ADMINISTRATIVE REGISTER OF KENTUCKY

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 20, NUMBER 2
SUNDAY, AUGUST 1, 1993

Administrative Regulation Review Subcommittee, August Agenda 273
Regulation Review Procedure 276

Emergency Regulations Now In Effect:
Corrections 277
Transportation 278
Human Resources 280
As Amended:
Registry of Election Finance 297
Revenue 297
Accountancy Board 300
Nursing Board 302
Agriculture 307
Justice - Training 307
Transportation 307
Housing, Buildings and Construction 309
Amended After Hearing:
Nursing Board 312
Transportation 313
Labor - OSHA 367
Human Resources 367
Proposed Amendments Received Through Noon, July 15, 1993:
Higher Education Assistance Authority 383
Nursing Board 387
Podiatry Board 389
Corrections 390
Transportation 397
Education 420
Mines and Minerals 424
Racing Commission 428
Human Resources 434
Proposed Regulations Received Through Noon, July 15, 1993:
Medical Licensure Board 450
Geologists Board 451
NREPC - Air Quality 451
Education 465
Racing Commission 466
Human Resources 472
July Minutes of the Administrative Regulation Review Subcommittee 473
Other Committee Reports 477

CUMULATIVE SUPPLEMENT
Locator Index - Effective Dates B2
KRS Index B9
Subject Index B12

MEETING NOTICE: The Administrative Regulation Review Subcommittee is **tentatively** scheduled to meet on August 2, 1993 at 10 a.m.. See **tentative** agenda on pages 273-275 in this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 1993 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.**

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

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

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

ADMINISTRATIVE REGISTER OF KENTUCKY
(ISSN 0096-1493)
c 1993 Legislative Research Commission, All Rights Reserved

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

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

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

Representative Joe Clarke
Speaker of the House

Senate and House Members

Senator Charles W. Berger
Assistant President Pro Tem

Representative Larry Clark
Speaker Pro Tem

Senator David K. Karem
Majority Floor Leader

Representative Gregory D. Stumbo
Majority Floor Leader

Senator John D. Rogers
Minority Floor Leader

Representative Tom Jensen
Minority Floor Leader

Senator Nick Kafoglis
Majority Caucus Chairman

Representative Jody Richards
Majority Caucus Chairman

Senator Tom Buford
Minority Caucus Chairman

Representative Clarence Noland
Minority Caucus Chairman

Senator Fred Bradley
Majority Whip

Representative Kenny Rapier
Majority Whip

Senator Charlie Borders
Minority Whip

Representative Danny Ford
Minority Whip

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Representative Tom Kerr, Chairman
Senator Gene Huff
Senator Nick Kafoglis
Senator Tom Smith
Representative Woody Allen
Representative Jim Bruce
Representative James B. Yates

Staff

Patrice Carroll
Susan Eastman
O. Joseph Hood
Peggy Jones
Gregory Karambellas
Tom Troth
Donna Valencia
Susan Wunderlich

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
TENTATIVE AGENDA - August 2, 1993 at 10 a.m.
Room 131, State Capitol Annex

AUDITOR OF PUBLIC ACCOUNTS

Audits

45 KAR 1:070. Technical audit bulletins.

DEPARTMENT FOR LOCAL GOVERNMENT

Policy and Management

109 KAR 10:010. Local government economic assistance fund grants.

GENERAL GOVERNMENT CABINET

Board of Medical Licensure

201 KAR 9:310. Continuing medical education.

Board of Nursing

201 KAR 20:235. The prevention of transmission of HIV and HBV by nurses. (Amended After Hearing)

ECONOMIC DEVELOPMENT CABINET
Department of Agriculture

Fairs and Shows

302 KAR 15:010E. Administration; state aid to local fairs.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Division for Air Quality

