary, employees of the agency in the same class paid at a lower salary shall have their salaries adjusted to the newly established minimum entrance salary.

(6) The department may approve a higher entrance salary for employees entering professional, technical or clerical positions if the individual possesses qualifications in training and experience above the minimum required for the class.

(a) Employees possessing the same qualifications in the same class of positions, in the same agency and who are paid below the salary level of the newly appointed employee, shall have their salary adjusted to the approved entrance salary level.

(b) The salary of an individual meeting these requirements shall not exceed the midpoint salary established for the classification.

(7) If a former employee is reinstated or reemployed in a class for which he was previously employed, the appointing authority may make an appointment at the same pay rate the employee had been paid at the termination of service. An appointing authority may reemploy a former employee at a higher salary rate than previously if justified on the basis of:

- (a) Additional qualifications acquired by the employee; or
- (b) Established minimum entrance salary is above the former salary; or
- (c) Compensation plan changes.

Section 3. Salary Adjustments. (1) The appointing authority shall grant an employee a five (5) percent increase in salary upon successful completion of the required initial employment probationary period. The salary adjustment shall take effect the first pay period following completion of the probationary period. An employee shall not be given an original probationary increment more than once for successful completion of the probationary period in the same classification.

(2) The agency may, with the approval of the department, annually establish a standard salary adjustment rate, not to exceed five (5) percent, for which all employees shall be eligible and given consideration based on documented satisfactory job performance.

(a) The salary adjustment shall be given at the beginning of the first full pay period following twenty-six (26) full pay periods of continuous service since the established anniversary date.

(b) If an agency does not grant an annual increment no outstanding meritorious lump sum payment shall be approved.

(3) An appointing authority may deny an annual increment to an employee for the following reasons:

- (a) Documented unsatisfactory work performance;
- (b) Excessive absenteeism;
- (c) Excessive tardiness;
- (d) Record of disciplinary action; or
- (e) Failure to cooperate.

(4) An employee whose annual increment is denied shall be notified by the appointing authority at least two (2) weeks prior to the anniversary date.

(5) An employee's anniversary date shall be the first day of the first full pay period upon completion of twenty-six (26) pay periods of

continuous service after initial employment.

(6) If an employee receives an increase in salary due to a promotion, the anniversary date shall be changed to be effective the first day of the first full pay period following twenty-six (26) pay periods after the effective date of the promotion.

(7) An employee returning to duty from leave without pay shall receive an annual increment when the employee has completed twenty-six (26) pay periods of service since the date the employee last received an annual increment.

(8) Annual increment dates will not change when an employee:

- (a) Is in a position which is assigned a new or different salary grade;
- (b) Receives a salary adjustment as a result of his position being reallocated;
- (c) Is transferred;
- (d) Receives a demotion;
- (e) Is approved for detail to special duty;
- (f) Returns from military leave;
- (g) Is reclassified.

(9) The appointing authority, with the approval of the department may award any permanent, full-time or part-time employee an outstanding meritorious lump sum payment if:

(a) The employee's acts or ideas resulted in significant financial savings to the local health department, or a significant improvement in service to the citizens; or

(b) The employee's job performance is outstanding.

(10) A lump sum payment shall not exceed eight (8) percent of the employee's current annual salary within a one (1) year consisting of twenty-six (26) full pay periods based on the annual increment date.

(a) The appointing authority may grant two (2) four (4) percent lump sum payments within the same time period but there shall be at least a thirteen (13) pay period interval between requests.

(b) The appointing authority shall submit written justification to the department for the outstanding merit payment to be effective.

(11) If a new or different salary range is made applicable to a class of position(s), persons employed in positions of that class at the effective date of the adjustment shall have their salary placed at least at the minimum salary of the new range.

(a) An adjustment may be made to an employee's salary level within the new range not to exceed the rate of increase provided in the established new salary range.

(b) An appointing authority shall afford equitable treatment to all employees affected by the adjustment.

(12) An employee may be detailed to special duty on a temporary basis, not to exceed twenty-six (26) pay periods, to occupy a position and assume the job duties of an employee on an approved leave of absence or assume additional job duties for a temporary time period.

(a) An employee who is approved for detail to special duty shall receive a salary increase of five (5) percent over the salary received prior to detail to special duty.

(b) After completion of the special assignment, the employee shall be transferred back to the former classification with the employee's salary reduced to the salary rate received prior to the detail assignment following completion of the special assignment. An employee shall be entitled to all salary increases he would have received had he not been on special assignment.

(10) If an above minimum entrance rate is established by an agency for a specified class based on documented recruitment needs, the department may approve a salary adjustment for employees in the same class. The adjustment shall not exceed the rate of increase to the newly established minimum. In fixing salaries on an adjustment, an appointing authority shall afford equitable treatment to all employees affected by the adjustment.

(11) The department may approve other salary adjustments with the advice of the Local Health Personnel Advisory Council. Salary adjustments may address special working conditions, after hours

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adjustment where working hours cannot be adjusted or other specific circumstances.

(12) An appointing authority may request a four (4) percent in range salary adjustment if an employee is assigned permanent job duties and responsibilities which are more difficult than current job duties, but are less than those indicated through a reclassification.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, excluding Louisville-Jefferson County, Lexington-Fayette County and Northern Kentucky District Health Department.

(a) Direct and indirect costs or savings to those affected: The regulation provides for a classification plan used to describe the various job duties and responsibilities of the approximately 2800 LHD employees. The regulation also establishes a compensation plan and governs salary adjustments for employees. The administrative agency would incur costs for supportive staff already assigned to administer this regulation.

1. First year: There are no direct and indirect costs associated with this regulation for local health departments.

2. Continuing costs or savings: See 1 above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors.

(b) Reporting and paperwork requirements: Health departments would be required to request salary adjustments and classification changes using automated personnel system to state administrative agency.

(2) Effects on the promulgating administrative body: Administrative body would be required to maintain classification plan and document local health department employee salary adjustments.

(a) Direct and indirect costs or savings: See (1) (a) (1).

1. First year: The regulation would not have any additional effects as it is an ongoing administrative activity.

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

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Requires agency to maintain classification plan and permanent employee records for actions submitted by local health departments.

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. This regulation would apply to all local health departments and are applied uniformly.

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? No. This regulation provides for the classification and compensation plans for local health departments.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES Department for Health Services

902 KAR 8:070. Recruitment, examination, and certification of eligibles for local health departments of Kentucky.

RELATES TO: KRS 211.170(1),(2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.090, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. This administrative regulation establishes procedures and standards for the recruitment, examination, and certification of individuals for potential employment by local health departments.

Section 1. Recruitment of Eligible Individuals. (1) An agency that desires to fill a position, shall announce the position through means that are best suited to attract qualified persons.

(2) An announcement shall be placed in the local newspaper of general circulation. Additional announcements may be posted in important centers throughout the local area and copies sent to newspapers of local, regional or statewide circulation, radio stations, educational institutions, professional and vocational societies, public officials and such other organizations and individuals as deemed necessary.

(3) A public announcement of a position shall specify:

(a) The title and salary range of the class of position; and

(b) Information as to the rates of pay at which appointments are expected to be made; and

(c) The types of duties to be performed; and

(d) The minimum qualifications required; and

(e) The final date on which applications are to be received in the department; and

(f) Veteran's preference; and

(g) The date, time and place of an examination for the position if required; and

(g) All other conditions of competition, including the fact that failure in one (1) part of the examination shall disqualify an applicant.

(4) An application for employment, form CH-36 dated April 1, 1993, shall be required of each individual seeking potential employment with an agency. The application for employment form CH-36, is incorporated by reference and may be obtained, reviewed, and copied at the Department for Health Services, Division of Local Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday during the office hours of 8 a.m. and 4:30 p.m.

(5) Except in continuous recruitment programs, an application for employment shall be mailed to the department on or before the

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closing date specified in the announcement as published by the agency or postmarked before midnight on that date.

(6) The department shall be the custodian of all applications.

(7) The department, may refuse to examine an applicant, disqualify an applicant, remove the applicant's name from a register, refuse to certify any eligible on a register, or may consult with the appointing authority in taking steps to remove such person already appointed, if:

(a) The applicant is found to lack specific requirements established for the examination for the class or position; or

(b) The applicant is unable to perform duties of the class; or

(c) The applicant has been convicted of a felony, a job related misdemeanor, or a misdemeanor for which a jail sentence may be imposed; or

(d) The applicant has previously been dismissed from any public service for delinquency, misconduct or other similar cause; or

(e) The applicant made a false statement of material fact in the application; or

(f) The applicant has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment; or

(g) The applicant has directly or indirectly obtained information regarding examinations that the applicant was not entitled; or

(h) The applicant has failed to submit a complete application; or

(i) An applicant has failed to submit the application within the prescribed time limits as prescribed by the agency in the published announcement; or

(j) The applicant has taken part in the compilation, administration, or correction of the examination; or

(k) The applicant has otherwise failed to meet the provisions of this administrative regulation.

(8) A disqualified applicant shall be promptly notified of the action by letter to the applicant's last known address.

Section 2. Examinations. (1) Examinations shall be practical in nature, constructed to reveal the capability of the applicant for the particular position as well as general background and related knowledge. The various parts of the examination may be written, oral, physical, or an evaluation of experience and training, a demonstration of skill, or any combination of types so long as applicants for a position are given the same examination.

(2) Examinations shall be conducted on an open competitive basis and scheduled simultaneously in as many places as are necessary for the convenience of the applicants and as are practicable for proper administration.

(3) The department, in conjunction with an agency, may designate such monitors as necessary to conduct examinations, and may arrange for the use of public buildings in which to conduct the examinations. The department shall provide for the compensation of monitors.

(4) If an oral examination is a part of a total examination for a position, the department, may appoint one (1) or more impartial oral examination boards as needed.

(5) The department shall notify each applicant by mail of the final rating as soon as the rating of the examination has been completed and the register established. An eligible, upon written request and presentation of proper identification, shall be entitled to information concerning his relative position on a register.

(6) The selection method for the following classes is 100 percent qualifying. If the applicant meets the minimum requirements his name shall be placed on the appropriate register.

- 1001 Public Health Director III
- 1002 Public Health Director II
- 1003 Public Health Director I
- 1103 Director of Administrative Services
- 1106 Personnel Specialist

- 1110 Senior Administrative Assistant
- 1301 Finance Administrator
- 1305 Purchasing Specialist
- 1405 Telephone Operator/Receptionist
- 1410 Data System Coordinator
- 1411 Data Operator
- 1501 Program Director
- 1502 Program Coordinator
- 1430 Cooperative Vocational Education Student
- 2001 Director of Community Health Nursing
- 2002 Community Health Nursing Supervisor
- 2010 Community Health Nursing Administrator
- 2101 Community Health Nurse
- 2103 Senior Community Health Nurse
- 2104 Nurse Specialist
- 2111 Advanced Registered Nurse Practitioner
- 2110 Registered Nurse Applicant
- 2120 Community Health Nurse Intern
- 2151 Licensed Practical Nurse Applicant
- 2152 Licensed Practical Nurse
- 2153 Senior Licensed Practical Nurse
- 2201 Aging Services Coordinator
- 2301 Home Health Aide Trainee
- 2302 Home Health Aide
- 2303 Senior Home Health Aide
- 2401 Social Work Coordinator
- 2403 Senior Social Worker
- 2404 Director of Social Services
- 2501 Director of Nutrition Services
- 2502 Nutrition Coordinator
- 2504 Clinical Nutritionist
- 2602 Speech and Hearing Pathologist
- 2606 Audiologist
- 2608 X-ray Technician
- 2610 Occupational Therapist
- 2612 Physical Therapist
- 2701 Laboratory Supervisor
- 2702 Medical Technologist
- 2703 Laboratory Technician
- 2705 Laboratory Assistant
- 2801 Health Education Coordinator
- 2803 Senior Health Educator
- 2806 Director of Health Education
- 2901 Support Services Coordinator
- 3001 Director of Environmental Health
- 3003 Environmental Health Supervisor
- 3005 Senior Health Environmentalist
- 4001 Public Health Clinician
- 4002 Health Officer
- 4003 Medical Director
- 4004 Physician VI
- 4005 Physician V
- 5001 Maintenance Supervisor
- 5002 Maintenance Technician
- 5004 Maintenance Person
- 5003 Janitor
- 6001 Food Service Supervisor
- 6002 Cook
- 6003 Driver
- 6004 Meal Deliverer

(7) A vacancy in an agency shall be filled by promotion of a qualified permanent employee except for the following conditions:

(a) No employee of the agency applies or expresses interest in the vacant position; or

(b) The appointing authority determines that no employee eligible or certified by the department is capable of performing the duties and

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responsibilities of the position.

(8) Promotions shall be based upon individual performance, with due consideration for length of service, and capability of the individual to perform the duties and responsibilities of the new position. A candidate for promotion shall be certified by the department as meeting the qualifications for the position.

(9) A promotional competitive examination shall be given under the direction of the department if an agency determines to fill a vacancy by promotional competitive examination. An employee shall meet the minimum qualifications of the position to be eligible to compete for promotion. A promotional competitive examination shall consist of any combination of the following: written tests, rating of training and experience, evaluation of recorded service ratings and seniority, performance tests, and oral examinations. The same examination shall be administered to all candidates for promotion.

Section 3. Certification of Eligibles. (1) The department shall prepare a register of eligible persons who made a passing score of seventy (70). The names of eligible persons shall be placed on the register in order of their final ratings. If two (2) or more eligibles have final ratings which are identical, their names shall be arranged in the order of their ratings on the written part of the examination, if any or in order of the date of receipt of application. If applications of eligibles have ratings which are identical are received on the same day, the names shall be placed on the certification in alphabetical order.

(2) If a vacancy exists in a class of positions for which there is no appropriate register, the department may prepare an appropriate register for the class from one (1) or more existing related registers.

(3) The life of each register shall be one (1) year from the date of its establishment. A register may be deemed to be exhausted by the department if fewer than three (3) eligibles remain on the register. If a register is exhausted, each eligible on the register shall be notified by mail at his last known address.

(4) The department may remove the name of an eligible from a register:

(a) For any of the causes stipulated for disqualifying an applicant provided for under Section 3 of this administrative regulation; or

(b) If the eligible cannot be located by the postal authorities as evidenced by the return of one (1) notice or a returned notice marked no forwarding address; or

(c) On receipt of a statement from the eligible stating that he no longer desires consideration for a position; or

(d) If an offer of a probationary appointment to the class for which the register was established has been declined by the eligible; or

(e) An eligible receives a probationary appointment; or

(f) Declines an offer of appointment for which the eligible previously indicated acceptance; or

(g) The eligible fails to report for a scheduled interview without valid reason; or

(h) An eligible fails to maintain a current address as evidenced by the return from postal authorities of unclaimed but properly addressed letters; or

(i) An eligible has been certified three (3) times to an appointing authority and has not been offered employment.

(5) An eligible who is appointed on a probationary basis may request in writing to the department to have his name reinstated to any register at any time before its expiration, upon his request.

(6) The department shall notify the eligible by mail to his last known address of this action and the reasons therefore.

(7) For positions requiring an examination and upon receipt of a request, the department shall certify and submit in writing to the appointing authority the names of available persons.

(a) If one (1) position is involved, the names of the persons whose scores fall within the highest ten (10) scores earned on the examination for that class of position shall be certified.

(b) If there are fewer than the above specified number of eligibles, the available number shall be certified and appointment will be made

if there are as many as three (3) available eligibles for each vacancy.

(c) If more than one (1) position is involved, the department shall certify an additional eligible for each position in excess of one (1).

(d) The department shall certify and submit the five (5) highest available scores on the appropriate promotional register, if one exists.

(8) For positions which do not require an examination the department shall certify all names of eligibles to the appointing authority.

(9) The appointing authority may request, in writing to the department, special experience, education, or skills different from the minimum requirements of the class. If, after investigation of the duties and responsibilities of the position, the department approves the request, a certification may be issued to the agency containing the names of those individuals who possess the qualifications specified.

(10) An employee with status, placed in a layoff category, shall have first priority for consideration in filling a vacancy in a classified position for which the employee is qualified in the agency from which laid off.

(a) A status employee in the layoff category shall indicate in writing to the department that he desires reemployment.

(b) No examination shall be required for reemployment in the same job classification from which the employee was laid off.

(c) If a laid-off employee with status desires reemployment in a different job classification, the employee must meet the requirements and pass the required examinations for the job classifications in which he seeks reemployment.

(d) The life of the reemployment register is one (1) year or until the employee is reemployed.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, excluding Louisville-Jefferson County, Lexington-Fayette County and the Northern Kentucky Health Department.

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

1. First year: Costs incurred with be for advertising, in recruiting potential employees to fill vacant positions, and interviewing potential employees.

2. Continuing costs or savings: See (1)(a)1.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors.

(b) Reporting and paperwork requirements: Sending notices of recruitment efforts to administrative agency and notification of disposition of certification of eligibles.

(2) Effects on the promulgating administrative body: The administrative agency would be responsible for reviewing all applications submitted, maintaining appropriate tests for the various job classifications, maintaining applicant records and communications to applicants.

(a) Direct and indirect costs or savings:

1. First year: Costs are already incurred by the administrative

agency.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Maintain files on applicants, maintain examinations, proper correspondence with applicants, issue certification of eligibles.

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation establishes policies for the local health departments which are applied uniformly.

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? No. The specific regulation establishes procedures and standards for the recruitment, examination, and certification of individuals for potential employment by local health departments.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES

Department for Health Services

902 KAR 8:080. Initial appointment, probationary period, layoffs, performance evaluation and the resignation of employees of local health departments.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.090, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. This administrative regulation describes the various categories of employment and types of appointments permitted under the merit system, the standards under which the appointments are made and requires a probation period following appointment or promotion. This administrative regulation describes an evaluation process to measure employee performance of job duties and responsibilities. Requirements for employee resignations and the process of lay off is also addressed.

Section 1. Initial Appointments. The appointing authority of a local health department shall make an initial appointment of an eligible only from a certification of eligibles issued by the department. The appointing authority shall interview and examine applicants certified and shall report the final selection to the department.

Section 2. Provisional Appointments. (1) If there are urgent reasons for filling a position and no appropriate register exists, the

appointing authority may submit to the department the name of a person to fill the position pending examination and establishment of a register. If the person's qualifications have been certified by the department as meeting the minimum qualifications, the person may be provisionally appointed to fill the existing vacancy.

(2) No provisional appointment shall be made until the position has been classified and minimum qualifications established for the class of position. The provisional appointment shall not exceed thirteen (13) pay periods from the date of appointment or within two (2) weeks of the date on which the department notifies the appointing authority that an appropriate register has been established, whichever occurs first.

(3) Successive provisional appointments of the same person shall not be permitted. A position shall not be filled by repeated provisional appointments.

(4) Provisional service immediately prior to original appointment may be credited, at the request of the appointing authority, toward the required probationary period.

Section 3. Reinstatement. (1) For a period of time not to exceed three (3) years since termination of employment from an agency, a permanent employee who has resigned while in good standing, or separated without prejudice, may be eligible for reinstatement to the same position or in a corresponding position without examination, with the same seniority rights and leave status. The individual being considered for reinstatement shall be certified by the department as meeting the current minimum qualifications.

(2) The individual being considered for reinstatement shall not be required to serve a probationary period. The annual increment date shall be twenty-six (26) pay periods from the effective date of reinstatement. Accumulated sick leave earned during prior employment with the agency shall be reinstated upon employment and the period of time of prior employment with the agency may be used to determine the rate at which the employee earns annual leave.

Section 4. Emergency Appointments. (1) If an emergency exists that requires the immediate services of one (1) or more persons and it is not possible to secure a person from an appropriate register, or there is no person qualified for provisional appointment, the appointing authority may appoint, with the approval of the department, a person or persons at the minimum entrance salary for the class. An emergency appointment shall not exceed seven (7) pay periods in duration and shall not be renewable. The department may make such investigations as necessary to determine whether an emergency exists.

(2) The appointing authority shall report an emergency appointment to the department, providing the name of the appointee, rate of pay, length of employment, nature of emergency, and duties to be performed. Separation from service of an emergency appointee shall also be reported.

(3) An emergency appointment shall not confer upon the incumbent a privilege or right to promotion, transfer, or reinstatement to a position under the merit system.

Section 5. Temporary Appointments. (1) If a vacancy occurs in a position having duties of a strictly temporary nature, a certification may be issued by the department of those eligibles, who have indicated a willingness to accept temporary employment in the order of their places on an appropriate register.

(2) The duration of a temporary appointment shall not exceed thirteen (13) pay periods.

(3) The acceptance or refusal of a temporary appointment shall not affect an eligible's standing on a register or eligibility for a probationary appointment.

(4) The period of temporary service shall not constitute a part of the initial employment probationary period.