Hazardous Pollutants

401 KAR 57:041. National emission standards for hazardous air pollutants; benzene waste operations.

Asbestos

401 KAR 58:001. Definitions and abbreviations of terms used in Title 401, Chapter 58.

401 KAR 58:020. Controlling asbestos emissions. (Repeals 401 KAR 57:011; 401 KAR 63:042.)

New Source Standards

401 KAR 59:435. Standards of performance for small industrial-commercial-institutional steam generating units.

401 KAR 59:450. Standards of performance for portland cement plants. (Repeals 401 KAR 59:025.)

401 KAR 59:455. Standards of performance for nitric acid plants. (Repeals 401 KAR 59:031.)

401 KAR 59:465. Standards of performance for hot mix asphalt facilities. (Repeals 401 KAR 59:041.)

401 KAR 59:485. Standards of performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984. (Repeals 401 KAR 59:052.)

401 KAR 59:490. Standards of performance foe secondary lead smelters. (Repeals 401 KAR 59:055.)

401 KAR 59:495. Standards of performance for secondary brass and bronze production plants. (Repeals 401 KAR 59:061.)

401 KAR 59:500. Standards of performance for primary emissions from basic oxygen process furnaces for which construction is commenced after June 11, 1973. (Repeals 401 KAR 59:066.)

401 KAR 59:505. Standards of performance for secondary emissions from basic oxygen process steelmaking facilities for which construction is commenced after January 20, 1983. (Repeals 401 KAR 59:068.)

401 KAR 59:535. Standards of performance for the phosphate fertilizer industry: wet-process phosphoric acid plants. (401 KAR 59:131.)

401 KAR 59:540. Standards of performance for the phosphate fertilizer industry: superphosphoric acid plants. (Repeals 401 KAR 59:136.)

401 KAR 59:545. Standards of performance for the phosphate fertilizer industry: diammanium phosphate plants. (Repeals 401 KAR 59:141.)

401 KAR 59:550. Standards of performance for the phosphate fertilizer industry: triple superphosphate plants. (Repeals 401 KAR 59:146.)

401 KAR 59:555. Standards of performance for the phosphate fertilizer industry: granular triple superphosphate storage facilities. (Repeals 401 KAR 59:150.)

401 KAR 59:570. Standards of performance for steel plants: electric arc furnaces constructed after October 21, 1974, and on or before August 17, 1983. (Repeals 401 KAR 59:166.)

401 KAR 59:575. Standards of performance for steel plants: electric arc furnaces and argon-oxygen decarburization vessels constructed after August 17, 1983. (Repeals 401 KAR 59:168.)

401 KAR 59:580. Standards of performance for kraft pulp mills. (Repeals 401 KAR 59:082.)

401 KAR 59:585. Standards of performance for glass manufacturing plants. (Repeals 401 KAR 59:251.)

401 KAR 59:590. Standards of performance for grain elevators. (Repeals 401 KAR 59:275.)

401 KAR 59:595. Standards of performance for surface coating of metal furniture. (Repeals 401 KAR 59:196.)

General Standards of Performance

401 KAR 63:036. Stage II, gasoline dispensing facilities.

Department for Surface Mining Reclamation and Enforcement

Bond and Insurance Requirements

405 KAR 10:050. Bond forfeiture.

Inspection and Enforcement

405 KAR 12:001. Definitions for 405 KAR Chapter 12.
405 KAR 12:010. General provisions for inspection and enforcement.

DEPARTMENT OF CORRECTIONS

Office of the Secretary

501 KAR 6:020 & E. Corrections policies and procedures.
501 KAR 6:030. Kentucky State Reformatory.
501 KAR 6:130. Western Kentucky Correctional Complex.
501 KAR 6:140. Bell County Forestry Camp.

TRANSPORTATION CABINET

Administration

600 KAR 1:100. Professional engineering and related services procurement.

Department of Vehicle Regulation

Commercial Driver's License

601 KAR 11:040 & E. Medical Waivers for intrastate operators of commercial motor vehicles.

Office of Aeronautics

Airport Zoning Commission

602 KAR 50:010. Definitions relating to 602 KAR 50.

Department of Highways

Maintenance

603 KAR 3:080. Advertising devices. (Repeals 603 KAR 3:060.)

Traffic

603 KAR 5:230. Bridge weight limits on the extended weight coal or coal by-products haul road system. (Amended After Hearing)

EDUCATION, ARTS AND HUMANITIES CABINET

Department of Education

Office of District Support Services

School Administration and Finance

702 KAR 3:190. Maximum class sizes.

Bureau of Learning Results Services

Assistance and Intervention Services

703 KAR 3:205. Management improvement program. (Repeals 702 KAR 3:201.)

Office of Learning Programs Development

Office of Instruction

704 KAR 3:405. Superintendent training program and assessment process.

Office of Learning Programs Development

704 KAR 7:120. Home or hospital instruction. (Amended After Hearing) (Deferred from July)

Office of Special Instructional Services

Fiscal Management

705 KAR 2:031. Repeal of 705 KAR 2:130 and 705 KAR 2:030.

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.) (Amended After Hearing) (Deferred from July)
707 KAR 1:160. Free appropriate public education. (Amended After Hearing) (Deferred from July)
707 KAR 1:170. Identification of children and youth with disabilities. (Amended After Hearing) (Deferred from July)
707 KAR 1:180. Due process procedures. (Amended After Hearing) (Deferred from July)
707 KAR 1:190. Evaluation. (Amended After Hearing) (Deferred from July)
707 KAR 1:200. Eligibility of children and youth with disabilities. (Amended After Hearing) (Deferred from July)
707 KAR 1:210. Individual education programs. (Amended After Hearing) (Deferred from July)
707 KAR 1:220. Placement in the least restrictive environment. (Amended After Hearing) (Deferred from July)
707 KAR 1:230. Delivery of services. (Amended After Hearing) (Deferred from July)
707 KAR 1:240. Confidentiality of personally identifiable information. (Not Amended After Hearing) (Deferred from July)
707 KAR 1:250. Services in other programs. (Amended After Hearing) (Deferred from July)
707 KAR 1:260. Comprehensive system of personnel development. (Not Amended After Hearing) (Deferred from July)

WORKFORCE DEVELOPMENT CABINET

Department for Adult and Technical Education

Management of the Kentucky Tech System

780 KAR 2:015. Administration of technical institutes.

Personnel System for Certified and Equivalent Employees

780 KAR 3:140. Certification and professional development requirements.

Instructional Programs

780 KAR 4:030. Technical degree requirements for postsecondary students.

Facilities and Equipment

780 KAR 7:035. Technical institute standards.

LABOR CABINET

Occupational Safety and Health

803 KAR 2:310. Adoption of 29 CFR Part 1910 151-.153. (Amended After Hearing)

PUBLIC PROTECTION AND REGULATION CABINET

Department of Mines and Minerals

Miner Training, Education and Certification

805 KAR 7:030. Annual retraining. (Not Amended After Hearing)

Department of Insurance

Administration

806 KAR 2:120 & E. Filing of examination report.

806 KAR 2:130 & E. Disclosure of information regarding examinations.

CABINET FOR HUMAN RESOURCES

Department for Health Services

Local Health Departments

902 KAR 8:040 & E. Definition of terms applicable for the personnel program for local health departments. (Amended After Hearing)

902 KAR 8:050 & E. Local health personnel advisory council for local health departments and administrative support of the council. (Amended After Hearing)

902 KAR 8:060 & E. Classification and compensation plans for local health departments of Kentucky. (Amended After Hearing)

902 KAR 8:070 & E. Recruitment, examination, and certification of eligibles for local health departments of Kentucky. (Amended After Hearing)

902 KAR 8:080 & E. Initial appointment, probationary period, lay-offs, performance evaluation and the resignation of employees of local health departments. (Amended After Hearing

902 KAR 8:090 & E. Promotion, transfer, and demotion of local health department employees. (Amended After Hearing)

902 KAR 8:100 & E. Disciplinary procedures applicable for local health department employees. (Amended After Hearing

902 KAR 8:110 & E. Disciplinary appeal process applicable for local health department employees. (Not Amended After Hearing)

902 KAR 8:120 & E. Leave provisions applicable to employees of local health departments. (Amended After Hearing)

902 KAR 8:130 & E. Participation of local health department employees in political activities. (Not Amended After Hearing)