(5) Successive temporary appointments of an employee to the

same position shall not be made.

Section 6. Seasonal Appointment. (1) The appointing authority may, with the approval of the department, establish a position on a seasonal basis for up to nineteen (19) pay periods to accommodate the following:

- (a) Increased work activity of a seasonal nature; or
 - (b) Work study or job training programs; or
 - (c) Special projects; and
 - (d) Summer employment.
- (2) Only an applicant meeting the established minimum requirements for the position may be appointed to a seasonal position.
- (3) Successive appointments to the same seasonal position shall not be made.

Section 7. Performance Appraisal. (1) The appointing authority shall conduct a performance appraisal for each permanent employee on an annual basis, and for each probationary employee prior to completion of the required probationary period.

(2) An overall rating of "below requirements" or "inadequate" shall require that a new rating of the employee be made within ninety (90) days.

(3) Performance appraisals shall be considered in determining annual and probationary salary advancements and in requesting and approving promotions, demotions, dismissals, and in determining the order of separations due to reduction of work force.

(4) Performance appraisals shall be prepared and recorded on the Employee Performance Appraisal form numbered CH-40, dated April 1993. The Employee Performance Appraisal form CH-40 is incorporated by reference and may be obtained, reviewed, and copied at the Department for Health Services, Division of Local Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, during the office hours of 8 a.m. and 4:30 p.m.

Section 8. Initial Probationary Period. (1) An employee shall be required to serve a probationary period upon initial employment.

(2) The initial probationary period shall be thirteen (13) pay periods except as provided in subsection (3) of this section.

(3) The initial probationary period may be extended for the following reasons:

(a) If the employee is granted leave in excess of twenty (20) consecutive work days during this period, his initial probation shall be extended for the same length of time as the granted leave to cover such absence; or

(b) The department, with the advice of the Local Health Personnel Advisory Council, may require an initial probationary period in excess of thirteen (13) pay periods, not to exceed a total probationary period of twenty-six (26) pay periods, for specific classifications.

(4) At least thirty (30) days prior to the completion of a probationary period, the employee's job performance shall be evaluated to determine if the employee's job performance is satisfactory. The appointing authority shall notify the department as to one (1) of the following actions:

(a) The employee has satisfactorily completed the probationary period and permanent status has been confirmed; or

(b) The employee has not successfully performed the duties and completed the probationary period and shall be dismissed without the right of appeal and hearing.

(5) If the employee is to be dismissed during the initial probationary period, the employee shall be notified at least fourteen (14) days prior to the effective date of dismissal and prior to the expiration of the probation period. The employee may be placed on a register of eligibles by the department if the action is appropriate. The employee shall not be certified to the agency from which separated unless the agency requests otherwise.

(6) The employee, serving a probationary period may be eligible for promotion to a position in a higher class, provided the employee

is certified from an appropriate register. If an employee is promoted during a probationary period, the probationary period shall begin with the date of the most recent appointment.

Section 9. Probation Period Following Promotion. (1) A promotional probationary period of thirteen (13) full pay periods shall be required of an employee upon promotion.

(2) If an employee is granted leave in excess of twenty (20) consecutive work days during the promotional probationary period, his initial probation shall be extended for the same length of time as the granted leave to cover the absence.

(3) A performance evaluation shall be completed for the employee prior to completing the probationary period, to determine the employee's ability to perform successfully the job duties.

(4) If approved by the appointing authority, a promoted employee may request to be reverted to a position in the former class during the probationary period.

(5) An employee who has been promoted but fails to successfully complete the probationary period, as documented by the performance evaluation conducted by the appointing authority, shall revert to a position of his former class. If there is no vacancy in the former class the employee may be reverted to a position in a different class if qualified and certified by the department.

(6) Documentation of the reasons for unsuccessful completion shall be provided to the employee and the department.

(7) If a permanent employee is dismissed for cause while serving a promotional probationary period the employee has the right to appeal the dismissal in accordance with 902 KAR 8:110.

Section 10. Resignations. (1) An employee who desires to terminate his service with an agency shall submit a written resignation to the appointing authority.

(2) Resignations shall be submitted at least fourteen (14) calendar days before the final working day. A copy of an employee's resignation shall be filed in the employee's personnel file.

(3) Failure of an employee to give fourteen (14) calendar day notice shall, unless otherwise approved by the appointing authority, result in the employee forfeiting payment for accrued annual leave.

Section 11. Layoffs. (1) An appointing authority may lay off an employee in the classified service if necessary because of shortage of funds, abolishment of a position, or other material change in the duties or the organization of the agency.

(2) The agency shall submit a plan to the department for approval prior to layoff. The plan shall identify the factors considered and identify the employee(s) proposed to be laid off. The agency shall consider at least the following factors:

- (a) Seniority of employees; and
- (b) Results of employee performance evaluation(s); and
- (c) Qualification of employees; and
- (d) Type of appointment or source of funding.

(3) The employee shall be notified of the effective date and given written notice of the reasons for the layoff and the right to be placed on a reemployment register.

(4) No permanent employee shall be separated by layoff if there are provisional, temporary, emergency, seasonal or probationary employees serving in the agency in the same class.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in

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writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, excluding Louisville-Jefferson, Lexington-Fayette County, and Northern Kentucky District Health Department.

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

1. First year: There would be no costs associated with this regulation as this regulation specifies the terms of appointment for local health departments, serving a probationary period and performance appraisal.

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors.

(b) Reporting and paperwork requirements: Health departments would be required to report new appointments, individuals successfully completing probationary periods and successfully completing annual performance evaluation.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No additional costs would be incurred by the administrative body as this is an ongoing cost.

1. First year: See (a) above.

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

3. Additional factors increasing or decreasing costs: No additional factors.

(b) Reporting and paperwork requirements: Notification of health departments as the employees who need performance evaluation.

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation establishes personnel policies for the local health departments which are to be applied uniformly.

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? No. This regulation describes the various types of appointments permitted under the merit system, the standards under which the appointments are made and requires a probation period following appointment or promotion.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES Department for Health Services

902 KAR 8:090. Promotion, transfer, and demotion of local health department employees.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.090, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. This administrative regulation describes the provisions and requirements for promotions, transfers, and demotions of local health department employees.

Section 1. Promotion. (1) An employee may be promoted at any time upon the request of an appointing authority if he meets the minimum requirements of the position having a higher salary and is certified by the department.

(2) The employee shall serve a probationary period to determine through performance evaluation, if the employee can satisfactorily perform the duties and responsibilities of the position.

(3) An employee who is promoted shall have his salary raised to the greater of the following:

(a) The amount required to raise the salary of the employee to the minimum established for the class; or

(b) Four (4) percent of the employee's current salary if the promotion is to a class having a one (1) grade higher salary range; or

(c) Eight (8) percent of the employee's current salary if the promotion is to a class having a salary range which is two (2) or more grades higher.

(4) An employee who satisfactorily completes the required promotional probationary period of thirteen (13) pay periods, as documented by the performance evaluation, shall receive a four (4) percent increase in salary.

(5) A permanent employee promoted from a classified position to an unclassified position retains his status in the classified service.

(a) If separated from an unclassified position following promotion, an employee shall revert to the class in which he previously held status. If there is no vacancy in that class, the employee may be reverted to a position for which the employee is qualified and certified by the department.

(b) Time served in an unclassified position shall count towards years of service and seniority.

Section 2. Transfers. (1) A transfer of a permanent employee from a position in one (1) organizational subdivision to a position of the same class in another organizational subdivision within an agency, may be made at any time by the appointing authority.

(2) A transfer of a permanent employee from a position in one class to a position in another class, within an agency, having the same entrance salary may be made only with the approval of the appointing authority and upon certification of the department. The department may require a qualifying examination.

(3) An employee of one (1) agency shall not transfer to another agency without prior approval of each appointing authority.

(a) Accumulated annual and sick leave shall be transferred.

(b) Accumulated compensatory leave shall be paid in lump sum by the sending agency.

(c) The annual increment date shall be retained by the employee.

Section 3. Demotions. (1) An employee may be demoted for one (1) of the following reasons:

(a) Documented unsatisfactory employee performance during the promotional probationary period; or

(b) An employee voluntarily requests a demotion and reduction in salary because of inability to perform job duties, inefficiency, or other

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reasons approved by the appointing authority; or

(c) Documented disciplinary problems or the inability of an employee to perform the duties and responsibilities required of the position; or

(d) Due to a reorganization or reassignment of job duties based on a reorganization plan submitted by an agency and approved by the department.

(2) The salary of an employee who voluntarily requests demotion shall be reduced by five (5) percent if the demotion is to a classification having a one (1) grade lower salary or ten (10) percent if the demotion is to a classification resulting in a decrease of two (2) or more grades in salary.

(3) Except as provided in subsection (5) of this section, the salary of an employee who is demoted because of documented disciplinary problems or inability to perform the duties and responsibilities required of the position, shall be reduced to a salary level determined by adding the total percentage difference, as described by the compensation plan, between the employees current grade level and the grade of the classification to which the employee is demoted.

(4) If a demotion is due to a reorganization of an agency, the plan shall state if a reduction in salary of an employee is to occur.

(5) If an employee is demoted during the initial probationary period, the employee shall continue in his probationary period as if the original appointment had been to the position of the lower class.

(6) An employee demoted as a result of documented unsatisfactory performance during the promotional probationary period shall have his salary reduced to the level prior to promotion.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, excluding Louisville-Jefferson County, Lexington-Fayette County, and Northern Kentucky District Health Department.

(a) Direct and indirect costs or savings to those affected: This regulation would not have any direct costs by local health departments as it establishes policy for the respective budgets of the regulation.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors.

(b) Reporting and paperwork requirements: Health departments would request approval for respective actions and maintain records of approved actions.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: The direct costs incurred are included in the biennium budget and are primarily costs for administrative staff receiving and processing specific actions governed by the regulation.

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

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues; costs have been included in budget.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation establishes personnel policies for the local health departments and their employees which are to be applied uniformly.

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? No. This regulation describes the provisions and requirements of promotions, transfers and demotion of local health department employees.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES Department for Health Services

902 KAR 8:100. Disciplinary procedures applicable for local health department employees.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.090, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. The administrative regulation governs separations and disciplinary procedures applicable for local health departments. Included are requirements for progressive disciplinary steps, predisciplinary action procedures, and an appeal process.

Section 1. Disciplinary Action. (1) An appointing authority may discipline an employee for lack of good behavior or the unsatisfactory performance of job duties.

(2) A classified employee with status shall not be disciplined except for cause.

Section 2. Predisciplinary Action Hearing. (1) Except as provided in subsection (7) of this section, prior to demotion, suspension, or dismissal, a classified employee with status shall be notified in writing of the intent of the agency to demote, suspend, or dismiss the employee. The notice shall also state the following:

(a) The specific reasons for the demotion, suspension, or dismissal including:

1. The statutory, regulatory, or policy violation; and

2. The specific action or activity on which the intent to demote, suspend, or dismiss is based; and

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3. The date, time, and place of the action or activity; and

4. The name of the parties involved.

(b) That the employee has the right to appear personally, or with counsel if the employee has retained counsel, to reply to the appointing authority regarding the intent to demote, suspend, or dismiss.

(2) No later than five (5) working days after receipt of the notice of intent to demote, suspend, or dismiss, excluding the day the employee receives the notice, the employee may request to appear to reply to the appointing authority.

(3) The meeting shall be held six (6) working days after receipt of the employee's request to appear before the appointing authority, excluding the day the request is received.

(4) No later than five (5) working days after the employee appears to reply to the intent to demote, suspend, or dismiss, the appointing authority shall determine whether to demote, suspend, or dismiss the employee or to alter, modify, or rescind the intent to demote, suspend, or dismiss. The appointing authority shall notify the employee in writing of the decision.

(5) If the appointing authority determines that the employee shall be demoted, suspended, or dismissed, the employee shall be notified in writing fourteen (14) days prior to the action of:

(a) The effective date of the demotion, suspension, or dismissal; and

(b) The statutory, regulatory, or policy violation; and

(c) The specific action or activity on which the demotion, suspension, or dismissal is based; and

(d) The date, time, and place of such action or activity; and

(e) The name of the parties involved; and

(f) That the employee may appeal the demotion, suspension, or dismissal to the Local Health Personnel Advisory Council no later than fifteen (15) days after the effective date of the demotion, suspension, or dismissal;

(g) Provide the employee with the appeal request form.

(6) All appeals shall be submitted on the appeal request form, dated April 1, 1993. The appeal request form is incorporated by reference and may be obtained, reviewed, and copied at the Department for Health Services, Division of Local Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, during the office hours of 8 a.m. and 4:30 p.m.

(7) Upon determining that an employee has committed a flagrant violation and there is a need to diffuse a presently dangerous or disruptive situation, a supervisor may direct the offending employee to vacate the premises. The appointing authority shall, by the most immediate means, contact the department and relate the action taken. A pretermination hearing shall be provided as soon as practicable after removal. The employee may be placed on leave using accumulated leave or on immediate suspension without pay.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health depart-

ments established under KRS Chapter 212, excluding Louisville-Jefferson County, Lexington-Fayette County, and Northern Kentucky District Health Department.

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

1. First year: The regulation establishes general procedures for disciplining local health department employees who violate agency policy.

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs (note any effects upon competition): No additional factors were identified.

(b) Reporting and paperwork requirements: Effected agencies would be required to report disciplinary actions (copy of charges).

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Monitoring of disciplinary action to ensure compliance with regulation.

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

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Maintain disciplinary actions in employee folder, preparation of findings of hearings.

(3) Assessment of anticipated effect on state and local revenues: Expected costs are included in existing budget.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation establishes personnel policies for the local health departments and their employees which are to be applied uniformly.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Intergovernmental Act 5 CFR Part 900 requires a system of personnel administration on merit basis in order to receive certain federal funds.

2. State compliance standards. This regulation incorporates by reference a personnel administration program on merit principles.

3. Minimum or uniform standards contained in the federal mandate. There are no specific federal standards.

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 comply with the concept of merit.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

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? No. This regulation governs separations and disciplinary procedures applicable for local health departments.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

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

902 KAR 8:110. Disciplinary appeal process applicable for local health department employees.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870
STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170
NECESSITY AND FUNCTION: KRS 211.090, 212.170 and 212.870 requires the cabinet to supervise the personnel functions of local health departments. This administrative regulation provides for a process whereby employees may appeal specific disciplinary actions.

Section 1. Appeals. (1) An employee with status who is demoted, suspended, or dismissed shall have the right to appeal the action. The appeal shall be in writing and mailed to the department no later than fifteen (15) days after the effective date of the demotion, suspension, or dismissal.

(2) An applicant who has taken an examination may appeal his rating in any part of an examination to assure rating procedures have been applied fairly and equitably. The appeal shall be in writing and mailed to the department no later than thirty (30) days after the date on which notification of the results of the examination was mailed to the applicant.

(3) An eligible whose name has been removed from a register for any of the reasons specified in administrative regulation 902 KAR 8:070, Section 1(7), may appeal the action. The appeal shall be mailed to the department within thirty (30) days after the date on which the notification of removal was mailed to the eligible.

(4) An applicant or employee who has reason to believe that he has been discriminated against because of sex, religious or political opinions or affiliations, race, or national origin, disability, or age in any personnel action may appeal within thirty (30) days of the date of the alleged discrimination.

(5) A request for an appeal, provided for under this section, shall be submitted in writing using the appeal request form, incorporated by reference in administrative regulation 902 KAR 8:100, Section 2(6).

(6) All appeals shall be conducted in accordance with procedures as set forth in Section 2 of this administrative regulation.

Section 2. Hearing Process. (1) The department shall schedule a formal hearing before the Local Health Personnel Advisory Council or a hearing officer designated by the department within sixty (60) days following receipt of the request.

(2) The hearing may be continued at the request of either the employee or the appointing authority.

(3) At the hearing the employee and the appointing authority shall have the right to present witnesses, to be represented by counsel, and to give evidence.

(4) If a hearing officer is designated to hear the appeal, the hearing officer shall make findings of fact, conclusions of law, and recommend a final order to the Local Health Personnel Advisory Council at its next meeting. The Local Health Personnel Advisory Council may adopt the report as submitted, amend the findings and recommendations based on evidence contained, or remand the appeal to the hearing officer for further action as appropriate or rehear the appeal.

(5) The Local Health Personnel Advisory Council shall allow the employee or employee's attorney and the appointing authority to file exceptions to the hearing officers report or grant oral arguments before the Local Health Personnel Advisory Council.

(6) The Local Health Personnel Advisory Council shall, within a reasonable period of time after the hearing, make findings of fact, conclusions of law, and based on the record and recommendations, recommend a final order to the Commissioner of the Department for Health Services. The Commissioner of the Department for Health

Services shall make a final decision based on the recommendations of the Local Health Personnel Advisory Council. The department shall promptly notify the employee and the appointing authority of the decision. The decision of the commissioner shall be considered a final order and binding upon the employee and appointing authority.

RICE C. LEACH, M.D. Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, excluding Louisville-Jefferson County, Lexington-Fayette County, and Northern Kentucky District Health Department.

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

1. First year: The regulation establishes general procedures for disciplining local health department employees who violate agency policy. Costs would be associated with hearing procedures, including any legal fees and staff time.

2. Continuing costs or savings: Continuing costs would be dependent on the number of hearings requested and the associated costs involved.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Additional costs would be dependent on the number of hearings requested and the associated costs involved.

(b) Reporting and paperwork requirements: Effected agencies would be required to report disciplinary actions (copy of charges).

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Monitoring of disciplinary actions to ensure compliance with regulation and costs for hearing officer or Merit System Council members to hear appeal(s).

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

3. Additional factors increasing or decreasing costs: Cost would vary depending on number of hearings.

(b) Reporting and paperwork requirements: Maintain disciplinary actions in employee folder, preparations of findings of hearings.

(3) Assessment of anticipated effect on state and local revenues: Expected costs are included in existing budget.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation establishes personnel policies for the local health departments and their employees which are to be applied uniformly.

ADMINISTRATIVE REGISTER - 2774

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? No. This regulation is to establish an appeal process for local health department employees to request a reconsideration of a specific disciplinary action taken against the employee.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES

Department for Health Services

902 KAR 8:120. Leave provisions applicable to employees of local health departments.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.090, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. This administrative regulation governs the leave provisions applicable for employees of local health departments. These provisions address hours of work, earning of annual and sick time, holiday schedules, other leave provisions and the earning of compensatory time.

Section 1. Hours of Work. (1) The normal work week shall consist of thirty-seven and one-half (37.5) hours per week.

(a) The normal work day shall be 8 a.m. to 4:30 p.m. Monday through Friday.

(b) The hours of work and days of work, other than normal, of the agency or specific employees may be changed by the appointing authority to provide for flexibility in meeting particular work requirements of the agency or specific employees whose schedules may require them to work different hours.

(2) The hours worked in excess of the thirty-seven and one-half (37.5) hours during the standard work week are subject to compensatory time and overtime provisions of this administrative regulation.

(3) The standard pay period shall consist of seventy-five (75) hours.

Section 2. Earning of Annual Leave. (1) Each full-time employee except seasonal, temporary, and emergency employees shall be allowed to earn annual leave credit at the following rate:

Years of Service	Annual Leave Hours Earned Per Pay Period/Per Year
0 to 5 years	3.5 hours per pay period/91.0 hours per year
5 to 10 years	4.4 hours per pay period/114.4 hours per year
10 to 15 years	5.2 hours per pay period/135.2 hours per year
15 years & over	6.1 hours per pay period/158.6 hours per year
20 years & over	7.0 hours per pay period/182 hours per year

(2) Annual leave for full-time employee's shall accrue only when an employee has been in pay status at least thirty-seven and one-half (37.5) hours of the standard pay period. The employee shall be credited with additional leave credit upon the first day of the pay period following the pay period in which the leave was earned.

(3) Each part-time employee except a seasonal, temporary, or emergency employee, designated as serving on a part-time 100 hour basis, who works 100 hours or more a month shall earn annual leave credit at the following rate:

Years of Service	Annual Leave Hours Earned Per Pay Period/Per Year
0 to 5 years	2.1 hours per pay period/54.6 hours per year
5 to 10 years	2.6 hours per pay period/67.6 hours per year
10 to 15 years	3.1 hours per pay period/80.6 hours per year
15 years & over	3.6 hours per pay period/93.6 hours per year
20 years & over	4.2 hours per pay period/109.2 hours per year

(4) In computing years of total service for the purpose of allowing annual leave for designated part-time 100 hour employees, only those months in which the employee worked at least 100 hours or was on educational leave with pay shall be used. Employees designated as part-time 100 hour employees who work less than 100 hours a month shall not earn annual leave for that month.