902 KAR 8:140 & E. Appointment of a health officer or a Health Department Director of a local health department. (Not Amended After Hearing)

Department for Health Services

Health Services and Facilities

902 KAR 20:004 & E. Certificate of need process. (Not Amended After Hearing)

Department for Employment Services

Unemployment Insurance

903 KAR 5:270 & E. Maximum weekly benefit rates.

Department for Social Services

Day Care

905 KAR 2:001 & E. Definitions for Title 905 Chapter 2.

905 KAR 2:011 & E. Repealer of 905 KAR 2:010.

905 KAR 2:090 & E. Child care facility licensure.

905 KAR 2:100 & E. Certification of family child-care homes.

905 KAR 2:110 & E. Child care facility provider requirements.

905 KAR 2:120 & E. Child care facility health and safety standards.

905 KAR 2:130 & E. Child care discipline.

Department for Medicaid Services

Office of Inspector General

907 KAR 1:017 & E. Hospital indigent care assurance program (HICAP).

Department for Mental Health and Mental Retardation Services

Mental Health

908 KAR 2:070. Standards for rape crisis centers. (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
501 KAR 6:020E

In order to continue to operate the Department of Corrections in accordance with KRS Chapter 196, the department needs to implement this emergency regulation. An ordinary administrative regulation cannot suffice because the effected policy must be added immediately. The Department of Corrections receives a federal grant to provide drug testing and treatment programs for probationers and parolees in thirteen (13) counties. Effective July 1, 1993, this program will be expanded to 120 counties. In order to provide the additional coverage within the allotted grant budget, the policies for drug testing must be implemented. By immediately changing the referral procedures for treatment and method of drug testing, the department expects to realize enough savings to provide services statewide. This emergency regulation shall be replaced by the ordinary administrative regulation filed with LRC on June 15, 1993 in accordance with KRS Chapter 13A.

BRERETON C. JONES, Governor
JACK C. LEWIS, Commissioner

DEPARTMENT OF CORRECTIONS

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

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640
EFFECTIVE: June 24, 1993
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 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 June 15, [~~February 14,~~] 1993, are incorporated by reference and shall be referred to as Corrections Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Kentucky 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.

1.1	Legal Assistance for Corrections Staff
1.2	News Media
01-04-01	The operation of Contracted Adult Correctional Facilities
1.6	Extraordinary Occurrence Reports
1.9	Institutional Duty Officer
1.11	Population Counts and Reporting Procedures
1.12	Operation of Motor Vehicles by Department of Corrections Employees
2.1	Inmate Canteen
2.2	Warden's Fund
2.10	Surplus Property
[~~03-01-01~~	~~Code of Ethics (Deleted 6/15/93)~~]
3.12	Institutional Staff Housing
4.2	Staff Training and Development
4.3	Firearms and Chemical Agents Training
6.1	Open Records Law
7.2	Asbestos Abatement
8.1	Occupational Exposure to Bloodborne Pathogens
8.4	Emergency Preparedness
9.1	Use of Force
9.4	Transportation of Inmates to Funerals or Bedside Visits
9.6	Contraband
9.7	Storage, Issue and Use of Weapons Including Chemical Agents
9.8	Search Policy
9.9	Transportation of Inmates
9.10	Security Inspections
9.11	Tool Control
9.18	Informants
9.19	Found Lost or Abandoned Property
10.2	Special Management Inmates
10.3	Safekeepers
10.4	Special Needs Inmates
11.2	Nutritional Adequacy of the Diet for Inmates
11.3	Special Diet Procedures
13.1	Pharmacy Policy and Formulary
13.2	Health Maintenance Services
13.3	Medical Alert System
13.4	Health Program Audits
13.5	Acquired Immune Deficiency Syndrome
13.6	Sex Offender Treatment Program
13.9	Dental Services
14.2	Personal Hygiene Items
14.3	Marriage of Inmates
14-04-01	Legal Services Program
14.6	Inmate Grievance Procedures
15.1	Hair and Grooming Standards
15.2	Offenses and Penalties
15.3	Meritorious Good Time [~~(Amended 2/14/93)~~]
15-05-01	Restoration of Forfeited Good Time
15.6	Adjustment Procedures and Programs
15.7	Inmate Account Restriction
16.1	Inmate Visits
16.2	Inmate Correspondence
16.3	Telephone Calls
16.4	Inmate Packages
17-01-01	Inmate Personal Property
17.2	Assessment Center Operations
17.3	Controlled Intake of Inmates
18.4	Classification of the Inmate
18.5	Custody/Security Guidelines
18.6	Classification Document
18.7	Transfers
18.8	Guidelines for Transfers Between Institutions
18.9	Out-of-state Transfers
18-10-01	Preparole Progress Reports
18.11	Kentucky Correctional Psychiatric Center Transfer Procedures
18.12	Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13	Population Categories
18.15	Protective Custody

19.1 Government Services Projects
19.2 Community Services Projects
19.3 Inmate Wage Program (Amended 6/15/93)
20.1 [~~20-01-01~~] Educational Programs and Educational Good Time (Amended 6/15/93)
22.1 Privilege Trips
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate
25.3 Prerelease Program
25.4 Inmate Furloughs
25.6 Community Center Program
25.7 Expedient Release
25.8 Extended Furloughs
25.10 Administrative Release of Inmates
27-01-01 Probation and Parole Procedures
27-02-01 Duties of Probation and Parole Officers
27-03-01 Workload Formula Supervisor/Staff Ratio
27-05-01 Testimony, Court Demeanor and Availability of Legal Services
27-06-01 Availability of Supervision Services
27-06-02 Equal Access to Services
27-07-01 Cooperation with Law Enforcement Agencies
27-08-01 Use of Force
27-09-01 Kentucky Community Resources Directory
27-10-01 Advanced Supervision
27-11-01 Intensive Supervision
27-12-01 Supervision: Case Classification
27-12-02 Risk/Needs Assessment
27-12-03 Initial Interview
27-12-04 Conditions of Regular Supervision/Request for Modification
27-12-05 Releasee's Report
27-12-06 Grievance Procedures for Offenders
27-12-07 Employment, Education/Vocational Referral
27-12-08 Supervision Plan
27-12-09 Casebook
27-12-10 Guidelines for Monitoring Supervision Fee
27-12-11 Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
27-12-12 Other Financial Obligations (Not Ordered by Releasing Authority)
27-12-13 Community Service Work
27-12-14 Client Travel Restrictions
27-13-01 Drug and Alcohol Testing of Offenders (Added 6/15/93)
27-13-02 Alcohol Detection
27-14-01 Interstate Compact Transfers
27-14-02 Interstate Compact Out-of-state Probation and Parole Violation
27-15-01 Supervision Report; Violations, Unusual Incidents
27-16-01 Search; Seizure; Chain of Custody; Disposal of Evidence
27-17-01 Absconder Procedures
27-18-01 Probation and Parole Issuance of Detainer/Warrant
27-19-01 Preliminary Revocation Hearing
27-20-01 Division of Probation and Parole Controlled Intake Program
27-20-02 Prisoner Intake Notification
27-20-03 Prisoner Status Change
27-21-01 Apprehension and Transportation of Probation and Parole Violators
27-22-01 Fugitive Unit - Apprehensions
27-22-02 Fugitive Unit - Transportation of Fugitives
27-23-01 In-state Transfer
27-24-01 Closing Supervision Report
27-24-02 Reinstatement of Clients to Active Supervision
27-25-01 Application for Final Discharge from Parole
27-26-01 Assistance to Former Clients and Dischargees
27-27-01 Restoration of Civil Rights
27-28-01 Firearms/Explosives: Application for Relief from Disability
27-29-01 Parole Review Dates Modification
28-01-01 Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
28-01-02 Probation and Parole Investigation Reports (Administrative Responsibilities)
28-01-03 Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
28-01-04 Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
28-01-05 Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
28-01-06 Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)
28-01-07 Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
28-01-08 Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
28-01-09 Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
28-02-01 Expedient Release Program
28-03-01 Parole Plans/Halfway Houses/Extended Fur+lough/ Sponsorship/Gradual Release
28-04-01 Furlough Verifications
28-05-01 Out-of-state Investigations.