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

(6) Annual leave earned by full-time employees may be accumulated during a calendar year not to exceed the following amounts:

Years of Service	Maximum Amount
0 - 5 years	225.0 hours
5 - 10 years	277.5 hours
10 - 15 years	337.5 hours
15 - 20 years	390.0 hours
Over 20 years	450.0 hours

(7) Annual leave for a designated part-time 100 hour employee who works 100 hours or more a month may be accumulated during a calendar year not to exceed the following amounts:

Years of Service	Maximum Amount
0 - 5 years	120 hours
5 - 10 years	148 hours
10 - 15 years	180 hours
15 - 20 years	208 hours
Over 20 years	240 hours

(8) Annual leave earned in excess of that which is allowed to be accumulated shall be converted to sick leave at the end of the calendar year. Annual leave shall not be granted in excess of that earned.

Section 3. Use of Annual Leave Credit. (1) An employee who has accumulated annual leave credit, upon request and approval of the appointing authority, shall be granted leave subject to the operating requirements of the agency.

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

(3) Absence for a fraction or part of a day that is chargeable to annual leave shall be charged in fifteen (15) minute periods.

(4) Employees shall be paid a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in Section 2 of this administrative regulation, if separated by proper resignation, layoff, retirement or granted leave without pay in excess of three (3) pay periods.

(5) Upon the death of an employee, the employee's estate shall be entitled to be paid for the unused portion of the employee's accumulated annual leave, not to exceed the maximum amount allowable.

(6) Annual leave shall not be advanced or taken until it is earned.

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(7) Absences due to sickness, injury, or disability in excess of accumulated sick leave, may be charged against annual leave if approved by the appointing authority.

Section 4. Earning of Sick Leave. (1) A full-time employee, except an emergency employee, shall earn sick leave at the rate of three and one-half (3.5) hours per pay period.

(a) An employee shall have worked or been in pay status for at least thirty-seven and one-half (37.5) hours of the seventy-five (75) standard hours in each pay period in order to accumulate sick leave.

(b) The employee shall be credited with sick leave upon the first day of the pay period following the pay period in which the leave was earned.

(2) An employee designated as a part-time 100 hour employee, except an emergency employee, who works 100 hours or more per month shall earn sick leave at the rate of two and one-tenth (2.1) hours per pay period. A part-time 100 hour employee shall be credited with additional sick leave upon the first day of the month following the month in which the leave was earned.

(3) A full-time employee completing ten (10) years of total service with an agency shall be credited with seventy-five (75) additional hours of sick leave.

(4) An employee designated as a part-time 100 hour employee completing ten (10) years of total service with an agency shall be credited with seventy-five (75) additional hours of sick leave.

Section 5. Uses of Sick Leave Credit. (1) The appointing authority, upon proper request, shall grant sick leave with pay to an employee with sufficient leave credit, if the employee:

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

(b) Is disabled by sickness or injury; or

(c) Is required to care for a sick or injured member of his immediate family; or

(d) If an employee would jeopardize the health of others at his duty post because of exposure to a contagious disease; or

(e) Has lost by death a member of the employee's immediate family.

(2) Sick leave granted for death in the employee's immediate family shall be limited to three (3) days or a reasonable extension at the discretion of the appointing authority.

(3) If possible, an employee shall request sick leave absence with or without pay prior to the intended use.

(4) If an employee is unexpectedly required to be absent from work in case of illness, the employee shall notify the employee's supervisor or other designated person. Failure to do so in a reasonable time period may be cause for denial of the sick leave for the period of absence or disciplinary action.

(5) An employee may be required by the appointing authority to present a statement in the form of personal affidavit, physician's statement, or other statement certifying to the incapacity, examination, and treatment during the time for which sick leave was taken.

(6) If an employee requests leave in excess of five (5) working days a statement from the employees' physician shall accompany the request for leave. The physician statement shall contain the following:

(a) In the physician's judgement the employee is incapable of performing the essential duties of the job; and

(b) Length of time that the physician would estimate that the employee's illness or disability will last; and

(c) Any restrictions which would render the employee in the physician's judgement incapable of performing the essential duties of the job; and

(d) Any special considerations that the physician recommends be applied to accommodate the employee once released to return to work.

(7) An appointing authority may place an employee, who fails to provide a medical statement upon request, on sick leave if:

(a) The employee's health might jeopardize others; or

(b) The employee's health prevents performance of his duties and responsibilities.

(8) Absence for a fraction or part of a day that is chargeable to sick leave shall be charged in fifteen (15) minute periods.

(9) An employee who is transferred or otherwise changed from one (1) agency to another shall retain accumulated sick leave in the receiving agency.

(10) Former employees who are reinstated or reemployed shall have their previous accumulated and unused sick leave balances reinstated.

(11) Sick leave may be utilized in cases of absence due to illness or injury for which worker's compensation benefits are received for lost time to the extent of the differences between these benefits and the employee's regular salary.

Section 6. Maternity Leave. (1) The appointing authority shall grant a maternity leave of absence to an employee because of pregnancy. Maternity leave shall not exceed seven (7) pay periods, unless the appointing authority approves additional maternity leave provided the total leave does not exceed twenty-six (26) pay periods.

(2) The employee on maternity leave shall use accumulated sick leave credit if available.

(a) If sick leave is not available, the employee shall use accumulated annual and compensatory time.

(b) If all leave credit is exhausted, the employee shall be placed on leave without pay.

(3) The employee shall submit a written request for maternity absence which shall include a doctor's statement indicating the expected date of delivery.

(a) The request shall be submitted to the appointing authority as soon as practical to allow for adjustments in the work schedule during the employee's absence.

(b) Additional information from the employee's doctor may be required if there are complications and the period of absence begins sooner than agreed, extends further than agreed, or requires the use of maternity leave beyond the normal seven (7) pay periods.

Section 7. Sick Leave Without Pay. (1) An appointing authority may approve sick leave without pay upon request of an employee for reasons provided for in Section 6 of this administrative regulation and this section.

(2) An employee shall have used accumulated annual, sick, and compensatory leave credit prior to approved leave without pay.

(3) The amount of continuous sick leave without pay approved by an appointing authority shall not exceed twenty-six (26) pay periods.

(4) If an employee approved for leave with pay, exhausts accumulated annual, sick, and compensatory leave credit, the employee shall be placed on sick leave without pay, provided the total absence does not exceed twenty-six (26) pay periods.

(5) The appointing authority may require periodic doctor's statements during the sick leave without pay period attesting to the employee's inability to perform job duties.

Section 8. Return from Sick Leave With or Without Pay. (1) At the termination of sick leave with pay not exceeding thirteen (13) pay periods, the appointing authority shall return the employee to his former position. At the termination of sick leave with pay exceeding thirteen (13) pay periods, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstance permit.

(2) If an employee on approved sick leave without pay has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit. If there is no available position which the employee is qualified or is willing to accept, the employee shall be laid off in accordance with

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administrative regulation 902 KAR 8:080.

(3) An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested by the appointing authority to return to work at least ten (10) days prior to the expiration of such sick leave, shall be dismissed by the appointing authority.

Section 9. Sharing of Sick Leave. (1) An employee who has accrued a sick leave balance of more than seventy-five (75) hours may, with the approval of the appointing authority, request the transfer of a specified amount of the employee's sick leave balance in excess of seventy-five (75) hours to another named employee who is authorized to receive sick leave.

(2) The appointing authority, may approve the amount of sick leave received under this section, if any, if:

(a) The employee or a member of his immediate family suffers from a medically certified illness, injury, impairment or physical or psychiatric condition which has caused, or is likely to cause, the employee to go on leave for at least ten (10) consecutive working days; and

(b) The employee's need for absence and use of leave are certified by a licensed practicing physician(s); and

(c) The employee has exhausted his accumulated sick leave, annual leave and compensatory leave balances; and

(3) Leave may be transferred from an employee of one agency to an employee within the same agency or may be transferred from an employee of one agency to an employee of another agency. The department shall maintain records of leave transferred between employees and the utilization of transferred leave.

(4) If an employee is on leave transferred under this section, he shall receive the same treatment with respect to salary, wages and employee benefits.

(5) Salary and wage payments made to an employee while on leave transferred under this section shall be made by the agency employing the person receiving the leave. Leave transferred under this section which remains unused shall be returned, on a prorated basis, to the employees who transferred the leave if the appointing authority finds that the leave is no longer needed and will not be needed at a future time in connection with the illness or injury for which the leave was transferred to an employee in his agency.

(6) No employee shall directly or indirectly intimidate, threaten or coerce, or attempt to intimidate, threaten or coerce any other employee for the purpose of interfering with the employee's right to voluntarily contribute leave when authorized under this section.

Section 10. Court Leave. An employee shall be entitled to a leave of absence from duties, without loss of pay or time, on days during which the employee is subpoenaed by a court to serve as a juror or witness except in those cases where the employee or a member of the employee's family is a party plaintiff. If relieved from duty as a juror or witness during normal working hours, the employee shall return to work.

Section 11. Military Leave. (1) An employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his duties without the loss of pay or time, upon request, to serve under orders on training duty for a period not to exceed seventy five (75) hours in any one (1) calendar year. The appointing authority may require a copy of the orders requiring the attendance of an employee before granting military leave.

(2) The appointing authority shall grant an employee entering military duty a leave of absence without pay for a period of active duty not to exceed six (6) years. Accumulated annual leave and

compensatory leave may be paid in lump sum at the request of the employee, upon being placed on leave.

Section 12. Voting Leave. The appointing authority shall allow each employee ample time to vote. The absence shall not be charged against accumulated leave.

Section 13. Special Leave of Absence. (1) The appointing authority may grant leave without pay for a period or periods not to exceed thirty (30) working days in any calendar year.

(2) An appointing authority, with the approval of the department may grant a leave of absence with or without pay for a period not to exceed twenty-six (26) pay periods for the following purposes:

(a) Assignment to and attendance at college, university, or business school for the purpose of training in subjects related to the work of the employee and which will benefit the agency; or

(b) Purposes other than the above which are deemed to be in the best interest of the agency.

(3) An agency shall comply with the Family and Medical Leave Act, PL 103-3, if applicable.

(4) Special leave of absence approved under this section may be continued for an additional period not to exceed twenty-six (26) pay periods with the approval of the department.

Section 14. Absence Without Leave. Unauthorized or unreported absence shall be considered absence without leave and deduction of pay may be made by the appointing authority for each period of such absence. The absence without leave may constitute grounds for disciplinary action.

Section 15. Holidays. (1) Agency employees shall be given a holiday on the following days:

(a) The first day of January and one (1) extra day;

(b) The third Monday in January;

(c) The third Monday in February;

(d) One-half (1/2) day for Good Friday;

(e) The last Monday in May;

(f) The fourth day of July;

(g) The first Monday in September;

(h) The fourth Thursday in November plus one (1) extra day;

(i) The twenty-fifth of December and one (1) extra day;

(j) Presidential election day.

(2) If any of the days enumerated above falls on a Saturday, the preceding Friday shall be observed as the holiday. If the day enumerated falls on a Sunday, the following Monday shall be observed as the holiday. If an extra day is provided for it shall be observed as stated by the department.

(3) Employees, designated as part-time 100 hours, who are scheduled to work on a holiday listed above, shall be eligible for the holiday.

(4) An employee shall be in pay status on the work day prior to the holiday in order to receive the holiday benefit.

(5) Employees required to work on a holiday shall accrue compensatory time for the time worked.

Section 15. Earning of Compensatory Time. (1) An employee authorized by the appointing authority to work in excess of the prescribed thirty-seven and one-half (37.5) hours of duty in one (1) week shall accumulate compensatory time in fifteen (15) minute periods for all time worked that the employee does not receive overtime pay subject to the provisions of the Fair Labor Standards Act, 29 USC 206, and Kentucky Wage and Labor Law KRS Chapter 337. The maximum amount of compensatory time that can be accumulated shall be 200 hours.

(2) An employee shall have the prior approval of the appointing authority or the employee's immediate supervisor before compensatory leave may be earned.

Section 17. Using Accumulated Compensatory Time. (1) An employee who has accrued compensatory time shall be permitted by the appointing authority to take compensatory time off if practical and upon proper request by the employee.

(2) An employee who has accumulated at least seventy-five (75) hours of compensatory time may request payment for compensatory time in excess of seventy-five (75) hours. If payment is approved by the appointing authority, it shall be at the employee's regular rate of pay.

(3) If an employee has accumulated the maximum amount of compensatory leave, the appointing authority shall pay the employee for at least fifty (50) hours of accumulated compensatory leave at the employee's regular rate of pay and reduce the employee's compensatory leave balance accordingly.

(4) The appointing authority may direct an employee to use accumulated compensatory time to reduce accumulation to an acceptable level.

(5) Upon separation from service or transfer to another agency, unused compensatory time shall be reimbursed in a lump sum payment to the employee.

(6) Upon the death of an employee, the employee's estate shall be paid for any unused accumulated compensatory time.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, excluding Louisville-Jefferson County, Lexington-Fayette County, and Northern Kentucky District Health Department.

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

1. First year: The health department has incurred costs related to this regulation as part of the payroll structure. The costs would include vacation pay, sick time pay, over-time pay when applicable, and other leave policies.

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

3. Additional factors increasing or decreasing costs (note any effects upon competition): Costs would be dependent on normal employee salary increase, number of employees, etc.

(b) Reporting and paperwork requirements: Health departments would be required to report specific absence(s) to administrative agency.

(2) Effects on the promulgating administrative body: Would require the review and approval of specific types of absences and maintain information in employee file.

(a) Direct and indirect costs or savings:

1. First year: Cost in administering the provisions of this regulation are included in the approved budget. The costs cover administering the various leave policies.

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

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Recording approved absences in employee file, maintaining sharing of sick leave requests.

(3) Assessment of anticipated effect on state and local revenues:
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation establishes personnel policies for the local health departments and their employees which are to be applied uniformly.

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? No. This regulation governs the leave provisions applicable for employees of local health departments.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES

Department for Health Services

902 KAR 8:130. Participation of local health department employees in political activities.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.090, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. This administrative regulation governs participation of local health department employees in political activities.

Section 1. Political Activities of Employees. An employee in the classified service shall not:

(1) Serve on or for any political committee, party, or other similar organization; or

(2) Serve as a delegate or alternate to a caucus or party convention, but may vote in the selection of delegates to a party convention and in the selection of precinct committeemen and committeewomen; or

(3) Solicit or handle political contributions; or

(4) Solicit the sale of or sell items or tickets for any political party, faction, or candidate, however an employee may voluntarily purchase such items or tickets; or

(5) Serve as an officer of a political club, as a member or officer of any of its committees, or address a club on any partisan political matters, or be active in organizing it; or

(6) Serve in connection with the preparation for, organizing or conducting a political meeting or rally or address a political meeting on any partisan political matter except to vote; or

(7) Engage in partisan activity at the polls during primary, regular or special elections in the position of checker, challenger, or watcher; or

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- (8) Solicit votes and assist voters to mark ballots; or
- (9) Become a candidate for nomination or election to a federal, state, county, or municipal office, except for a school board district office, which is to be filled in an election in which party candidates are involved or for which compensation is paid; or
- (10) Solicit others to become candidates for nomination or election to those offices described above; or
- (11) Distribute partisan campaign literature or material; or
- (12) Initiate or circulate partisan political nominating petitions; or
- (13) Canvass a district or solicit political support for a party, faction, or candidate, either in person or in writing.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, excluding Louisville-Jefferson County, Lexington-Fayette County, and the Northern Kentucky District Health Department.

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

1. First year: No costs would be incurred as this regulation only establishes permitted and prohibited political activities of local health department employees.

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

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

(b) Reporting and paperwork requirements: There are no reporting requirements.

(2) Effects on the promulgating administrative body: No effects on promulgating administrative body as this regulation pertains only to local health department employees. There may be an infrequent interpretative question.

(a) Direct and indirect costs or savings:

1. First year: No costs (see (1)(a)1).

2. Continuing costs or savings: Same as above.

3. Additional factors increasing or decreasing costs:

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

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation establishes personnel policies for the local health departments and their employees which are to be applied uniformly.

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? No. This regulation governs participation of local health department employees in political activities and nepotism.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES Department for Health Services

902 KAR 8:140. Appointment of a health officer or a health department director of a local health department.

RELATES TO: KRS 211.170(1), (2), 212.170(4), 212.870

STATUTORY AUTHORITY: KRS 194.050, 211.090, 212.170

NECESSITY AND FUNCTION: KRS 211.090, 212.170, and 212.870 requires the cabinet to supervise the personnel functions of local health departments. KRS 212.170, 212.230, and 212.870 describes the requirements for and process of appointing a health officer or a health department director for a local health department. This administrative regulation describes the process of appointing a health officer or a health department director of a health department and the provision of coverage or noncoverage of the merit system.

Section 1. Appointment of Health Officer. (1) An agency shall be under the direction of a health officer appointed in accordance with the provisions of KRS 212.170, 212.230, or 212.870.

(2) The health officer shall be an unclassified employee and hold office at the pleasure of both the board of health of the agency and the department.

(3) The health officer in the unclassified service shall be subject to the following administrative regulations:

(a) 902 KAR 8:070, Recruitment, examination and certification of eligibles for local health departments; and

(b) 902 KAR 8:080, Initial appointment, probationary period and performance evaluation; and

(c) 902 KAR 8:120, Leave provisions applicable to employees of local health departments; and

(d) 902 KAR 8:140, Appointment of a health officer or a health department director of a local health department.

Section 2. Appointment of Health Department Director. (1) In the absence of a health officer provided for in this administrative regulation, an agency shall be under the direction of a health department director who shall meet minimum qualifications of education and experience established by the department.

(2) A qualified individual appointed or promoted to the position of health department director after the effective date of this administrative regulation, shall be employed in the unclassified service and hold office at the pleasure of both the board of health of the agency and the department.

(3) Individuals who are in the position of physician director or health department director shall maintain their status after the effective date of this administrative regulation.

(4) A health department director in the unclassified service shall be subject to the following administrative regulations:

(a) 902 KAR 8:070, Recruitment, examination and certification of

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eligibles for local health departments; and

(b) 902 KAR 8:080, Initial appointment, probationary period and performance evaluation; and

(c) 902 KAR 8:120, Leave provisions applicable to employees of local health departments; and

(d) 902 KAR 8:140, Appointment of health officers of local health departments.

Section 3. Removal of a Health Officer or Health Department Director in the Unclassified Service. (1) Except as provided for in Section 2(3) and (4) of this administrative regulation, if a health officer or health department director in the unclassified service is removed by the board of health or the department, he shall be notified in writing, and within fourteen (14) days may make a written request for a hearing.

(2) If no request is made, the removal shall become effective upon the expiration of fourteen (14) days.

(3) If a request for hearing is made, the hearing shall be held at the office of the agency within fourteen (14) calendar days after the request is received by the board of health of the agency.

(4) The health officer or director of health shall not be removed until the hearing has been held and a decision rendered by the board of health of the agency and the department.

(5) Upon termination of employment, an employee who was promoted to the health officer or health department director position may revert to the position from which he was promoted or may be considered for a vacant position for which he qualifies in the agency. The employee shall have had at least five (5) years of continuous service with the agency prior to the promotion to be considered for reversion. The reversion shall be subject to the approval of the board of health of the agency.

(6) An employee originally appointed to the health officer or health department director position, may only be reverted to a position in the classified service for which he qualifies.

RICE C. LEACH, M.D. Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: May 14, 1993

FILED WITH LRC: May 14, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for June 22, 1993 at 9 a.m. in the Vital Statistics Conference Room located on the first floor of the Cabinet for Human Resources Building. However, this hearing will be canceled unless interested persons notify the following office in writing by June 17, 1993 of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Robert Nelson

(1) Type and number of entities affected: 48 local health departments established under KRS Chapter 212, excluding Louisville-Jefferson County, Lexington-Fayette County, and the Northern Kentucky District Health Department.

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

1. First year: There are no direct or indirect costs associated with this regulation. The regulation establishes a process for appointing physician and nonphysician directors of local health department and their status under the merit system.

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

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

(b) Reporting and paperwork requirements: Health departments would be required to report appointments to the state administrative agency.

(2) Effects on the promulgating administrative body: The administrative body would review qualifications of applicants, approve appointments in conjunction with the local board of health, and maintain an employee record.

(a) Direct and indirect costs or savings:

1. First year: Only costs would be staff time involved in reviewing potential allocations for directors.

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

3. Additional factors increasing or decreasing costs: No additional factors are identified.

(b) Reporting and paperwork requirements: Only requirements would be to maintain status of directors.

(3) Assessment of anticipated effect on state and local revenues: No effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were considered as this regulation continues an existing administrative activity.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

TIERING: Is tiering applied? No. The regulation establishes personnel policies for the local health departments and their employees which are to be applied uniformly.

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? No. This regulation describes the process of appointing directors of health departments and the provision of coverage or noncoverage of the provisions of the merit system.