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: June 15, 1993
FILED WITH LRC: June 24, 1993 at 8 a.m.

STATEMENT OF EMERGENCY
601 KAR 11:040E

This emergency administrative regulation establishes that the Kentucky Transportation Cabinet may continue to accept applications for medical waivers from operators of commercial motor vehicles. This administrative regulation needs to be adopted on an emergency basis because KRS 281A.0901 requires the Transportation Cabinet, by administrative regulation, to continue accepting applications for medical waivers if allowed to do so by a change in federal requirements. On April 2, 1993 the U.S. Department of Transportation issued a policy memo removing the expiration date of the medical waivers for states which had a formal policy in place. Since Kentucky meets the requirements of the new federal policy, the Transportation Cabinet needs to comply with KRS 281A.0901 as quickly as possible. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Administrative Regulations Compiler on June 4, 1993.

BRERETON C. JONES, Governor
DON C. KELLY, Secretary

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Driver Licensing

601 KAR 11:040E. Medical waivers for intrastate operators of commercial motor vehicles.

RELATES TO: KRS Chapter 281A, 281.600, 49 CFR Part 383, 49 CFR Part 391
STATUTORY AUTHORITY: KRS 281A.040, 281.600, 49 CFR

383 Subpart E, 49 CFR 391 Subpart E

EFFECTIVE: June 16, 1993

NECESSITY AND FUNCTION: The federal requirements for the issuance of a commercial driver's license to a driver operating in interstate commerce include a certification that the driver meets the qualification requirements contained in 49 CFR Part 391.The Federal Highway Administration does not require a person who operates entirely in intrastate commerce to be subject to 49 CFR Part 391. He is subject however, to Kentucky driver qualification requirements. In 601 KAR 1:005 the Transportation Cabinet adopted the majority of the driver qualification requirements of 49 CFR Part 391 on both an interstate and intrastate commerce basis. However, medical waivers in addition to those allowed in 49 CFR 391.49 are allowed by the Federal Highway Administration [~~until March 31, 1993~~] for drivers operating exclusively in intrastate commerce. This administrative regulation sets forth the procedure and standards for obtaining an intrastate medical waiver.

Section 1. Application for Intrastate Medical Waiver. (1) [~~Until March 31, 1993,~~] A commercial driver may apply to the Transportation Cabinet for a medical waiver if he:

(a) Operates exclusively in intrastate commerce; and

(b) Has failed to meet the physical requirements of 49 CFR 391, Subpart E, adopted in 601 KAR 1:005.

(2) The application for medical waiver shall be on Kentucky Transportation Cabinet form TC 94-38, "Request for Medical Waiver" effective January, 1991. This form is incorporated by reference as a part of this administrative regulation.

(3)(a) A copy of the completed medical examination form required by 49 CFR 391.43 and 601 KAR 1:005 shall be attached to the application for medical waiver.

(b) The medical examination form shall have been completed by a health care professional as delineated in 49 CFR Part 390.5 and adopted in 601 KAR 1:005.

(c) The medical examination form shall indicate the reason the applicant failed to meet the requirements of 49 CFR 391 Subpart E.

(d)1. A copy of the applicable supplemental medical report form completed by a licensed doctor of medicine or osteopathy shall be attached to the application for medical waiver.

2. The vision conditions form may be completed by a licensed doctor of optometry.

(e) The following supplemental medical report forms each with an edition date of December 1990, shall be incorporated by reference as a part of this administrative regulation:

1. "Cardiovascular Conditions";
2. "Neurological Conditions";
3. "Musculoskeletal Conditions";
4. "Metabolic Conditions";
5. "Alcohol or Other Drug Dependence";
6. "Mental and Emotional Conditions"; and
7. "Vision Conditions".

(f) The licensed doctor of medicine or osteopathy shall determine which ones of these supplemental medical report forms are applicable to the medical waiver applicant.