2. State whether this administrative regulation will affect the local government or only a part or division of the local government. The regulation applies to local health departments which are not part of a local government. The local health departments are established under the authority of KRS Chapter 212.

3. State the aspect or service of local government to which this administrative regulation relates. See above.

4. How does this administrative regulation affect the local government or any service it provides? No impact.

CABINET FOR HUMAN RESOURCES

Department for Mental Health and Mental Retardation Services

908 KAR 2:070. Standards for rape crisis centers.

RELATES TO: KRS Chapter 47, 210.410, 210.450

STATUTORY AUTHORITY: KRS 194.050(1), 210.440-210.450

NECESSITY AND FUNCTION: KRS Chapter 47, Appendix A, Part G.52.e, as enacted by the 1992 General Assembly, appropriated to the Cabinet for Human Resources, Department for Mental Health and Mental Retardation Services, funds for the purpose of rape victim services program development. The Cabinet for Human Resources is empowered and directed by KRS 210.370 to 210.460 to allocate available funds to mental health/mental retardation boards in accordance with approved annual plans and budgets. KRS 210.440 and 210.450 authorize the Secretary of the Cabinet for Human Resources to promulgate policies and administrative regulations as to the operations of community mental health programs. The purpose of this regulation is to provide reasonable standards for rape crisis centers and minimum eligibility requirements for the receipt of state

funds.

Section 1. Definitions. (1) "Advisory committee" means any designated group to whom the governing board may delegate responsibility for recommendation of policy and procedures related to the operation of the rape crisis center. Final approval and accountability shall remain the ultimate responsibility of the governing board.

(2) "Annual plan and budget" means the annual application for funding submitted by each rape crisis center.

(3) "Cabinet" means the Cabinet for Human Resources.

(4) "Department" means the Department for Mental Health and Mental Retardation Services.

(5) "Governing board" or "board" means the board of directors vested with the legal responsibility for management of affairs of the rape crisis center.

(6) "Primary service provider" means that agency within each region designated by the cabinet as the primary agency to provide rape crisis services.

(7) "Rape crisis center", or "center", means a program which provides crisis intervention and support services to victims of sexual assault and their family members.

(8) "Region" means the geographic locality determined by the incorporation of the local mental health/mental retardation board as authorized under KRS 210.370 to 210.460 and 908 KAR 2:030, Section 2.

Section 2. Governing Board of Directors. (1) Each center shall be managed by a governing board so as to allow community involvement in the planning, development and evaluation of its services.

(2) Each governing board shall adopt written bylaws. The bylaws shall include, but not be limited to:

- (a) The purpose of the agency;
- (b) Minimum and maximum number of member positions;
- (c) Qualifications for board membership;
- (d) Types of membership;
- (e) Method of selecting members;
- (f) Terms of membership;
- (g) Method of filling vacancies;
- (h) Officers and duties;
- (i) Method of election of officers and chairpersons, and
- (j) Methods for removal of directors who are excessively absent from board meetings.

(3) The conduct of the board shall include, but not be limited to:

- (a) Establishing quorum requirements for meetings of the board.
- (b) Scheduling meetings of the board to be held a minimum of eight (8) times per fiscal year. An annual meeting date for the election of officers shall be specified in the bylaws of the board.

(c) Maintaining minutes of each meeting of the board which shall contain the date and place of the meeting, names of members present, the subject matter discussed and actions taken, and the name of the reporter. Minutes of each board meeting shall be forwarded to each board member and to the department within thirty (30) days of the meeting.

(d) Creating standing committees of the board to include executive, nominating, finance, personnel, staff development and training, and program planning and evaluation committees. At the discretion of the board, the functions of one (1) or more of these committees may be assumed by one (1) committee.

(e) Establishing restrictions on reimbursement of members of the board including the prohibition against any member contracting with the board to perform personal or professional services.

(4) If the rape crisis center is a program of a larger entity, the governing board shall appoint an advisory committee. A minimum of one (1) member of the board shall be appointed to serve on the advisory committee of the rape crisis center. The advisory committee must adhere to the requirements of the board as outlined in this section.

Section 3. Personnel Management. (1) A personnel file shall be initiated and maintained by the center for each employee. The minimum contents of the personnel file shall include, but not be limited to:

- (a) An application for employment;
- (b) Professional credentials to reflect training and experience adequate for qualification for the position to which the employee is hired;
- (c) A document containing conditions or terms of employment;
- (d) A personnel action form reflecting any change in status of employee (salary change, promotion, resignation or termination); and
- (e) A position description including title of the position, description of duties, and requirements of training and experience necessary to qualify for the position.

(2) Personnel policies shall be initiated and maintained by the center for the governance of all staff. The minimum contents of personnel policies shall include, but not be limited to:

- (a) Attendance and leave policies;
- (b) Compensation plan;
- (c) Fringe benefits;
- (d) Hiring and firing practices;
- (e) Staff development and continuing education provisions;
- (f) Employee grievance procedures;
- (g) Employee performance evaluations; and
- (h) Equal opportunity employment statements.

(3) The governing board shall employ one (1) staff person as executive/program director of the rape crisis center. The executive/program director shall have the overall responsibility for financial management of the center, including budgets and grant writing; shall supervise the duties and activities of all staff and volunteers; shall coordinate the design and delivery of sexual assault intervention services; shall fulfill all duties as required by the governing board; and shall report directly or through supervision to the board on all center activities. At the discretion of the board, the executive/program director may be a clinical director or an administrative director as defined herein:

(a) A clinical director shall assume all duties and responsibilities as outlined in this subsection. The clinical director shall also provide direct client services. The requirements for the clinical director include a masters degree in counseling or clinical psychology, social work, or a related field with a counseling or clinical focus; or a bachelors degree in one (1) of these fields with five (5) years of counseling or clinical experience.

(b) An administrative director shall assume all duties and responsibilities as outlined in this subsection. The administrative director shall not provide clinical supervision to center staff who provide direct client services, and shall provide direct client services only when other staff are unavailable. The administrative director shall not provide any direct services unless he also meets the requirements of the crisis intervention counselor as outlined in subsection (4)(b) of this section. Centers which employ administrative directors shall also employ a staff member to supervise and provide the direct services provided by the center who meets the educational and experiential requirements of the clinical director as provided in paragraph (a) of this subsection. The requirements for the administrative director include a masters degree in administration or human services or a bachelors degree and three (3) years of administrative experience.

(4) At the discretion of the board, other staff positions shall be appointed as necessary to provide the services as provided in Section 4 of this administrative regulation. These may include, but not be limited to:

(a) A client services coordinator shall be required when the executive/program director is an administrative director as defined in subsection (3)(b) of this section. This position shall provide direct client services, shall provide clinical supervision to center staff who provide direct client services and shall provide program management consultation. The requirements for the client services coordinator

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include a masters degree in counseling or clinical psychology, social work, or a related field; or a bachelors degree in counseling or clinical psychology, social work, or a related field and five (5) years of counseling or clinical experience.

(b) A crisis intervention counselor shall provide short-term counseling and advocacy related to the immediate crisis which results from sexual abuse or assault. Crisis intervention counselors shall receive ongoing clinical supervision and shall have, at minimum, a bachelors degree in counseling or clinical psychology, social work or a related field, or at least two (2) years of counseling experience.

(c) A volunteer coordinator shall provide direct supervision to all persons who donate free service time toward the provision of services for the center.

(d) A therapist shall provide ongoing psychotherapy which may address recent or past sexual assault. The requirements for a therapist include a masters degree in counseling or clinical psychology, social work, or a related field with a counseling or clinical focus and three (3) years of counseling or clinical experience.

(e) Any staff member who provides the services described in the above position descriptions shall meet the qualifications of that specific position, with the exception that staff hired prior to the implementation of this regulation shall be grandfathered in.

(f) All staff members described in the above position descriptions shall receive forty (40) hours of training on issues related to sexual assault within three (3) months of employment. Staff members who provide client service shall receive a minimum of ten (10) hours of that training prior to providing services to clients.

Section 4. Service Delivery. (1) The rape crisis center shall maintain and provide four (4) essential services, or provide referral to these services through a formalized referral mechanism:

(a) Crisis intervention services shall be immediately available to victims of sexual abuse and assault on a twenty-four (24) hour basis; and shall include a crisis telephone line, crisis counseling services, and accompaniment to medical or legal services related to the abuse or assault.

(b) Support services shall be available to assist victims of sexual abuse and assault to recover from the effects of the victimization experience, and shall include legal and medical advocacy, information and referral, case management, family support and support group services.

(c) Consultation and education services shall be available to increase the awareness of community residents related to the issue of sexual abuse and assault and to improve the ability of other professionals to provide services to this population of clients; and may include school-based prevention programs, community education programs, media presentations, in-service training, and case consultation services.

(d) Clinical services to address the mental health needs of victims shall be provided by professionals who meet the requirements of the therapist position as described in Section 3(4)(d) of this administrative regulation, and shall include individual, couple, family and group therapy services.

(2) The rape crisis center shall maintain an active volunteer network to assist with the provision of direct services to victims and other indirect services for the center. Any volunteers involved in the provision of direct services to victims shall receive forty (40) hours of training on issues related to sexual abuse and assault prior to serving as a volunteer, and shall receive ongoing supervision from center staff.

(3) The rape crisis center shall open a client file on all victims who receive face-to-face services from the center. Client files shall include an up-to-date service plan which details services needed by the victim, and the goals for the intervention process.

(4) The rape crisis center shall establish written grievance procedures to be given to each client upon initial face-to-face contact which describe the services provided by the center and the method

for filing a client grievance.

(5) Client files shall be maintained as confidential, and shall not be shared with any individual or agency outside the Cabinet for Human Resources, Department for Mental Health and Mental Retardation Services; the Division of Licensing and Regulation; federal funding sources as applicable; the regional mental health/mental retardation board if the rape crisis center is a contract agency of the board; or as otherwise authorized by law without the consent of the client.

(6) The department, and the regional mental health/mental retardation board if the rape crisis center is a contract agency of the board, shall have reasonable access to rape crisis center property and to the records of all services provided, including but not limited to agency financial and client case records for the purpose of auditing, monitoring and programmatic reviews related to the quality of care.

Section 5. Funding. (1) The cabinet shall designate one (1) primary service provider for each mental health/mental retardation board region to receive available state general funds and federal funds to provide rape victim services. The primary service provider shall be the regional mental health/mental retardation board unless that function is contracted by the board to a second private, not for profit agency which is approved by the cabinet. The designation of primary service provider shall be in effect unless rescinded following a review by the department of the rape crisis center's performance or its annual plan and budget proposal for subsequent fiscal year funding. The rape crisis centers which will be initially designated as primary service provider by the cabinet shall be those agencies currently under contract as of the effective date of this administrative regulation.

(2) Method of allocation. Each center shall submit an annual plan and budget proposal in the form and format prescribed by the cabinet. The application for funding shall demonstrate the capacity to provide crisis intervention services, support services, consultation and education services, and clinical services as defined in Section 4 of this administrative regulation; and shall demonstrate compliance with this administrative regulation.

DENNIS D. BOYD, Commissioner

FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: April 8, 1993

FILED WITH LRC: May 6, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for Tuesday, June 22, 1993, at 9 a.m. in the Vital Statistics Conference Room, First Floor, CHR Building, 275 East Main Street, Frankfort, Kentucky. This hearing will be cancelled unless interested persons notify the following office in writing by Thursday, June 17, 1993, of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law Cabinet for Human Resources 275 East Main Street Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Dennis D. Boyd

(1) Type and number of entities affected: The proposed administrative regulation will be applied to the ten existing rape crisis centers and the three new rape crisis centers (RCC) which will receive funding beginning July 1, 1992 (see attached list). The rape crisis centers are specialized agencies which provide crisis intervention, advocacy and counseling services to child and adult victims of sexual abuse/assault as well as education and training programs related to these issues. In order to standardize the provision of comprehensive victim services through the RCCs, the Department for Mental Health and Mental Retardation Services, in conjunction with the directors of these agencies designed an "array of sexual abuse/assault victim

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services" (see attached). This array serves as a model for each of the RCCs and is the basis for the section within the administrative regulation related to service delivery.

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

1. First year: The rape crisis centers will not experience significant costs upon implementation of the regulation. Because the RCC directors were involved in drafting the regulation, it reflects what these agencies believe to be necessary to ensure quality of care for clients served. As a result, most of the RCCs will conform to the regulation without any change in the operation of the agency. Where some cost is incurred, it will be realized in the following areas:

- Board operation - the regulation requires the establishment of a governing board or advisory committee for each RCC. Two RCCs will be required to establish advisory committee because they currently do not exist. Several centers will need to expand board bylaws in order to conform to the regulation. The regulation will not, however, substantially change the operation of the existing boards.

- Service delivery - the regulation is consistent with current requirements for RCCs to receive state and federal funding from the Department for Mental Health and Mental Retardation Services (DMHMRS). As a result, the types of services delivered will not be changed. Centers which do not currently have written client grievance procedures are required to implement such procedures within the regulation.

- Staffing - the staffing pattern required within the regulation is that which DMHMRS staff and the RCC directors believe to be necessary to ensure a delivery of quality services to sexual abuse/assault victims. The regulation will require an upgrading of a staff position in one center from a bachelor to a master level counselor.

2. Continuing costs or savings: All factors generating costs for the RCCs are detailed in item 1 above.

3. Additional factors increasing or decreasing costs: Ensuring the delivery of services by qualified staff will reduce the liability risk incurred by the RCCs which could result in significant long-term cost savings.

(b) Reporting and paperwork requirements: The submission of quarterly client and services information by the RCC is not changed by the regulation. The regulation will require the submission of board meeting minutes to the DMHMRS, and will require the opening of a client file on any individual seen face-to-face by the center.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

(1) First year: The DMHMRS, as the promulgating administrative body, will incur no direct or indirect costs or savings. The administrative regulation will serve as a baseline for all programmatic reviews and evaluations of the RCCs and as minimal requirements for funding.

(2) Continuing costs or savings: No continuing costs or savings are anticipated.

(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 anticipated.

(4) Assessment of alternative methods: Historically, oversight of the RCCs has been accomplished through requirements within funding proposals and program reviews conducted of these agencies by the department. As the size and complexity of the centers as well as their numbers have increased, department and center staff believe that this oversight should be enhanced. The purpose of the administrative regulation is to provide basic guidelines or minimal standards for the design of service delivery by these agencies, and to thereby assist in creating assurances that services provided are of an appropriate and quality nature. In order to design the most effective administrative regulations, four directors of the RCC's participated with division staff on a committee designed for this purpose. The four directors were selected to ensure a comprehensive representation of rural and urban programs, new programs and those in existence prior

to the involvement of the department, and independent programs in additions to programs operated by the community mental Health centers. The committee of directors specifically assisted with the program-related portion of the regulation. The draft of the regulation which relates to boards, personnel management, and service delivery was also reviewed in detail at a quarterly meeting of the RCC directors, such that the enclosed document reflects the input of all ten existing centers. The format and content of the administrative regulation is based on a review of several relevant documents including the regulations for community mental health centers (CMHC) (908 KAR 2:010-060) and spouse abuse centers (905 KAR 5:040-050). The ideal array of sexual assault services developed as part of the department's State Plan for the RCCs was also consulted, as was a publication of the National Organization for Victim Assistance related to model victim assistance programs. Finally, the ten years of experience of RCC staff in providing sexual assault-related services, and the experience of the department since July of 1986 in administering funds for these programs had an impact on the development of the regulation.

(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: None

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: None

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. The administrative regulation will apply to all rape crisis centers equally.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the May 3, 1993 Meeting

The May meeting of the Administrative Regulation Review Subcommittee was held on Monday, May 3, 1993, at 2 p.m. in Room 131 of the Capitol Annex. Chairman Tom Kerr called the meeting to order, and the secretary called the roll. The minutes of the April 1 and 2, 1993 meeting were approved.

Present were:

Members: May 3, 1993: Representative Tom Kerr, Chairman; Senators Tom Smith, Nick Kafoglis and Gene Huff; Representatives Woody Allen, Jim Bruce and James Yates. April 2, 1993: Representative Tom Kerr, Chairman; Senators Gene Huff; Representatives Jim Bruce and James Yates.

Guests: Senator Joey Pendleton; Representative Steve Riggs; Livingston Taylor, Jill LeMaster, Steven S. Reed, Executive Branch Ethics Commission; Donald R. Speer, Kentucky Information Systems Commission; Bill Hanes, Pam Johnson, Kentucky Retirement Systems; Pat Mulloy, Clarke Beauchamp, Dalene McCann, Bonnie Howell, Warren Nash, Finance and Administration Cabinet; Judy Mann, Robert L. Blackburn, Kentucky Workers' Compensation Funding Commission; Nancy Brinly, Board of Physical Therapy; Ron Egnew, Donna Greenwell Dutton, Department of Agriculture; Charles V. Hughes, Brenda Priestley, Louis Smith, Robert Powell, Michael Bradley, Department of Corrections; Sandy Pullen, Transportation Cabinet; David Garnett, Motor Vehicle Commission; Akeel Zaheer, Education Professional Standards Board; Beverly H. Haverstock, Sue G. Simon, George Parsons, Workforce Development Cabinet; Eugene D. Attkisson, Larry Schneider, Department of Mines and Minerals; Patrick Watts, Suetta Dickinson, Carla H. Montgomery, Department of Insurance; Mike Fulkerson, Kentucky Racing Commission; Judith Walden, Department of Housing, Buildings and Construction; Barbara Coleman, Ked Fitzpatrick, David Crane, Ralph Von Derau, Erick Friedlander, Anita Moore, Larry W. Moore, Larry Taylor, Cabinet for Human Resources; Kip McNally, American International Group; Alexander Waldrop, Churchill Downs - KOTB; Judith Taylor, Keeneland; Gene McLean, Kentucky Off-Track Betting, Inc.; Frank Chuppe, Virginia Snell, Liberty Mutual Insurance; Sam Crawford, Kentucky Farm Bureau; Barbara Dermedy, Kentucky Nurses Association; Lyle D. Cobb, KNA; Sharon Reners, Kosair Children's Hospital; Joseph E. Smith, Alliant Health System; Lisa English Hord, Home Care Health Services; Tony Hyatt, WDRB-TV; Jacalyn Carfagno; Carl Metz.

LRC Staff: Greg Karambellas, O. Joseph Hood, Patrice Carroll, Tom Troth, Susan Wunderlich, Peggy Jones, Donna Valencia, Susan Eastman, and Don Hines.

Because the tape recorder malfunctioned, and all tapes taken of the May 1993 meeting were blank because of the malfunction, it is neither possible nor appropriate to attempt a reconstruction of the various presentations or comments made. If an administrative regulation had been deferred from the April 1993 meeting, reference may be made to the discussion relating to it in the April 1993 minutes.

The Subcommittee determined that the following administrative regulations did not comply with statutory requirements:

Kentucky Employee's Retirement System: General Rules
 105 KAR 1:010. Contributions and interest rates. Although

this administrative regulation was not found deficient when it previously had been considered by the Subcommittee, members of the Subcommittee stated that: (1) the issues concerning the disagreement between the Retirement Systems and the Executive and Legislative Branches over the right of the General Assembly to suspend applicable statutes and require a contribution rate different than that determined by the Retirement Systems, were identical to those raised by 105 KAR 1:040 at the Subcommittee's February 1993 meeting; (2) it was believed by members of the General Assembly that its action complied with statutory and constitutional provisions; and (3) although the courts would make a final disposition of a matter, this administrative regulation should be found deficient.

Retirement System personnel and Subcommittee members discussed the requirements of KRS Chapters 16, 48, 61, 78 and the 1992 Budget Bill, and the lawsuit brought by the Retirement Systems.

The Subcommittee approved a motion that this administrative regulation was deficient because it failed to comply with the provisions of the 1992 Budget Bill.

Kentucky Workers Compensation Funding Commission

200 KAR 19:020. Assessments of insurance policies offering deductibles. Representative Steve Riggs; Kip McNally, American International Group; and Frank Chuppe and Virginia Snell, Liberty Mutual Insurance spoke against this administrative regulation. Robert Blackburn represented the Kentucky Workers' Compensation Fund Commission. The Subcommittee was presented with material in support of the positions taken by various people who appeared before the Subcommittee.

Mr. Blackburn asked that the minutes of the April 1993 Subcommittee meeting reflect that KRS 342.122 does not contain the "actually" and that he did not state that collections had been made.

Because the tape recorder malfunctioned, and all tapes taken of the May 1993 meeting were blank because of the malfunction, it is neither possible nor appropriate to attempt a reconstruction of the various presentations or comments made. Reference may be made to the discussion of this administrative regulation and the issues raised at the Subcommittee's April 1993 meeting by reading the April 1993 minutes.

The Subcommittee approved a motion that this administrative regulation did not comply with applicable statutes because its computations did not take into consideration policies with deductibles.

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

Office of the Governor: Executive Branch Ethics Commission

9 KAR 1:010. Statement of financial disclosure. This administrative regulation was amended, to comply with KRS Chapters 11A and 13A, primarily KRS 11A.050(1),(3)(j) and 13A.120(2)(i), as follows: (1) STATUTORY AUTHORITY paragraph, by deleting statutes not specifically providing statutory authority; (2) Section 1, by amending the "Statement of Financial Disclosure" form to delete, in item #16, the exclusion for a "primary personal residence", to comply with KRS 11A.050(3)(j), which requires the filing of information

regarding "real property" in which there is an interest of \$10,000 or more held by the file, his spouse, or dependent children"; (3) Section 2, by deleting the exception of officers, including major management personnel, with procurement authority of \$1,000 or less, from the requirement to file a statement of financial disclosure.

Senator Huff asked how the Commission plans to verify the financial information which is filed with each statement. Commission personnel responded that: (1) the officer or public servants signature would be relied upon to certify the truthfulness of the information; (2) subsequent questions or concerns about the validity of the information would be investigated by the Commission; (3) any officer or public servant alleged to have violated KRS Chapter 11A, and documents or records necessary to complete a full investigation would be subject to the full subpoena and investigatory powers granted to the Commission by KRS Chapter 11A.

9 KAR 1:020. Complaints. Upon the filing of a complaint alleging a violation of KRS Chapter 11A, the Commission had inadvertently failed to require a complainant to file the "names of persons alleged to have violated KRS Chapter 11A". It had been pointed out that KRS 13A.100(1) requires that any form of action that implements, prescribes law or policy, or the procedure or practice requirements of an administrative body, or affects private rights or procedures, shall be contained in an administrative regulation. This administrative regulation was amended as follows: (1) Section 1(1)(a)3 was amended to include the filing of the "names" of alleged violators; and (2) Section 1(3) was deleted in its entirety because, contrary to KRS 13A.222(4)(a), it repeated or summarized Section 1(1)(b) and included superfluous words and phrases.

Kentucky Information Systems Commission: Information Systems

14 KAR 1:010. Statewide strategic plan for information processing. This administrative regulation was amended to: (1) conform to the requirements of KRS 13A.220(4) governing the division of an administrative regulation into sections, subsections and paragraphs; (2) conform to the requirements of KRS 13A.222(4) governing the expression of a duty or an obligation, prohibited words, phrases, vague and ambiguous language; (3) incorporate by reference guidelines and instructions relating to the guidelines and plans; (4) include, in Section 5(4), a standard for Commission action.

Finance and Administration Cabinet: Property

200 KAR 6:045. Control of smoking in state-owned buildings and leased space occupied by executive branch agencies. This administrative regulation was amended to: (1) provide for specific areas that shall not be designated as smoking areas; (2) provide exceptions, upon approval of the Secretary, if it is shown that an excluded area is the only area available to be designated as a smoking area; (3) establish a standard requiring the prominent display of signs, rather than "appropriate signage determined by the cabinet"; (4) comply with the drafting and language requirements of KRS 13A.222(4), and the format requirements of KRS 13A.220(4).

Board of Physical Therapy

201 KAR 22:031. Therapist's licensing procedure. Section 3(2) was amended to delete language relating to the payment of fees, because it was contained in a statute cross-referenced by this section, and violated KRS 13A.120(2)(e),(f) by repeating statutory language.

Commerce Cabinet: Department of Agriculture: Pesticides

302 KAR 31:030. Fine schedule for violation of KRS

217B.550. This administrative regulation was amended to: (1) Delete sections that repeat KRS 217B.550 and KRS 217B.193, pursuant to KRS 13A.120(2)(e),(f); (2) Require that: (a) the Commissioner issue the notice of violation pursuant to KRS 217B.193; (b) each notice of violation state that a hearing may be requested on assessment of an administrative fine within thirty (30) days of the notice of violation; and (c) each request for hearing be mailed to the Kentucky Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, KY 40601.

302 KAR 31:035. Fine schedule for violation of KRS 217B.120. This administrative regulation was amended to: (1) Delete the sections that repeat KRS 217B.120 and KRS 217B.193, pursuant to KRS 13A.120(2)(e),(f); (2) Require that: (a) the Commissioner issue the notice of violation pursuant to KRS 217B.193; (b) each notice of violation state that a hearing may be requested on assessment of an administrative fine within thirty (30) days of the notice of violation; and (c) each request for hearing be mailed to the Kentucky Department of Agriculture, Capital Plaza Tower, 7th Floor, 500 Mero Street, Frankfort, KY 40601.

Representative Bruce asked if farmers were exempt from these administrative regulations. Department personnel stated that only commercial applicators that apply chemicals for hire are subject to these fines.

Senator Huff asked if these license holders were required to take a test before receiving a license. Department personnel stated that there are several different categories of applicators and each category must take a test prepared by the Department and the University of Kentucky. Senator Huff asked what percentage of individuals who take the test pass. Department personnel stated that the passing rate varies from category to category. For some examinations, the passing rate is 75%, while for others it may be only fifty (50%) percent.

Department of Corrections: Jail Standards

Subcommittee staff submitted and discussed a report, "Jail Standard Administrative Regulations", on issues raised by a number of administrative regulations in 501 KAR Chapter s 3,4,5,7, and 10. Subcommittee staff stated that the Kentucky jail standards were compared to the American Correctional Association Model Guidelines, and also compared to case law interpreting jail standards and relevant constitutional provision relating to jails. Based upon that analysis the following general statements can be made.

1. There is a significant body of Kentucky case law on the proper operation of Kentucky prisons;

2. This body of case law does not apply to issues that might be raised on the proper operation of County or local jails;

3. There are numerous court decisions from other jurisdictions dealing with local jail standards, but these decisions are not binding on Kentucky, with the exception of United States Supreme Court and perhaps U.S. 6th Circuit decisions;

4. Court decisions from other jurisdictions do provide some guidance in how a court in Kentucky might view minimum jails standard administrative regulations;

5. Review of the case law demonstrates the caution that must be exercised in developing jail standards that meet constitutional muster.

6. The case of Kendrick v. Bland, 541 F.Supp. 21 (W.D. Ky. 1981) deals with minimum requirements for prisons in Kentucky and demonstrates the deference the Courts give to the ACA Model Guidelines;

7. The ACA is a National accrediting agency that devel-

ops guidelines for the adoption of jail standards;

8. Adoption of ACA guidelines is useful to state corrections agencies in preventing and defending lawsuits brought by inmates for violation of the inmates civil rights, and updating current procedures for proper operation of jails;

9. Eighty percent (80%) of all state departments of corrections and youth services are active participants in the ACA as well as the Federal Bureau of Prisons, the U.S. Parole Commission and the District of Columbia;

9. It appears the Department of Corrections, through the Jail Standards Commission has begun to update local jail standards administrative regulations consistent with ACA Guidelines, although the standards are not the same in all instances including such areas as square footage per inmate, number of showers, wash basins, and commodes per inmate and certain other areas;

10. In 1992 the General Assembly gave the "Jail Standards Commission" broad authority to develop minimum jail standards pursuant to KRS 441.055;

11. This "Jail Standards Commission" is divided equally between county interests and state interests pursuant to KRS 441.055(1)(b);

12. Pursuant to KRS 441.055(1)(b) jail standards must be reviewed every two (2) years;

13. The "Jail Standards Commission" appears to be carrying out its statutory mandate pursuant to KRS 441.055, although they are late in their initial review; and

14. The administrative regulations before the subcommittee are a result of the first review by the Commission.

The following three administrative regulations were amended at the April 1993 Subcommittee meeting. However, final approval of these administrative regulation, as amended, was deferred to the May 1993 meeting, in order to consider all jail standards administrative regulations as a group. See the April 1993 minutes for a discussion of the amendments to these administrative regulations.

501 KAR 3:010. Definitions.

501 KAR 3:040. Personnel.

501 KAR 3:050. Physical plant.

501 KAR 3:060. Security; control. Section 3(7) of this administrative regulation was amended to clarify that no inmate shall be assigned to a position of authority over other inmates.

501 KAR 3:100. Food services. This administrative regulation was amended to clarify that inmates could keep, in their cells, canteen items they purchase so long as the items pose no threat to the health or security of the institution.

501 KAR 3:130. Inmate programs; services. This administrative regulation was amended to delete Section 1(2) relating to sentence reductions. An administrative body does not have authority to reduce sentences. A reduction of sentence is solely within the discretion of the sentencing court.

501 KAR 3:150. Hearings, procedures, disposition. This administrative regulation was amended to: (1) Delete Section 4(1), pursuant to KRS 13A.120(2)(e),(f), because it repeated KRS 446.030; and (2) Insert the reference to the Kentucky Rules of Evidence.

Ninety-Six Hour Local Confinement Facilities

501 KAR 4:010. Definitions. This administrative regulation was amended to: (1) Delete the exclusion of "weekends and holidays" from the computation of the ninety-six (96) hour holdover time period, because the exclusion conflicts with KRS 446.030; and (2) Specifically define "deck" and "ceiling" pursuant to KRS 13A.222(4)(a).

501 KAR 4:040. Personnel. This administrative regulation was amended to delete the proposed amendments in Sections 3 and 6 and retain the existing language. The existing

language more clearly provided that: (1) minimum wage is to be paid to jail employees; and (2) only employees who are physically fit may work.

501 KAR 4:050. Physical plant. This administrative regulation was amended to: (1) Specifically delineate the different phases of a jail construction and renovation project; and (2) Express mandatory obligations with the word "shall", pursuant to KRS 13A.222(4)(b).

501 KAR 4:060. Security; control. Section 3(7) of this administrative regulation was amended to make it clear that an inmate shall not be assigned to a position of authority over other inmates.

501 KAR 4:100. Food services. This administrative regulation was amended to clarify that inmates could keep canteen items they purchase in their cells as long as those items pose no threat to the health or security of the institution.

Office of the Secretary

501 KAR 6:020. Corrections policies and procedures. CPP 15. 3, incorporated by reference, to clarify the definition of "Meritorious Good Time" in consistent with KRS 197.045(3) and KRS 197.045(1).

501 KAR 6:040. Kentucky State Penitentiary. This administrative regulation was amended, pursuant to KRS 13A.222(4)(b), to: delete: (1) "will" and "are" and insert "shall" and "shall be", respectively, in KSP 02-11-01, pursuant to KRS 13A.222(4)(b); and (2) "are" and insert "shall be" in KSP 02-12-01.

501 KAR 6:060. Northpoint Training Center. This administrative regulation was amended to add child to child sex acts to the definition of "Hard Core Pornography".

501 KAR 6:090. Frankfort Career Development Center. This administrative regulation was amended to add "CFR 1910.121" to the reference section of FCDC 13-09-01.

501 KAR 6:140. Bell County Forestry Camp. This administrative regulation was amended to add KRS 196.245 to the reference section of BCFC 07-04-01.

This policy included a prohibition against smoking in any area, including vehicles, if a nonsmoker was present. Representative Bruce asked if this policy was consistent with 200 KAR 6:045, Control of Smoking in State-Owned Buildings and Leased Space Occupied by Executive Branch Agencies. Cabinet personnel stated that the policy was consistent with this new administrative regulation.

Chairman Kerr asked if smoking in cars was addressed in 200 KAR 6:045. Staff stated that the restriction relating to cars was not addressed in the administrative regulation governing smoking in Executive Branch office buildings.

Representative Allen made a motion to find 501 KAR 6:140 deficient and asked for a roll call vote. The motion failed.

Restricted Custody Center

501 KAR 7:040. Personnel. This administrative regulation was amended to delete the proposed amendments in Sections 3 and 6 and retain the existing language. The existing language more clearly provided that: (1) minimum wage is to be paid to jail employees; and (2) only employees who are physically fit may work.

501 KAR 7:050. Physical plant. This administrative regulation was amended to: (1) Specifically delineate the different phases of a jail construction and renovation project; and (2) Express mandatory obligations with the word "shall", pursuant to KRS 13A.222(4)(b).

501 KAR 7:060. Security; control. Section 3(7) of this administrative regulation was amended to clarify that an inmate shall not be assigned to a position of authority over other inmates.

Direct Supervision for Full Service Jails

501 KAR 10:010. Definitions. This administrative regulation was amended to add a definition of "deck" and "ceiling" and to properly spell "offense".

501 KAR 10:040. Personnel. This administrative regulation was amended to delete the proposed amendment in Sections 3 and retain the existing language. The language clarifies that minimum wage is to be paid to jail employees.

501 KAR 10:050. Physical plant. This administrative regulation was amended to: (1) Specifically delineate the different phases of a jail construction and renovation project; and (2) Express mandatory obligations with the word "shall", pursuant to KRS 13A.222(4)(b).

501 KAR 10:060. Security; control. Section 3(7) of this administrative regulation was amended to clarify that an inmate shall not be assigned to a position of authority over other inmates.

501 KAR 10:080. Sanitation; hygiene. This administrative regulation was amended to clarify that indigent inmates shall be provided sanitary items at no cost while non-indigent inmates may purchase these items.

501 KAR 10:100. Food services. This administrative regulation was amended to clarify that inmates could keep canteen items, in their cells, that they purchase as long as those items pose no threat to the health or security of the institution.

501 KAR 10:130. Inmate programs; services. This administrative regulation was amended to delete Section 1(2) relating to sentence reductions. An administrative body does not have authority to reduce sentences. A reduction of sentence is solely within the discretion of the sentencing court.

Transportation Cabinet: Division of Highways: Traffic

603 KAR 5:070. Motor vehicle dimension limits. Sandra Pullen appeared before the Subcommittee representing the agency. The administrative regulation was technically amended to comply with the drafting requirements of KRS Chapter 13A. Section 1 had included regulatory material within the definitions section. A new section was created to divide this material and subsequent sections were renumbered. New Section 5 was amended by adding "KY 8 - From the junction with KY 19 at Augusta to a point one (1) mile east of the junction with KY 1597", and "KY 19 - From the junction with KY 546 to the junction with KY 8 at Augusta" as highways designated to permit the operation of motor vehicles with increased dimensions. One other amendment to new Section 5 was to amend the "as published" version which was at variance with the "as filed" Section 5, relating to U.S. 25 and U.S. 27.

Representative Bruce asked Ms. Pullen to explain the difference in the proposed regulation and the current regulation relating to the width and length dimensions allowed. Ms. Pullen stated that the definitions of "width exclusion safety device" and "length exclusion safety device" were being used to comply with the federal regulations of 1987 and to be in uniformity with the regulations of other states. She stated that the major difference was that some of these devices would not be included in the measurement of the width or length of a vehicle, and others would be allowed a certain amount of variance.

Education, Arts and Humanities Cabinet: Department of Education: Education Professional Standards Board

704 KAR 20:510. Recruitment plan for teachers of exceptional children. Akeel Zaheer appeared before the Subcommittee representing the agency. The regulation was

technically amended to insert a new Section 1 for a definition, to comply with the drafting requirements of KRS Chapter 13A.

Department of Insurance: General Provisions

806 KAR 1:010. Liability self-insurance groups. Patrick Watts was present, representing the agency. The regulation was amended, by agreement: (1) to comply with the drafting requirements of KRS Chapter 13A, and (2) to allow ninety days rather than sixty days for each liability self-insurance group to submit a statement of financial condition after the end of the group's fiscal year.

Kentucky Racing Commission: Thoroughbred Racing

810 KAR 1:030. Simulcast facilities. This administrative regulation was amended as follows: (1) RELATES TO and STATUTORY AUTHORITY paragraphs were amended to cite only those statutes that specifically related to or granted statutory authority for the subject matter of this administrative regulation; (2) NECESSITY AND FUNCTION paragraph was amended to state the specific necessity for and function of this administrative regulation; (3) Various sections were amended to provide: (a) an itemization of information that shall be submitted by an applicant; (b) specific requirements for the granting of an application; (c) the reasons for which an application may be denied, or a license revoked; (d) for a period of 20 days before the beginning of operations of a simulcast facility in which all information shall have been submitted and during which it shall be reviewed by the Commission; (4) various sections were amended to comply with the drafting and language requirements of KRS 13A.222(4) and the format requirements of KRS 13A.220(4).

Because KRS Chapter 230 did not provide for the effect of the establishment of a simulcast facility in an area in which a licensed track is subsequently approved, the Subcommittee approved a motion that this issue be referred to the appropriate jurisdictional committee in order to determine whether KRS Chapter 230 should be amended.

Cabinet for Human Resources: Department for Employment Services: Unemployment Insurance

903 KAR 5:290. Employer contribution rates. The NECESSITY AND FUNCTION paragraph of this administrative regulation was amended to conform to KRS 13A.222(4)(b), by deleting "is" and inserting "shall be" in line 3.

Department for Medicaid Services

The following two administrative regulations were amended to conform to KRS 13A.221(2) and 13A.224(1) relating to material incorporated by reference. The agency had included a statement in the NECESSITY AND FUNCTION paragraphs that provided: "In the event of a conflict between manual materials incorporated by reference in this administrative regulation and the primary subject administrative regulations of the cabinet relating to this component, the latter shall prevail."

This statement violated KRS Chapter 13A because material incorporated by reference in an administrative regulation cannot conflict with the provisions of: (1) the administrative regulation in which it is incorporated; or (2) another administrative regulation promulgated by the administrative body. The agency was advised to resolve the conflict by making the: (1) material consistent with the provisions of the administrative regulation in which it was incorporated; or (2) provisions of the administrative regulation consistent with the material; or (3) material and the provisions of other administrative regulations that conflict, consistent. The agency agreed to delete the statement.

907 KAR 1:428. Incorporation by reference of the adult

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day care services manual.

907 KAR 1:512. Incorporation by reference of the psychiatric residential treatment facility services manual.

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

Office of the Governor: Executive Branch Ethics Commission

9 KAR 1:030. Hearings.

Kentucky Employees' Retirement System: General Rules

105 KAR 1:170. Membership form requirements.

105 KAR 1:270. Special federal income tax withholding.

Board of Physical Therapy

201 KAR 22:106. Assistant's certification procedure.

Department of Corrections: Jail Standards

501 KAR 3:030. Fiscal management.

501 KAR 3:090. Medical services. The amendment before the Subcommittee was made to comply with ACA Model Guidelines to reduce the number of sick calls at jails per week, depending upon the number of inmates at the facility.

501 KAR 3:120. Admission; release.

96-Hour Local Confinement Facilities

501 KAR 4:070. Safety; emergency procedures.

501 KAR 4:120. Admission; release.

501 KAR 4:140. Inmates rights.

Twelve Hour Local Confinement Facilities

501 KAR 5:001. Repeal of 501 KAR Chapter 5.

Office of the Secretary

501 KAR 6:030. Kentucky State Reformatory. Subcommittee staff pointed out that an inmate at LaGrange, KY had requested the subcommittee review whether KSR 16-00-02, B, 2, c., incorporated by reference in 501 KAR 6:030, conflicts with CPP16.2, IV, B, 4., incorporated by reference in 501 KAR 6:020. The Subcommittee instructed Subcommittee staff to review the issue raised by the inmate, and report to the Subcommittee.

501 KAR 6:130. Western Kentucky Correctional Complex.

Restricted Custody Center

501 KAR 7:120. Admission; release.

Direct Supervision for Full Service Jails

501 KAR 10:020. Administration; management.

501 KAR 10:030. Fiscal management.

501 KAR 10:070. Safety; emergency procedures.

501 KAR 10:090. Medical services.

501 KAR 10:110. Classification.

501 KAR 10:120. Admission; release.

501 KAR 10:140. Inmate rights.

Motor Vehicle Commission

605 KAR 1:130. Procedures. Dave Garnett, appeared representing the Motor Vehicle Commission. Chairman Kerr asked Mr. Garnett to state the Commission's authority for assessing fees against licensees or applicants for transcription of the record and for the fee charged by the hearing officer in proceedings where the applicant or the licensee did not prevail. Mr. Garnett cited the statutory authority of the Commission to adopt reasonable regulations, and stated the Commission believes that this is a reasonable method to cover administrative costs.

Education, Arts and Humanities Cabinet: Department of Education: Education Professional Standards Board

704 KAR 20:120. Emergency Certification.

704 KAR 20:320. Beginning teacher internship program.

Workforce Development Cabinet: Department of Vocational Rehabilitation: Administration

781 KAR 1:030. Order of selection and economic need test for vocational rehabilitation services.

Department of Mines and Minerals: Division of Explosives and Blasting

805 KAR 4:010. Licensing and classification of blasters. Gene Attkisson appeared before the Subcommittee representing the Department. It was pointed out that the fees contained in this administrative regulation complied with the fees allowed in the 1992 Budget Bill. Chairman Kerr commented that the authority for certain fees in this administrative regulation would lapse June 30, 1994. A motion was made and approved to review this administrative regulation at the May, 1994 meeting of the Subcommittee.