(4) The application for medical waiver, medical examination form and supplemental medical report form shall be submitted to the Transportation Cabinet, Division of Driver Licensing, State Office Building, Frankfort, Kentucky 40622.

(5) A copy of the forms incorporated by reference may be obtained, inspected or copied at the Division of Driver Licensing, State Office Building, Frankfort, Kentucky 40622 by writing or appearing in person, 8 a.m. to 4:30 p.m. Eastern time, Monday through Friday.

Section 2. (1) The Division of Driver Licensing shall base its decision on granting the requested medical waiver on the information obtained from the following:

(a) Driving history record of the applicant;

(b) Original medical examination form; and

(c) Supplemental medical report form;

(d) A skills test if suggested by the Medical Review Board, the applicant if his medical problem is exoskeletal or visual, or the provisions of this administrative regulation; and

(e) Any other information supplied to the Division of Driver Licensing about the driving ability of the applicant by the Medical Review Board, a physician, police officer or acquaintance.

(2) The following medical guidelines shall be considered by the Division of Driver Licensing in evaluating the information related to the commercial driver:

(a) Paraplegics or quadriplegics.

1. If the applicant has a loss or impairment of foot, leg, arm, hand or fingers, he shall not be issued a medical waiver unless he passes a skills test administered by the Kentucky State Police in the commercial vehicle adapted for his specific disability.

2. If a waiver is issued, it shall be vehicle specific.

3. If the applicant makes any adjustments to the specially adapted commercial vehicle or acquires a different commercial vehicle, it shall be approved by the Division of Driver Licensing prior to operation by the person with the medical waiver.

(b) Vision. To be considered for a medical waiver, the commercial driver shall:

1. Have a distance visual acuity of 20/60 (Snellen) or better with corrective lenses in one (1) or both eyes;

2. Have visual fields which are not narrowed to less than 110 degrees of total visual field;

3. Readily distinguish which light of traffic signals and devices showing standard red, green and amber is illuminated;

4. Not wear bioptic lenses; and

5. Not have uncorrectable double vision.

(c) Hearing. A waiver of 49 CFR 391.41(11) shall be issued.

(d) Epilepsy or other condition likely to cause loss of consciousness. A commercial driver with epilepsy or other condition which may cause loss of consciousness shall:

1. Have been seizure free for one (1) year prior to requesting the waiver;

2. Not have experienced loss of consciousness, blackout, fainting or disorientation in the year immediately prior to requesting the waiver; and

3. Be reliable in taking his prescribed medication to be considered for a medical waiver as proven by the blood content levels of his medication.

(e) Cardiovascular.

1. In the year immediately preceding a waiver request, a commercial driver shall not have experienced:

a. A fainting or blackout spell;

b. Uncontrollable attacks of choking, suffocation, or shortness of breath; or

c. Uncontrollable instances of syncope or vertigo.

2. A commercial driver shall not have heart disease symptoms while:

a. Operating a motor vehicle; or

b. Sitting at rest.

3. A commercial driver shall not have:

a. Difficulty in breathing;

b. Painful breathing; or

c. An aortic or ventricular aneurysm.

4. A commercial driver's:

a. Blood pressure shall not be irregular; or

b. Diastolic blood pressure shall not consistently be above 110 millimeters of mercury.

(f) Diabetes. A commercial driver shall not have:

1. An uncontrolled condition of diabetes; or

2. In the year immediately preceding a waiver request, had an instance of diabetes shock or coma.

(g) Alcohol or drugs. A commercial driver shall have been free of addiction to or abuse of alcohol or other drugs for at least one (1) year.

(h) Emotional or mental. A commercial driver shall:

1. Not exhibit homicidal, suicidal, or destructive behavior;

2. In the year immediately preceding a waiver request, not have experienced bouts of:

a. Extreme anxiety;

b. Depression;

c. Paranoia;

d. Confusion;

e. Delusions; or

f. Hallucinations.

3. Not, in the three (3) years immediately preceding a waiver request, have been hospitalized for a mental or emotional condition.