805 KAR 4:070. Definitions. It was pointed out that this administrative regulation needs to be the first regulation in the chapter to comply with the drafting requirements of KRS Chapter 13A. Mr. Attkisson requested that this regulation be recodified after its review by the appropriate jurisdictional committee, to conform to that requirement.

Department of Insurance: Insurance Premium Finance Companies

806 KAR 30:090. Insurance premium finance company proof of mailing of cancellation notice.

806 KAR 30:100. Time limit for insurance premium finance company responses to Department of Insurance inquiries.

Department of Housing, Buildings and Construction: Plumbing

815 KAR 20:030. License application; qualifications for examination, examination requirements, expiration, renewal, revival or reinstatement of licenses.

815 KAR 20:050. Installation permits.

Cabinet for Human Resources: Department for Health Services: Health Services and Facilities

902 KAR 20:291. Alzheimer's nursing homes.

Department for Medicaid Services

907 KAR 1:031. Payments for home health services.

The Subcommittee had no objections to emergency administrative regulations which had been filed.

The following administrative regulations were deferred to the June meeting, unless otherwise noted, upon agreement by the promulgating agency and the Subcommittee:

Agricultural Experiment Station: Seed

12 KAR 1:005. Definitions.

12 KAR 1:010. Sampling, analyzing, testing, and tolerances.

12 KAR 1:025. Maximum weed seed content permitted.

12 KAR 1:055. Identification of seed or seedlings or finished plants not for sale.

12 KAR 1:060. Manner of labelling seed, seedlings, or finished plants.

12 KAR 1:065. Lawn, turf mixtures; labeling.

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- 12 KAR 1:075. Types of labeling; tag label form.
- 12 KAR 1:080. Use of own tags; permit, report.
- 12 KAR 1:085. Illegal labeling and sales.
- 12 KAR 1:090. Stop sale orders.
- 12 KAR 1:095. Impound seed, tobacco seedlings or finished tobacco plants.
- 12 KAR 1:100. Records.
- 12 KAR 1:105. Schedule of charges.

Board of Registration for Professional Engineers and Land Surveyors

- 201 KAR 18:180. Firm registration. (The Emergency will expire on June 1, 1993)
- 201 KAR 18:190. Continuing education. (The Emergency will expire on June 1, 1993).

Kentucky Real Estate Appraisers Board

- 201 KAR 30:010. Definitions for 201 KAR Chapter 30.
- 201 KAR 30:020. Licensed nonfederal real property appraiser.
- 201 KAR 30:030. Types of appraisers required in federally related transactions; certification and licensure.
- 201 KAR 30:040. Standards of practice administrative regulations.
- 201 KAR 30:050. Examination, education and experience requirement.
- 201 KAR 30:060. Fees administrative regulation.
- 201 KAR 30:070. Prehearing procedure.
- 201 KAR 30:080. Hearings.
- 201 KAR 30:090. Repeal administrative regulations.

Department of Corrections: Kentucky Parole Board

- 501 KAR 1:040. Conducting parole revocation hearings.

Office of the Secretary

- 501 KAR 6:110. Roederer Correctional Complex.

Department of Housing, Buildings and Construction: Plumbing

- 815 KAR 20:120. Water supply and distribution. This administrative regulation was deferred because interested parties could not attend and, in order to permit Subcommittee members sufficient time to review the material previously submitted by the Department relating to antiscalding devices, scald victims, and minutes of meetings at which the administrative body discussed the device required by this administrative regulation.

Cabinet for Human Resources: Department for Health Services: Health Services and Facilities

- 902 KAR 20:073. Clinics: ambulatory care.

The Subcommittee adjourned at 5 p.m. until June 7, 1993 at 10 a.m. in Room 131 of the Capitol Annex.

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 EDUCATION

Meeting of April 19, 1993

The Interim Joint Committee on Education met on April 19, 1993, and approved the following administrative regulations:

703 KAR 4:010 - The new administrative regulation, relating to the formula for determining successful schools, defines terms; establishes the values, weights, and method of computing the cognitive index for each content area; establishes the accountability index and each school's threshold.

704 KAR 3:035 - This regulation sets forth the guidelines and procedures to be followed for the approval of the additional four (4) days of the minimum school term used for professional development activities and requires each school, local district, and consortium to submit annual professional development plans.

**INTERIM JOINT COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES**

Meeting of April 28, 1993

The Interim Joint Committee on Agriculture and Natural Resources met Wednesday, April 28, 1993, and submits the following report:

The committee determined that Natural Resources and Environmental Protection Cabinet administered regulations 401 KAR 4:300, 401 KAR 5:300, 401 KAR 8:100, 401 KAR 38:025, 401 KAR 45:025, and 401 KAR 47:025 are in compliance with KRS Chapter 13A.

The meeting adjourned April 28, 1993, at 2:40 p.m.

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CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates L2

The Locator Index lists all regulations published in VOLUME 19 of the Administrative Register from July, 1992 through June, 1993. It also lists the page number on which each regulation is published, the effective date of the regulation after it has completed the review process, and other action which may affect the regulation. NOTE: The regulations listed under VOLUME 18 are those regulations that were originally published in last year's issues of the Administrative Register but had not yet gone into effect when the 1992 bound Volumes were published.

KRS Index L17

The KRS Index is a cross-reference of statutes to which regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication in VOLUME 19 of the Administrative Register.

Subject Index L30

The Subject Index is a general index of regulations published in VOLUME 19 of the Administrative Register, and is mainly broken down by agency.

ADMINISTRATIVE REGISTER - L2

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	19 Ky.R Page No.	Effective Date	Regulation Number	19 Ky.R Page No.	Effective Date
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VOLUME 18

EMERGENCY REGULATIONS: (Note: Emergency regulations expire 120 days from publication or upon replacement or repeal.

201 KAR 18:040E	3310	4-27-92
Replaced		10-30-92
302 KAR 16:080E	3130	4-7-92
Replaced		8-27-92
804 KAR 9:040E	3313	4-24-92
Replaced		9-14-92

ORDINARY REGULATIONS:

201 KAR 10:050		
Amended	3497	(See VOLUME 19)
201 KAR 10:060		
Amended	3209	10-30-92
201 KAR 18:040		
Amended	3210	(See VOLUME 19)
201 KAR 18:075	3271	
Withdrawn		10-1-92
803 KAR 2:320		
Amended	3529	10-7-92
804 KAR 9:040		
Amended	3536	(See VOLUME 19)

VOLUME 19

EMERGENCY REGULATIONS: (Note: Emergency regulations expire 120 days from publication or upon replacement or repeal.

1 KAR 6:020E	1048	9-18-92
Replaced	1524	1-4-93
9 KAR 1:010E	2375	3-17-93
9 KAR 1:020E	2375	3-17-93
9 KAR 1:030E	2375	3-17-93
11 KAR 4:020E	677	7-9-92
Replaced	921	12-9-92
13 KAR 2:060E	1517	12-10-92
Replaced	2024	3-4-93
32 KAR 1:010E	859	8-19-92
Expires		1-29-93
32 KAR 2:020E	1048	10-6-92
Replaced	1524	1-4-93
32 KAR 2:030E	1049	10-6-92
Replaced	1525	1-4-93
32 KAR 2:040E	1050	10-6-92
Replaced	1526	1-4-93
32 KAR 2:050E	1052	10-6-92
Replaced	1527	1-4-93
32 KAR 2:060E	1052	10-6-92
Replaced	1528	1-4-93
32 KAR 2:070E	1053	10-6-92
Replaced	1529	1-4-93
32 KAR 2:080E	1054	10-6-92
Replaced	1529	1-4-93
101 KAR 1:325E	860	8-18-92
Replaced	961	12-9-92
103 KAR 5:150	2376	3-26-93
200 KAR 6:045E	2001	1-26-93
200 KAR 14:011E	362	7-14-92
Replaced	1065	10-22-92
200 KAR 14:081E	363	7-14-92
Replaced	1066	10-22-92
200 KAR 14:091E	364	7-14-92
Replaced	1068	10-22-92
201 KAR 2:105E	862	8-18-92
201 KAR 2:210E	1726	1-5-93
Replaced	1694	2-17-93
201 KAR 10:050E	4	5-18-92
Replaced	1068	10-30-92
201 KAR 18:180E	1727	12-21-92
Expired		6-1-93
201 KAR 18:190E	1728	12-21-92
Expired		6-1-93

201 KAR 22:135E	1299	11-2-92
Replaced	1402	1-27-93
301 KAR 2:044E	864	8-18-92
Replaced	1074	11-9-92
301 KAR 2:220E	1054	9-22-92
Replaced	1340	11-23-92
302 KAR 20:040E	2596	4-30-93
Expires		9-29-93
302 KAR 20:054E	2599	4-15-93
302 KAR 20:055E	2600	4-30-93
Expires		9-29-93
302 KAR 20:065E	2602	4-30-93
Expires		9-29-93
302 KAR 20:070E	2604	4-30-93
Expires		9-29-93
307 KAR 2:010E	2607	4-15-93
307 KAR 3:010E	2609	4-15-93
401 KAR 49:009E	4	6-8-92
Expired		10-28-92
401 KAR 50:037E	681	7-31-92
Replaced	542	11-9-92
405 KAR 7:001E	682	7-24-92
Replaced	1345	11-23-92
405 KAR 7:091E	686	7-24-92
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405 KAR 7:092E	689	7-24-92
Replaced	1352	11-23-92
405 KAR 12:020E	697	7-24-92
Replaced	939	11-23-92
415 KAR 1:050E	1299	11-9-92
Replaced	1792	3-12-93
415 KAR 1:060E	1301	11-9-92
Replaced	1793	3-12-93
415 KAR 1:070E	1303	11-9-92
Replaced	1795	3-12-93
415 KAR 1:080E	1306	11-9-92
Replaced	1797	3-12-93
415 KAR 1:090E	1307	11-9-92
Replaced	1799	3-12-93
415 KAR 1:100E	1308	11-9-92
Replaced	1485	3-12-93
415 KAR 1:120E	1309	11-9-92
Replaced	1800	3-12-93
500 KAR 10:001E	1058	9-22-92
Replaced	1365	12-9-92
500 KAR 10:010E	1059	9-22-92
Expired		11-5-92

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500 KAR 10:020E	1059	9-22-92	704 KAR 3:303E	7	6-12-92
Replaced	1366	12-9-92	Replaced		8-1-92
Resubmitted	2232	2-18-93	704 KAR 3:405E	1061	9-22-92
Replaced	2406	5-10-93	Replaced	1377	12-9-92
500 KAR 10:030E	1060	9-22-92	704 KAR 3:440E	7	5-22-92
Replaced	1366	12-9-92	Replaced	397	8-1-92
500 KAR 10:040E	1060	9-22-92	780 KAR 3:020E	9	6-11-92
Replaced	1367	12-9-92	Replaced		8-1-92
501 KAR 1:060E	1729	1-6-93	806 KAR 3:150E	2380	4-15-93
Expired*		3-15-93	806 KAR 3:180E	2381	4-15-93
501 KAR 2:020E	1310	11-10-92	810 KAR 1:030E	1730	12-29-92
Replaced	1745	2-8-93	901 KAR 5:050E	372	7-2-92
501 KAR 2:030E	1311	11-10-92	Replaced	298	8-28-92
Replaced	1746	2-8-93	902 KAR 10:021E	372	7-2-92
501 KAR 2:040E	1311	11-10-92	Replaced	298	8-28-92
Replaced	1746	2-8-93	902 KAR 10:035E	702	7-24-92
501 KAR 2:050E	1311	11-10-92	Replaced	1085	11-9-92
Replaced	1490	2-8-93	902 KAR 10:060E	372	6-30-92
501 KAR 2:060E	1312	11-10-92	Replaced	299	8-28-92
Replaced	1746	2-8-93	902 KAR 10:121E	373	6-30-92
501 KAR 6:020E	5	5-22-92	Replaced	300	8-28-92
Replaced		8-1-92	902 KAR 10:130E	373	6-30-92
Resubmitted	701	7-23-92	Replaced	301	8-28-92
Replaced	790	11-9-92	902 KAR 20:004E	374	7-10-92
Resubmitted	1518	12-2-92	Replaced	1085	11-9-92
Replaced	1647	3-12-93	902 KAR 20:320E	1313	10-16-92
Resubmitted	2001	1-21-93	Replaced	1772	1-27-93
Replaced	2091	5-10-93	902 KAR 20:330E	1324	10-16-92
501 KAR 6:060E	365	6-24-92	Replaced	1624	2-17-93
Replaced	501	10-8-92	902 KAR 45:110E	378	6-30-92
501 KAR 6:090E	2377	3-26-93	Replaced	732	8-28-92
501 KAR 6:110E	2378	3-26-93	902 KAR 45:120E	379	6-30-92
502 KAR 45:005E	2003	2-9-93	Replaced	302	8-28-92
Replaced	2407	5-10-93	902 KAR 100:012E	10	6-4-92
502 KAR 45:015E	2003	2-9-93	Replaced	303	8-28-92
Replaced	2407	5-10-93	902 KAR 105:020E	10	6-4-92
502 KAR 45:025E	2004	2-9-93	Replaced	733	8-28-92
Replaced	2408	5-10-93	903 KAR 5:270E	379	6-30-92
502 KAR 45:035E	2005	2-9-93	Replaced	519	10-7-92
Replaced	2408	5-10-93	903 KAR 5:290E	12	6-4-92
502 KAR 45:045E	2005	2-9-93	Replaced	306	8-28-92
Replaced	2408	5-10-93	Resubmitted	2381	3-27-93
502 KAR 45:055E	2005	2-9-93	904 KAR 2:006E	380	7-10-92
Replaced	2409	5-10-93	Replaced	520	10-8-92
502 KAR 45:065E	2006	2-9-93	904 KAR 2:016E	1327	10-16-92
Replaced	2182	5-10-93	Replaced	1560	12-16-92
502 KAR 45:075E	2007	2-9-93	904 KAR 2:116E	1334	10-16-92
Replaced	2409	5-10-93	Replaced	1567	1-4-93
502 KAR 45:085E	2007	2-9-93	905 KAR 2:100E	703	7-24-92
Replaced	2184	5-10-93	Replaced	1090	11-9-92
502 KAR 45:095E	2008	2-9-93	906 KAR 1:110E	12	5-22-92
Replaced	2185	5-10-93	Replaced	424	8-28-92
502 KAR 45:105E	2008	2-9-93	907 KAR 1:013E	14	6-4-92
Replaced	2186	5-10-93	Withdrawn		7-10-92
502 KAR 45:115E	2008	2-9-93	Resubmitted	385	7-10-92
Replaced	2410	5-10-93	Replaced	958	11-9-92
502 KAR 45:116E	2009	2-9-93	Resubmitted	2382	3-31-93
Replaced	2188	5-10-93	907 KAR 1:016E	2385	3-26-93
601 KAR 40:020E	366	7-13-92	907 KAR 1:025E	706	7-24-92
Replaced	942	11-4-92	Replaced	827	11-9-92
603 KAR 3:060E	368	7-8-92	Resubmitted	1731	1-13-93
Replaced	944	11-4-92	Replaced	2453	4-21-93
603 KAR 5:110E	369	7-15-92	907 KAR 1:028E	2011	2-2-93
Replaced	1367	12-1-92	Replaced	2147	4-21-93
603 KAR 5:300E	372	7-13-92	907 KAR 1:029E	2012	2-2-93
Died*		9-10-92	Replaced	2147	4-21-93
702 KAR 1:001E	1520	12-10-92	907 KAR 1:031E	2012	1-21-93
Replaced	1418	2-4-93	907 KAR 1:061E	2014	2-2-93
702 KAR 3:245E	1520	12-10-92	Replaced	2150	4-21-93
Replaced	1492	3-4-93	907 KAR 1:505E	2386	3-25-93
704 KAR 3:035E	2009	1-21-93	907 KAR 1:512E	2387	3-26-93
Replaced	1885	4-19-93			

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907 KAR 1:575E Replaced	1522 1505	12-8-92 1-27-93	11 KAR 12:070 Amended Amended	440 2482	10-1-92
ORDINARY REGULATIONS:			11 KAR 12:080 Repealed	532	10-1-91
1 KAR 3:005 Repealed	1012	12-9-92	11 KAR 12:081 Amended	532	10-1-92
1 KAR 3:006	1012	12-9-92	11 KAR 12:090 Amended	442	10-1-92
1 KAR 6:010 Repealed	1048	9-18-92	12 KAR 1:005 Amended	1812	
1 KAR 6:020 As Amended	1231 1524	1-4-93	12 KAR 1:007 Died*	1928	3-10-93
9 KAR 1:010 As Amended	2348 2611		12 KAR 1:010 Amended	1813	
9 KAR 1:020 As Amended	2348 2611		12 KAR 1:025 Amended	1813	
9 KAR 1:030 11 KAR 3:001	2349 1668		12 KAR 1:055 Amended	1814	
As Amended	2017	3-4-93	12 KAR 1:060 Amended	1815	
11 KAR 3:005	1012	12-9-92	12 KAR 1:065 Amended	1816	
11 KAR 3:015 As Amended	1671 2019	3-4-93	12 KAR 1:075 Amended	1817	
11 KAR 3:025	1677	3-4-93	12 KAR 1:080 Amended	1818	
11 KAR 3:035	1679	3-4-93	12 KAR 1:085 Amended	1819	
11 KAR 3:045	1681	3-4-93	12 KAR 1:090 Amended	1820	
11 KAR 3:055	1686	3-4-93	12 KAR 1:095 Amended	1822	
11 KAR 3:060 Repealed	1688	3-4-93	12 KAR 1:100 Amended	1823	
11 KAR 3:061	1688	3-4-93	12 KAR 1:105 Amended	1824	
11 KAR 3:100 Amended	414	8-20-92	13 KAR 2:060 As Amended	1689 2024	3-4-93
Amended	2475		14 KAR 1:010 Amended	2075	
11 KAR 4:010 Repealed	921	12-9-92	As Amended	2611	
11 KAR 4:015	1014	12-9-92	32 KAR 1:020 Recodified from 801 KAR 1:005		8-5-92
11 KAR 4:020 Amended	428		32 KAR 1:030 Recodified from 801 KAR 1:010		8-5-92
Amended	921	12-9-92	32 KAR 1:040 Recodified from 801 KAR 1:020		8-5-92
11 KAR 4:060	531	10-1-92	32 KAR 1:050 Recodified from 801 KAR 1:040		8-5-92
11 KAR 5:001 As Amended	388	8-1-92	32 KAR 1:060 Recodified from 801 KAR 1:070		8-5-92
Amended	1628	3-4-93	32 KAR 1:070 Recodified from 801 KAR 1:080		8-5-92
11 KAR 5:130 As Amended	389	8-1-92	32 KAR 1:080 Recodified from 801 KAR 1:090		8-5-92
Amended	1629		32 KAR 1:090 Recodified from 801 KAR 1:110		8-5-92
As Amended	2233	4/7/93	32 KAR 2:010 Recodified from 801 KAR 2:010		8-5-92
11 KAR 5:140 Amended	1630	3-4-93	Repealed	1049	10-5-92
11 KAR 5:145 Amended	1631		32 KAR 2:020 As Amended	1232 1524	1-4-93
As Amended	2233	4-7-93	32 KAR 2:030 As Amended	1233 1525	1-4-93
11 KAR 6:010 Amended	2478		32 KAR 2:040 As Amended	1234 1526	1-4-93
11 KAR 8:030 Amended	2480		32 KAR 2:050 As Amended	1236 1527	1-4-93
11 KAR 11:020 Repealed	389	8-1-92	Amended	2484	
11 KAR 12:010 Amended	433	10-1-92	32 KAR 2:060 As Amended	1237 1528	1-4-93
11 KAR 12:020 Amended	435	10-1-92	Amended	2485	
11 KAR 12:030 Amended	436	10-1-92			
11 KAR 12:040 Amended	437	10-1-92			
11 KAR 12:050 Amended	438	10-1-92			
11 KAR 12:060 Amended	439	10-1-92			

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32 KAR 2:080	1239		105 KAR 1:020		
As Amended	1529	1-4-93	Amended	962	12-9-92
32 KAR 2:090	1929		105 KAR 1:040		
As Amended	2388	5-10-93	Amended	1398	3-10-93
32 KAR 2:100	1930		105 KAR 1:120		
As Amended	2234	4-7-93	Amended	1400	
32 KAR 2:110	1931	4-7-93	Withdrawn		12-28-92
32 KAR 2:120	2519		Amended	2087	
32 KAR 2:130	2519		As Amended	2399	5-10-93
32 KAR 2:140	2520		105 KAR 1:150		
32 KAR 2:150	2521		Amended	965	12-9-92
40 KAR 2:001	532		105 KAR 1:160		
As Amended	1063	11-9-92	Amended	966	12-9-92
40 KAR 2:030	533		105 KAR 1:170		
Withdrawn		10-1-92	Amended	2290	
40 KAR 2:040	534		105 KAR 1:180		
As Amended	1063	11-9-92	Amended	967	
40 KAR 2:050	535		As Amended	1337	12-9-92
As Amended	1064	11-9-92	105 KAR 1:210		
40 KAR 2:060	537		Amended	968	
As Amended	1065	11-9-92	As Amended	1338	12-9-92
45 KAR 1:060	1015		105 KAR 1:215		
As Amended	1337	11-12-92	Amended	969	12-9-92
101 KAR 1:325			105 KAR 1:250	1016	
Amended	961	12-9-92	As Amended	1339	12-9-92
101 KAR 1:335			105 KAR 1:260	1017	
Amended	1633		As Amended	1339	12-9-92
As Amended	2234	4-7-93	105 KAR 1:270	2352	
101 KAR 1:365			106 KAR 1:070		
Amended	80		Repealed	2065	4-7-93
As Amended	866	10-8-92	106 KAR 1:075	1691	
101 KAR 1:375			Amended	2065	4-7-93
Amended	81		108 KAR 1:010		
As Amended	867	10-8-92	Amended	787	
101 KAR 2:046			Amended	1094	
As Amended	389	8-1-92	As Amended	1531	1-4-93
101 KAR 2:066			200 KAR 2:006		
Amended	1634	3-10-93	Amended	971	
102 KAR 1:185			As Amended	1737	1-13-93
Amended	1097		200 KAR 6:045	2160	
As Amended	1529	1-4-93	As Amended	2614	
103 KAR 5:150	2350		200 KAR 14:011	537	
104 KAR 1:010			As Amended	1065	10-22-92
Amended	2077		200 KAR 14:081	538	
As Amended	2388	5-10-93	As Amended	1066	10-22-92
104 KAR 1:020			200 KAR 14:091	540	
Amended	2079		As Amended	1068	10-22-92
As Amended	2389	5-10-93	200 KAR 17:060	2522	
104 KAR 1:030			200 KAR 19:010	2161	
Amended	2082		200 KAR 19:020	2162	
As Amended	2392	5-10-93	Withdrawn		5-11-93
104 KAR 1:040			201 KAR 1:045		
Amended	2083		Amended	2661	
As Amended	2393	5-10-93	201 KAR 1:062		
104 KAR 1:050			Repealed	2025	2-19-93
Amended	2084		201 KAR 1:063	1692	
As Amended	2393	5-10-93	As Amended	2025	2-19-93
104 KAR 1:060			201 KAR 1:130		
Amended	2085		Amended	1636	
As Amended	2394	5-10-93	As Amended	2026	2-19-93
104 KAR 1:070			Amended	2662	
Amended	2087		201 KAR 2:010		
As Amended	2395	5-10-93	Amended	443	10-8-92
104 KAR 1:080	2157		201 KAR 2:020		
As Amended	2396	5-10-93	Amended	443	10-8-92
104 KAR 1:090	2158		201 KAR 2:050		
As Amended	2396	5-10-93	Amended	444	11-9-92
104 KAR 1:100	2158		201 KAR 2:105		
As Amended	2397	5-10-93	Amended	445	10-8-92

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201 KAR 2:195 Withdrawn	1018	11-24-92	201 KAR 20:230 Amended	1643	2-17-93
201 KAR 2:205 As Amended	1018 1340	11-30-92	201 KAR 20:235	2755	
201 KAR 2:210 Withdrawn	1240		201 KAR 20:240 Amended	2672	
Resubmitted	1694	11-24-92	201 KAR 20:250 Amended	1644	2-17-93
201 KAR 2:215 As Amended	1462 1742	2-17-93	201 KAR 20:260 Amended	2673	
201 KAR 7:015	1241	1-27-93	201 KAR 20:310 Amended	1645	2-17-93
201 KAR 7:075 Amended	1098	12-16-92	201 KAR 20:370 Amended	2674	
201 KAR 10:050 As Amended	1068	10-30-92	201 KAR 20:400	1242	1-27-93
201 KAR 11:350 Amended	1695 2065		201 KAR 21:095 Withdrawn	1243	
As Amended	2400		Resubmitted	1934	12-8-92
201 KAR 12:105 Amended	1825	3-12-93	As Amended	2238	3-17-93
201 KAR 16:010 Amended	1826		201 KAR 21:100 As Amended	1243 1532	12-16-92
As Amended	2236	3-12-93	201 KAR 22:031 Amended	2291	
201 KAR 16:015	1932	3-12-93	As Amended	2614	
201 KAR 16:020 Amended	1828	3-12-93	201 KAR 22:070 Amended	450	
201 KAR 16:030 Amended	1830	3-12-93	As Amended	868	10-8-92
201 KAR 16:040 Amended	1831	3-12-93	201 KAR 22:106 Amended	2293	
201 KAR 16:050 Amended	1832	3-12-93	201 KAR 22:135 Amended	83	
201 KAR 16:060 Amended	1833	3-12-93	As Amended	868	10-8-92
201 KAR 16:070	1932	3-12-93	Amended	1402	1-27-93
201 KAR 17:090 Amended	447	10-8-92	201 KAR 23:020 Amended	1100	12-11-92
201 KAR 17:091 Amended	449	10-8-92	201 KAR 27:008 As Amended	1935 2238	3-12-93
201 KAR 18:040 As Amended	1069	10-30-92	201 KAR 27:012	1936	
201 KAR 18:180	1697		201 KAR 29:015	1244	12-16-92
201 KAR 18:190	1697		201 KAR 29:020	834	11-9-92
201 KAR 20:056 Amended	2664		201 KAR 29:030 As Amended	835 1070	11-9-92
201 KAR 20:057 Amended	2666		201 KAR 29:040	836	
201 KAR 20:070 Amended	1637	2-17-93	As Amended	1071	11-9-92
201 KAR 20:090 Amended	1638	2-17-93	201 KAR 29:050 As Amended	838 1072	11-9-92
201 KAR 20:095 Amended	1639	2-17-93	Amended	2089	4-21-93
201 KAR 20:110 Amended	1641	2-17-93	201 KAR 29:060 As Amended	839 1073	11-9-92
201 KAR 20:161 Amended	2667		201 KAR 30:010	2163	
201 KAR 20:162 Amended	2669		Amended	2460	
201 KAR 20:200 As Amended	18	7-4-92	201 KAR 30:020 Amended	2164 2460	
201 KAR 20:205 Repealed	20	7-4-92	201 KAR 30:030 Amended	2165 2461	
201 KAR 20:210 Repealed	20	7-4-92	201 KAR 30:040 Amended	2166 2461	
201 KAR 20:215 As Amended	18	7-4-92	201 KAR 30:050 Amended	2167 2461	
Amended	2671		201 KAR 30:060 Amended	2169 2463	
201 KAR 20:220 As Amended	20	7-4-92	201 KAR 30:070 Amended	2170 2463	
201 KAR 20:225 Amended	1642	2-17-93	201 KAR 30:080 Amended	2171 2465	
			201 KAR 30:090	2173	
			201 KAR 31:010	1019	11-24-92
			202 KAR 1:010	1464	
			As Amended	1743	1-27-93
			301 KAR 1:015 Amended	451	9-23-92
			Amended	1835	4-7-93

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Regulation Number	19 Ky.R Page No.	Effective Date	Regulation Number	19 Ky.R Page No.	Effective Date
301 KAR 1:020			401 KAR 8:101	1946	
Amended	452	9-23-92	As Amended	2402	4-28-93
301 KAR 1:060			401 KAR 31:010		
Amended	453	9-23-92	Amended	84	
301 KAR 1:075			Amended	735	9-23-92
Amended	454	9-23-92	401 KAR 31:040		
Amended	1837	4-7-93	Amended	94	
301 KAR 1:085			Amended	744	9-23-92
Amended	455	9-23-92	401 KAR 31:060		
301 KAR 1:160			Amended	106	9-23-92
Amended	456	9-23-92	401 KAR 31:170		
301 KAR 1:200			Amended	109	
Amended	457	9-23-92	Amended	754	9-23-92
Amended	1838	4-7-93	401 KAR 34:020		
301 KAR 2:044			Amended	117	9-23-92
Amended	788		401 KAR 34:050		
As Amended	1074	11-9-92	Amended	120	9-23-92
301 KAR 2:048	1937		401 KAR 34:060		
As Amended	2239	4-7-93	Amended	123	
301 KAR 2:111			Amended	761	9-23-92
Amended	2675		401 KAR 34:070		
301 KAR 2:140			Amended	132	9-23-92
Amended	974		401 KAR 34:190		
Withdrawn		10-22-92	Amended	137	9-23-92
Amended	1403	2-8-93	401 KAR 35:020		
301 KAR 2:171	2525		Amended	143	9-23-92
301 KAR 2:211	2529		401 KAR 35:050		
301 KAR 2:220			Amended	146	9-23-92
Amended	977		401 KAR 35:070		
As Amended	1340	11-23-92	Amended	149	9-23-92
301 KAR 2:250			401 KAR 35:190		
Amended	1840		Amended	154	9-23-92
As Amended	2242	4-7-93	401 KAR 36:030		
301 KAR 3:021			Amended	160	
Repealed	391	7-22-92	Amended	769	9-23-92
301 KAR 3:022			401 KAR 37:010		
As Amended	391	7-22-92	Amended	162	
301 KAR 3:090	541	9-23-92	Amended	770	9-23-92
301 KAR 4:001			401 KAR 37:030		
Amended	1842		Amended	169	
As Amended	2243	4-7-93	Amended	776	9-23-92
301 KAR 4:020			401 KAR 37:040		
Amended	982		Amended	172	9-23-92
As Amended	1344	11-23-92	401 KAR 37:050		
301 KAR 4:060			Amended	175	9-23-92
Repealed	1941	4-7-93	401 KAR 38:010		
301 KAR 4:061	1941	4-7-93	Amended	176	9-23-92
301 KAR 4:100	2531		401 KAR 38:020		
302 KAR 16:080			Amended	179	
As Amended	712	8-27-92	Amended	778	9-23-92
302 KAR 20:054	2756		401 KAR 38:025	1948	
302 KAR 20:058			Amended	2252	
Amended	459		As Amended	2403	4-28-93
As Amended	1075	11-9-92	401 KAR 38:040		
302 KAR 31:030	2174		Amended	182	9-23-92
As Amended	2617		401 KAR 38:050		
302 KAR 31:035	2175		Amended	187	9-23-92
As Amended	2616		401 KAR 38:060		
302 KAR 34:060	840		Amended	191	9-23-92
As Amended	1076	11-9-92	401 KAR 38:070		
307 KAR 2:010	2533		Amended	195	9-23-92
307 KAR 3:010	2536		401 KAR 45:010		
401 KAR 4:300	1941		As Amended	22	6-24-92
As Amended	2401	4-28-93	401 KAR 45:025	1950	
401 KAR 5:010			Amended	2253	
Amended	415		As Amended	2404	4-28-93
As Amended	717	8-27-92	401 KAR 45:070		
401 KAR 5:300	1943		As Amended	23	6-24-92
As Amended	2402	4-28-93	401 KAR 47:025	1952	
401 KAR 8:030			Amended	2254	
Amended	419	8-27-92	As Amended	2405	4-28-93

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Regulation Number	19 Ky.R Page No.	Effective Date	Regulation Number	19 Ky.R Page No.	Effective Date
401 KAR 49:010			405 KAR 7:092	551	
Repealed	780	9-23-92	Amended	931	
401 KAR 49:011	330		As Amended	1352	11-23-92
Amended	780	9-23-92	405 KAR 8:001		
401 KAR 49:040			Amended	467	
Amended	198		As Amended	1360	11-23-92
Amended	782	9-23-92	405 KAR 8:030		
401 KAR 49:060			As Amended	24	6-24-92
Repealed	780	9-23-92	405 KAR 8:040		
401 KAR 49:070			As Amended	34	6-24-92
Repealed	780	9-23-92	405 KAR 10:001		
401 KAR 49:210	2538		Amended	473	
401 KAR 49:220	1245		Withdrawn		10-26-92
Amended	1579		405 KAR 12:001		
As Amended	2028	3-12-93	Amended	475	
401 KAR 49:230	1247		Withdrawn		10-26-92
Amended	1580		405 KAR 12:020		
As Amended	2029	3-12-93	Amended	477	
401 KAR 50:037	542	11-9-92	Amended	939	11-23-92
401 KAR 51:010			405 KAR 16:001		
Amended	1101		Amended	482	
Amended	1581	2-8-93	Withdrawn		10-26-92
401 KAR 51:052			405 KAR 18:001		
Amended	1105		Amended	487	
Amended	1585	2-8-93	Withdrawn		10-26-92
401 KAR 59:036			405 KAR 20:001		
Repealed	1594	2-8-93	Amended	492	
401 KAR 59:175			Withdrawn		10-26-92
Amended	1114		405 KAR 24:001		
Amended	1593	2-8-93	Amended	495	
401 KAR 59:430	1249		Withdrawn		10-26-92
Amended	1593	2-8-93	415 KAR 1:010		
401 KAR 59:460	1251		Repealed	1299	11-9-92
Amended	1594	2-8-93	415 KAR 1:020		
401 KAR 59:635	1253		Repealed	1299	11-9-92
Amended	1595	2-8-93	415 KAR 1:030		
401 KAR 59:675	1254		Repealed	1299	11-9-92
Withdrawn		12-10-92	415 KAR 1:040		
401 KAR 59:705	1256		Repealed	1299	11-9-92
Amended	1595	2-8-93	415 KAR 1:050	1471	
401 KAR 59:725	1257		Amended	1792	3-12-93
Amended	1596	2-8-93	415 KAR 1:060	1473	
401 KAR 59:740	1258		Amended	1793	3-12-93
Amended	1596	2-8-93	415 KAR 1:070	1476	
401 KAR 59:745	1260		Amended	1795	3-12-93
Amended	1597	2-8-93	415 KAR 1:080	1479	
401 KAR 59:750	1261		Amended	1797	3-12-93
Amended	1697	2-8-93	415 KAR 1:090	1482	
401 KAR 59:755	1262		Amended	1799	3-12-93
Amended	1598	2-8-93	415 KAR 1:100	1485	3-12-93
401 KAR 61:085			415 KAR 1:120	1486	
Amended	1116		Amended	1800	3-12-93
Amended	1598	2-8-93	500 KAR 1:010		
401 KAR 63:031			Amended	1121	1-4-93
Amended	1118	2-8-93	500 KAR 1:020		
401 KAR 63:035	1466		Amended	1122	1-4-93
Amended	1789		500 KAR 1:030		
405 KAR 1:007	544		Amended	1124	1-4-93
As Amended	1077	11-9-92	500 KAR 4:060		
405 KAR 3:007	546		Amended	2678	
As Amended	1077	11-9-92	500 KAR 10:001	332	
405 KAR 7:001			Withdrawn		9-4-92
Amended	460		Resubmitted	1020	
Amended	925		As Amended	1365	12-9-92
As Amended	1345	11-23-92	500 KAR 10:010	333	
405 KAR 7:030			Withdrawn		9-4-92
Amended	464	11-9-92	Resubmitted	1020	
405 KAR 7:090			Withdrawn		11-5-92
Repealed	686	7-24-92			
405 KAR 7:091	547				
Amended	928				
As Amended	1348	11-23-92			

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Regulation Number	19 Ky.R Page No.	Effective Date	Regulation Number	19 Ky.R Page No.	Effective Date
500 KAR 10:020	333		501 KAR 4:120		
Withdrawn		9-4-92	Amended	1868	
Resubmitted	1021		501 KAR 4:140		
As Amended	1366	12-9-92	Amended	1869	
Amended	2090		501 KAR 5:001	1955	
As Amended	2406	5-10-93	501 KAR 6:020		
500 KAR 10:030	334		Amended	200	9-10-92
Withdrawn		9-4-92	Amended	790	11-9-92
Resubmitted	1022		Amended	1647	3-12-93
As Amended	1366	12-9-92	Amended	2091	5-10-93
500 KAR 10:040	335		Amended	2298	
Withdrawn		9-4-92	501 KAR 6:030		
Resubmitted	1022		Amended	202	9-10-92
As Amended	1367	12-9-92	Amended	498	10-8-92
501 KAR 1:040			Amended	983	12-9-92
Amended	2295		Amended	1125	1-4-93
501 KAR 1:060	1954		Amended	1649	3-12-93
Expired*		3-15-93	Amended	1871	4-7-93
501 KAR 2:020	1488		Amended	2093	5-10-93
As Amended	1745	2-8-93	Amended	2300	
501 KAR 2:030	1489		Amended	2486	
As Amended	1746	2-8-93	Amended	2679	
501 KAR 2:040	1490		501 KAR 6:040		
As Amended	1746	2-8-93	Amended	500	10-8-92
501 KAR 2:050	1490	2-8-93	Amended	792	11-9-92
501 KAR 2:060	1491		Amended	2095	5-10-93
As Amended	1746	2-8-93	Amended	2301	
501 KAR 3:010			Amended	2488	
Amended	1844		501 KAR 6:050		
As Amended	2618		Amended	1873	4-7-93
501 KAR 3:030			Amended	2681	
Amended	1845		501 KAR 6:060		
501 KAR 3:040			Amended	204	9-10-92
Amended	1846		Amended	501	10-8-92
As Amended	2619		Amended	793	11-9-92
501 KAR 3:050			Amended	984	12-9-92
Amended	1847		Amended	2096	5-10-93
As Amended	2620		Amended	2303	
501 KAR 3:060			501 KAR 6:070		
Amended	1850		Amended	502	10-8-92
As Amended	2623		Amended	986	12-9-92
501 KAR 3:090			Amended	1406	2-8-93
Amended	1852		Amended	2489	
501 KAR 3:100			501 KAR 6:080		
Amended	1853		Amended	2682	
As Amended	2624		501 KAR 6:090		
501 KAR 3:120			Amended	2304	
Amended	1854		501 KAR 6:110		
501 KAR 3:130			Amended	205	9-10-92
Amended	1856		Amended	1874	4-7-93
As Amended	2625		Amended	2305	
501 KAR 3:150			501 KAR 6:120		
Amended	1857		Amended	987	12-9-92
As Amended	2625		Amended	1127	1-4-93
501 KAR 4:010			501 KAR 6:130		
Amended	1860		Amended	207	9-10-92
As Amended	2628		Amended	1129	1-4-93
501 KAR 4:040			Amended	1407	2-8-93
Amended	1860		Amended	2098	5-10-93
As Amended	2628		Amended	2307	
501 KAR 4:050			501 KAR 6:140		
Amended	1862		Amended	794	11-9-92
As Amended	2629		Amended	1408	2-8-93
501 KAR 4:060			Amended	2308	
Amended	1865		Amended	2683	
As Amended	2631		501 KAR 6:160		
501 KAR 4:070			Amended	989	12-9-92
Amended	1867		501 KAR 7:040		
501 KAR 4:100			Amended	1876	
Amended	1867		As Amended	2633	
As Amended	2632				

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Regulation Number	19 Ky.R Page No.	Effective Date	Regulation Number	19 Ky.R Page No.	Effective Date
501 KAR 7:050			502 KAR 45:120		
Amended	1877		Repelaed	2009	2-9-93
As Amended	2634		502 KAR 45:125		
501 KAR 7:060			Repealed	2009	2-9-93
Amended	1879		502 KAR 45:130		
As Amended	2635		Repealed	2009	2-9-93
501 KAR 7:120			503 KAR 5:130	2756	
Amended	1880		600 KAR 1:070		
501 KAR 10:010	1956		Amended	208	
As Amended	2636		As Amended	869	10-8-92
501 KAR 10:020	1957		600 KAR 2:010		
501 KAR 10:030	1958		Amended	1410	1-21-93
501 KAR 10:040	1959		600 KAR 3:010		
As Amended	2637		Amended	209	
501 KAR 10:050	1961		As Amended	869	10-8-92
As Amended	2637		600 KAR 4:010		
501 KAR 10:060	1964		Amended	1130	
As Amended	2641		As Amended	1532	1-4-93
501 KAR 10:070	1966		600 KAR 4:020		
501 KAR 10:080	1967		Amended	1134	
As Amended	2642		As Amended	1536	1-4-93
501 KAR 10:090	1968		601 KAR 1:005		
501 KAR 10:100	1969		Amended	225	
As Amended	2643		As Amended	885	10-8-92
501 KAR 10:110	1970		Amended	1411	1-21-93
501 KAR 10:120	1971		601 KAR 1:015		
501 KAR 10:130	1972		Amended	227	
As Amended	2643		As Amended	887	10-8-92
501 KAR 10:140	1973		601 KAR 1:016		
502 KAR 45:005	2176		Amended	229	
As Amended	2407	5-10-93	As Amended	889	10-8-92
502 KAR 45:010			601 KAR 1:025		
Repealed	2009	2-9-93	Amended	1413	
502 KAR 45:015	2177		As Amended	1747	1-21-93
As Amended	2407	5-10-93	601 KAR 9:130		
502 KAR 45:020			Amended	503	10-8-92
Repealed	2009	2-9-93	601 KAR 9:145		
502 KAR 45:025	2178		Repealed	503	10-8-92
As Amended	2408	5-10-93	601 KAR 11:040		
502 KAR 45:030			As Amended	45	7-4-92
Repealed	2009	2-9-93	Amended	1460	
502 KAR 45:035	2179		As Amended	1749	1-21-93
As Amended	2408	5-10-93	601 KAR 40:020		
502 KAR 45:040			Amended	506	
Repealed	2009	2-9-93	Amended	942	11-4-92
502 KAR 45:045	2180		Amended	1882	4-6-93
As Amended	2408	5-10-93	602 KAR 50:010		
502 KAR 45:050			Amended	796	
Repealed	2009	2-9-93	As Amended	1077	11-4-92
502 KAR 45:055	2181		602 KAR 50:020		
As Amended	2409	5-10-93	Amended	799	
502 KAR 45:060			As Amended	1080	11-4-92
Repealed	2009	2-9-93	602 KAR 50:030		
502 KAR 45:065	2182	5-10-93	Amended	800	11-4-92
502 KAR 45:070			602 KAR 50:050		
Repealed	2009	2-9-93	Amended	801	11-4-92
502 KAR 45:075	2183		602 KAR 50:060		
As Amended	2409	5-10-93	Amended	802	11-4-92
502 KAR 45:080			602 KAR 50:070		
Repealed	2009	2-9-93	Amended	803	11-4-92
502 KAR 45:085	2184	5-10-93	602 KAR 50:080		
502 KAR 45:090			Repealed	804	11-4-92
Repealed	2009	2-9-93	602 KAR 50:090		
502 KAR 45:095	2185	5-10-93	Amended	804	11-4-92
502 KAR 45:100			602 KAR 50:100		
Repealed	2009	2-9-93	Amended	805	11-4-92
502 KAR 45:105	2186	5-10-93	602 KAR 50:110		
502 KAR 45:110			Amended	806	11-4-92
Repealed	2009	2-9-93	As Amended		
502 KAR 45:115	2187		602 KAR 50:120		
As Amended	2410	5-10-93	Amended	807	11-4-92
502 KAR 45:116	2188	5-10-93			

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Regulation Number	19 Ky.R Page No.	Effective Date	Regulation Number	19 Ky.R Page No.	Effective Date
603 KAR 3:060	560		702 KAR 5:080		
Amended	944	11-4-92	Amended	990	
603 KAR 3:070	1975		As Amended	1371	12-9-92
Amended	2255		702 KAR 5:120		
As Amended	2410		Amended	513	
Withdrawn		5-3-93	As Amended	904	10-1-92
603 KAR 5:050			702 KAR 7:010		
Amended	2490		Amended	992	
603 KAR 5:070			As Amended	1374	12-9-92
Amended	231		702 KAR 7:050		
As Amended	891	10-8-92	As Amended	392	8-1-92
Amended	2309		702 KAR 7:065		
As Amended	2644		Amended	514	10-1-92
603 KAR 5:075			Amended	1419	2-4-93
Amended	235		703 KAR 4:010	1700	
As Amended	894	10-8-92	As Amended	2415	4-19-93
603 KAR 5:105			703 KAR 4:020		
Amended	237		Recodified from 704 KAR 3:006		9-29-92
As Amended	896	10-8-92	703 KAR 4:030		
603 KAR 5:110			Recodified from 704 KAR 3:007		9-29-92
Amended	507		703 KAR 4:040	1702	3-4-93
Amended	944		703 KAR 4:050	1980	
As Amended	1367	12-1-92	As Amended	2245	4-7-93
603 KAR 5:111			704 KAR 3:006		
Repealed	369	7-15-92	Recodified as 703 KAR 4:020		9-29-92
603 KAR 5:112			704 KAR 3:007		
Amended	239		Recodified as 703 KAR 4:030		9-29-92
As Amended	897	10-8-92	704 KAR 3:035		
603 KAR 5:230			As Amended	394	8-1-92
Amended	2684		Amended	1885	4-19-93
603 KAR 5:260	335		704 KAR 3:303		
As Amended	899	10-8-92	Amended	2493	
603 KAR 5:270	338		704 KAR 3:325		
As Amended	901	10-8-92	As Amended	395	8-1-92
603 KAR 5:300	561		704 KAR 3:345		
Died*		9-10-92	Amended	515	
603 KAR 5:301	1699	3-2-93	Amended	947	
603 KAR 9:010	2757		As Amended	1081	11-9-92
605 KAR 1:130			704 KAR 3:390		
Amended	2313		Amended	994	
701 KAR 5:035	654		As Amended	1375	12-9-92
As Amended	902	10-1-92	704 KAR 3:405	1025	
701 KAR 5:070			As Amended	1377	12-9-92
Amended	2492		704 KAR 3:440		
701 KAR 5:075	1023		As Amended	397	8-1-92
As Amended	1370	12-9-92	704 KAR 3:450		
701 KAR 5:085	655		Recodified from 702 KAR 1:005		8-19-92
As Amended	903	10-1-92	Amended	1420	3-12-93
702 KAR 1:001			704 KAR 4:020		
Amended	1418	2-4-93	Amended	2494	
702 KAR 1:005			704 KAR 7:056	656	
Recodified as 704 KAR 3:450		8-19-92	As Amended	905	11-9-92
702 KAR 1:035			704 KAR 7:110	1494	
As Amended	392		Amended	1801	3-12-93
As Amended	1081	11-9-92	704 KAR 7:120	2539	
702 KAR 1:040			704 KAR 10:050		
Repealed	2244	4-7-93	Amended	1427	
702 KAR 3:190			As Amended	2031	3-4-93
Amended	511		704 KAR 20:005		
As Amended	903	10-1-92	Amended	1138	
702 KAR 3:240			As Amended	1538	1-4-93
Repealed	1520	12-10-92	704 KAR 20:120		
702 KAR 3:245	1492	3-4-93	Amended	2316	
702 KAR 3:250			704 KAR 20:165		
Amended	512	10-1-92	Amended	1139	
702 KAR 3:260	1024		As Amended	1539	1-4-93
As Amended	1370	12-9-92	704 KAR 20:198		
702 KAR 5:010			Amended	2317	
Amended	1884		704 KAR 20:210		
As Amended	2244	4-7-93	Amended	1140	
			As Amended	1540	1-4-93

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Regulation Number	19 Ky.R Page No.	Effective Date	Regulation Number	19 Ky.R Page No.	Effective Date
704 KAR 20:320			801 KAR 1:005		
Amended	2319		Recodified as 32 KAR 1:020		8-5-92
704 KAR 20:510			801 KAR 1:010		
Amended	2322		Recodified as 32 KAR 1:030		8-5-92
As Amended	2647		801 KAR 1:020		
704 KAR 20:580			Recodified as 32 KAR 1:040		8-5-92
Repealed	1751	2-4-93	801 KAR 1:040		
704 KAR 20:585	1264		Recodified as 32 KAR 1:050		8-5-92
Amended	1599		801 KAR 1:070		
As Amended	1751	2-4-93	Recodified as 32 KAR 1:060		8-5-92
704 KAR 20:660	657	10-1-92	801 KAR 1:080		
707 KAR 1:061	2540		Recodified as 32 KAR 1:070		8-5-92
707 KAR 1:160	2541		801 KAR 1:090		
707 KAR 1:170	2543		Recodified as 32 KAR 1:080		8-5-92
707 KAR 1:180	2545		801 KAR 1:110		
707 KAR 1:190	2551		Recodified as 32 KAR 1:090		8-5-92
707 KAR 1:200	2554		801 KAR 2:010		
707 KAR 1:210	2558		Recodified as 32 KAR 2:010		8-5-92
707 KAR 1:220	2561		803 KAR 2:015		
707 KAR 1:230	2564		Amended	242	
707 KAR 1:240	2569		As Amended	906	
707 KAR 1:250	2572		Withdrawn		10-6-92
707 KAR 1:260	2574		803 KAR 2:301		
725 KAR 2:020			Amended	1887	4-7-93
Repealed	48	7-4-92	803 KAR 2:306		
725 KAR 2:060			Amended	250	
As Amended	48	7-4-92	As Amended	914	
725 KAR 2:070			Withdrawn		10-6-92
As Amended	49	7-4-92	8803 KAR 2:307		
745 KAR 1:035			Amended	2734	
Amended	996		803 KAR 2:310		
As Amended	1379	12-9-92	Amended	252	
760 KAR 1:010	1267		As Amended	915	
As Amended	1540	1-4-93	Withdrawn		10-6-92
760 KAR 1:020	1268		Amended	2736	
As Amended	1541	1-4-93	803 KAR 2:313		
760 KAR 1:030	1269		Amended	255	
As Amended	1541	1-4-93	As Amended	918	
760 KAR 1:040	1269		Withdrawn		10-6-92
As Amended	1541	1-4-93	803 KAR 2:317		
760 KAR 1:050	1270		Amended	257	
As Amended	1542	1-4-93	As Amended	918	
760 KAR 1:060	1271		Withdrawn		10-6-92
As Amended	1542	1-4-93	803 KAR 2:320		
780 KAR 2:100			Amended	1888	4-7-93
As Amended	50	7-4-92	803 KAR 2:403		
780 KAR 2:110			Amended	1892	4-7-93
As Amended	52	7-4-92	803 KAR 25:011		
780 KAR 2:120			Amended	808	
As Amended	52	7-4-92	Withdrawn		10-6-92
780 KAR 3:040			Amended	1436	
Amended	2496		As Amended	2035	3-9-93
780 KAR 3:070			803 KAR 25:012	841	
Amended	1650		Withdrawn		10-6-92
As Amended	2031	3-4-93	Resubmitted	1495	3-9-93
780 KAR 6:060			803 KAR 25:091	1026	
Amended	1655	3-4-93	Amended	1396	
780 KAR 9:020			As Amended	1755	2-2-93
Amended	2497		803 KAR 25:095	842	
780 KAR 9:130	339		Withdrawn		10-6-92
As Amended	721	8-20-92	Resubmitted	1496	
781 KAR 1:020			Amended	1805	3-9-93
Amended	1428		803 KAR 25:096	843	
Amended	1802	3-4-93	Withdrawn		10-6-92
781 KAR 1:030			Resubmitted	1498	
Amended	517		Amended	1806	
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Amended	1432	2-4-93	As Amended	2246	3-9-93
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781 KAR 1:060			804 KAR 4:310	1981	
Amended	1434	2-4-93	Amended	2260	5-10-93

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As Amended	721	9-1-92	810 KAR 1:030	1987	
804 KAR 9:040			As Amended	2651	
As Amended	919	9-14-92	811 KAR 1:070		
805 KAR 4:010			Amended	2502	
Amended	2325		811 KAR 1:180		
805 KAR 4:070			Amended	1160	
Amended	2327		As Amended	2056	2-19-93
805 KAR 5:010			811 KAR 1:215		
Amended	2739		Amended	293	
805 KAR 5:030			As Amended	728	9-1-92
As Amended	1084	11-9-92	811 KAR 2:020		
805 KAR 7:030			Amended	1162	
Amended	1141	2-8-93	As Amended	2057	2-19-93
Amended	2740		815 KAR 4:010		
806 KAR 1:010			Amended	1893	5-10-93
Amended	2328		815 KAR 4:025		
As Amended	2648		Amended	1894	5-10-93
806 KAR 2:070			815 KAR 7:010		
Amended	258	9-10-92	Amended	2099	
806 KAR 2:110			As Amended	2416	5-10-93
As Amended	1028	12-9-92	815 KAR 7:025		
806 KAR 3:150			Amended	1165	
Amended	2498		As Amended	1548	1-4-93
806 KAR 3:180			Amended	2106	5-10-93
806 KAR 12:095			815 KAR 10:040		
Amended	340		Amended	1172	1-4-93
As Amended	783		Amended	1895	
806 KAR 13:120		12-9-92	Amended	2264	5-10-93
Amended	1982		815 KAR 20:020		
Amended	2260	5-10-93	Amended	295	
806 KAR 17:066			As Amended	730	9-10-92
Amended	259	9-10-92	Amended	997	
806 KAR 17:080			As Amended	1383	12-8-92
Repealed	1756	2-8-93	Amended	2503	
806 KAR 17:081			815 KAR 20:030		
As Amended	1029	2-8-93	Amended	2334	
806 KAR 17:090			815 KAR 20:050		
806 KAR 30:090			Amended	2335	
806 KAR 30:100			815 KAR 20:060		
806 KAR 37:010			Amended	999	
As Amended	722	9-10-92	As Amended	1385	12-8-92
807 KAR 5:001			815 KAR 20:070		
Amended	1142		Amended	1002	
Amended	1604		As Amended	1387	12-8-92
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808 KAR 1:130		1-4-93	Amended	1190	
808 KAR 7:040		1-4-93	As Amended	1555	1-4-93
808 KAR 10:270			815 KAR 20:074		
Amended	1152	1-4-93	Amended	1003	
808 KAR 10:280		1-4-93	As Amended	1389	12-8-92
808 KAR 13:010		1-4-93	815 KAR 20:075		
810 KAR 1:009			Amended	1004	
Amended	2499		As Amended	1389	12-8-92
810 KAR 1:018			815 KAR 20:076		
Amended	1153		Amended	1007	
As Amended	1542	12-11-92	As Amended	1391	12-8-92
810 KAR 1:024			815 KAR 20:077		
As Amended	398	8-1-92	Amended	1008	
810 KAR 1:025			As Amended	1393	12-8-92
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Amended	1155		Amended	411	8-1-92
As Amended	2053	2-19-93	Amended	1192	
810 KAR 1:026			As Amended	1556	1-4-93
As Amended	403	8-1-92	815 KAR 20:100		
810 KAR 1:027			Amended	1010	
As Amended	406	8-1-92	As Amended	1394	12-8-92
Amended	1158		815 KAR 20:110		
As Amended	1545	12-11-92	Amended	1195	
810 KAR 1:028			As Amended	1559	1-4-93
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Amended	2113		902 KAR 10:085		
815 KAR 20:130			As Amended	53	6-24-92
Amended	822	11-9-92	902 KAR 10:121		
Amended	1659	3-12-93	Amended	300	8-28-92
Amended	2742		902 KAR 10:130		
815 KAR 25:010			Amended	301	8-28-92
Amended	1197		902 KAR 14:010		
As Amended	1764	2-8-93	Amended	1662	
815 KAR 25:030	1276		As Amended	2060	2-17-93
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815 KAR 30:010			Amended	1664	
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815 KAR 30:040			902 KAR 20:004	659	
Repealed	847	11-9-92	Amended	951	
815 KAR 30:041	847	11-9-92	As Amended	1085	11-9-92
815 KAR 30:060			Amended	2745	
Amended	1913		902 KAR 20:016		
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815 KAR 45:020			902 KAR 20:073	2196	
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815 KAR 45:030			902 KAR 20:320		
Repealed	2434	5-10-93	Amended	1202	
815 KAR 45:035			Amended	1613	
Amended	2122		As Amended	1772	1-27-93
As Amended	2427	5-10-93	902 KAR 20:330		
815 KAR 45:040			Amended	1214	
Repealed	2127	5-10-93	Amended	1624	2-17-93
815 KAR 45:050			902 KAR 45:110		
Amended	2125		Amended	301	
As Amended	2429	5-10-93	As Amended	732	8-28-92
815 KAR 45:060			902 KAR 45:120		
Amended	2127	5-10-93	Amended	302	8-28-92
815 KAR 45:080	2189		902 KAR 55:040		
As Amended	2431	5-10-93	Amended	1665	
815 KAR 45:090	2192		As Amended	2251	3-17-93
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815 KAR 45:100	2577		Amended	1666	
815 KAR 46:010			As Amended	2251	3-17-93
Repealed	2196	5-10-93	902 KAR 55:090	2207	4-21-93
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901 KAR 5:032	2759		Amended	303	8-28-92
901 KAR 5:050			902 KAR 100:040		
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902 KAR 2:150			As Amended	2437	4-21-93
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902 KAR 2:160			As Amended	733	8-28-92
Amended	1444		903 KAR 5:270		
As Amended	1771	1-27-93	Amended	519	10-7-92
902 KAR 2:170	351		903 KAR 5:290		
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902 KAR 8:040	2760		Amended	2337	
902 KAR 8:050	2761		904 KAR 2:006		
902 KAR 8:060	2763		Amended	520	10-8-92
902 KAR 8:070	2765		Amended	2130	
902 KAR 8:080	2768		As Amended	2442	4-21-93
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902 KAR 8:100	2771		Amended	1445	
902 KAR 8:110	2773		As Amended	1783	1-27-93
902 KAR 8:120	2774		904 KAR 2:016		
902 KAR 8:130	2777		As Amended	68	6-24-92
902 KAR 8:140	2778		Amended	1217	
902 KAR 10:021			As Amended	1560	12-16-92
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902 KAR 10:035	847		Amended	1449	
As Amended	1085	11-9-92	As Amended	1787	1-27-93
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As Amended	2247	3-17-93	Repealed	2450	4-21-93

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904 KAR 2:116			907 KAR 1:029		
Amended	1225		Amended	2147	4-21-93
As Amended	1567	1-4-93	907 KAR 1:031		
904 KAR 2:370	2208	4-21-93	Amended	1451	
904 KAR 3:010			Withdrawn		1-8-93
Amended	307	8-28-92	Amended	2148	
Amended	2750		907 KAR 1:045		
904 KAR 3:020			Amended	323	8-28-92
Amended	311	8-28-92	907 KAR 1:061		
904 KAR 3:025			Amended	2150	4-21-93
Amended	315	8-28-92	907 KAR 1:095		
904 KAR 3:035			Repealed	1454	1-27-93
Amended	317	8-28-92	907 KAR 1:100		
904 KAR 3:050			Repealed	1453	1-27-93
Amended	1228		907 KAR 1:102		
As Amended	1569	12-16-92	Amended	1453	1-27-93
904 KAR 3:060			907 KAR 1:104		
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905 KAR 1:350	1278		907 KAR 1:370		
As Amended	1570	12-16-92	Amended	528	10-8-92
905 KAR 2:001	1703		Amended	1454	1-27-93
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Withdrawn		3-15-93	Amended	325	8-28-92
905 KAR 2:011	1704		Amended	2152	4-21-93
Amended	2067		907 KAR 1:382		
Withdrawn		3-15-93	Amended	326	8-28-92
905 KAR 2:090	1705		Amended	1455	1-27-93
Amended	2067		907 KAR 1:408		
Withdrawn		3-15-93	Amended	327	8-28-92
905 KAR 2:110	1707		907 KAR 1:412		
Amended	2069		Amended	327	8-28-92
Withdrawn		3-15-93	907 KAR 1:414		
905 KAR 2:120	1709		Amended	2153	4-21-93
Amended	2070		907 KAR 1:416		
Withdrawn		3-15-93	Amended	328	8-28-92
905 KAR 2:130	1714		907 KAR 1:418		
Amended	2074		Amended	529	10-8-92
Withdrawn		3-15-93	907 KAR 1:422		
905 KAR 2:070			Amended	530	10-8-92
Repealed	703	7-24-92	907 KAR 1:424		
905 KAR 2:080			Repealed	786	10-8-92
As Amended	74	6-24-92	907 KAR 1:425	351	
905 KAR 2:100	663		Amended	786	10-8-92
Amended	954		907 KAR 1:427		
As Amended	1090	11-9-92	Amended	1456	1-27-93
905 KAR 6:060			907 KAR 1:428		
Amended	2141	4-21-93	Amended	2339	
905 KAR 6:070			As Amended	2653	
Amended	2142	4-21-93	907 KAR 1:430		
905 KAR 8:090			Amended	1457	1-27-93
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As Amended	2450	4-21-93	Amended	329	8-28-92
905 KAR 8:230	1502		907 KAR 1:450		
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906 KAR 1:110			Amended	1810	
Amended	424	8-28-92	As Amended	2062	2-17-93
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Amended	321		Amended	1459	1-27-93
Withdrawn		7-10-92	907 KAR 1:505		
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Amended	827	11-9-92	Amended	1460	1-27-93
Amended	1922		907 KAR 1:555	353	8-28-92
Amended	2281		Amended	1461	1-27-93
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Amended	2154	4-21-93			
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Amended	2155	4-21-93			
908 KAR 3:180					
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*Statement of Consideration Not Filed by Deadline; Regulation
Expired (KRS 13A.280(2))

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29 CFR Part 1926.50-.63; 803 KAR 2:403

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