Section 3. (1) If a commercial driver is granted a medical waiver ~~[prior to March 31, 1993]~~, he shall submit to medical reexaminations required by the Division of Driver Licensing.

(2) After a reexamination, a waiver shall remain in effect if the physician performing the reexamination certifies that:

(a) The condition for which a waiver was issued has not worsened; and

(b) An additional nonqualifying condition has not manifested.

(3)(a) The driving history record of a commercial driver approved for a medical waiver may be evaluated by the Division of Driver Licensing:

1. At any time; and

2. At least once a year.

(b) If a review of the person's driving history record would cause the person to ordinarily be referred to the Medical Review Board under the provisions of 601 KAR 13:010, the waiver or waiver request shall be referred to the Medical Review Board for evaluation.

(4)(a) After completion of a test of the commercial driver's driving skills requested by the Division of Driver Licensing, the Kentucky State Police shall submit to the Division of Driver Licensing:

1. The test results; and

2. Recommendations for waiver refusal or restrictions on a medical waiver.

(b) If a medical waiver with restrictions is issued, the restriction shall be noted on the commercial driver's motor vehicle operator's license or commercial driver's license.

(5) If an intrastate medical waiver is issued to a commercial driver, he shall notify the Division of Driver Licensing immediately of any change in or worsening of his physical or mental condition.

(6) If an intrastate medical waiver is issued to a commercial driver with a progressive disease, the Division of Driver Licensing may require the commercial driver to submit to a periodic skills test with the Kentucky State Police.

(7) If an intrastate medical waiver is issued to a person with a pacemaker, he shall submit an annual report on the functioning of the device to the Division of Driver Licensing.

(8) A medical waiver shall be cancelled if a commercial driver fails to within forty-five (45) days:

(a) Submit to a periodic report requested by the Division of Driver Licensing; or

(b) Report for a skills test.

(9) The employer of a commercial driver who has obtained a medical waiver shall notify the Division of Driver Licensing of a change in the commercial driver's:

(a) Physical or mental condition; or

(b) Employment or employment conditions.

Section 4. (1) If a commercial driver is denied a medical waiver by the Division of Driver Licensing, he may appeal to the Commissioner of the Department of Vehicle Regulation. In considering the appeal, the Commissioner of the Department of Vehicle Regulation shall request from the Medical Review Board established in accordance with 601 KAR 13:010 a review of the case and recommendation on the appeal.

(2) The appeal shall be filed with the Commissioner of the Department of Vehicle Regulation in writing within thirty (30) days of the decision of the Division of Driver Licensing.

(3) A member of the Medical Review Board with specific qualifications in the medical area relating to the appeal shall review the appeal when requested by the commissioner.

(4) The commissioner's review shall be based on the information provided to the Division of Driver Licensing, the recommendation of the Medical Review Board and any additional information requested by the commissioner.

(5) The findings of the Commissioner of the Department of Vehicle Regulation shall be administratively final.

(6) The Commissioner of the Department of Vehicle Regulation shall provide a copy of his findings to the:

(a) Commercial driver; and

(b) Division of Driver Licensing.

(7) A commercial driver aggrieved by the findings of the Commissioner of the Department of Vehicle Regulation may appeal to Franklin Circuit Court.

Section 5. Medical Review Board. Any applicant denied a medical waiver under the provisions of this administrative regulation shall be referred to the Medical Review Board under the provisions of 601 KAR 13:010.

Section 6. Waiver Cancellation. If at any time after the issuance of a medical waiver, the Division of Driver Licensing cancels the waiver pursuant to the provisions of this administrative regulation, the driver's commercial driver's license shall also be cancelled.

NORRIS BECKLEY, Commissioner
DON C. KELLY, Secretary
APPROVED BY AGENCY: June 1, 1993
FILED WITH LRC: June 16, 1993 at 10 a.m.

STATEMENT OF EMERGENCY
903 KAR 5:270E

Under KRS the administrative body is required to implement this regulation in order to have sufficient authority for the declaring of a maximum benefit rate. Therefore, in order to properly establish a maximum weekly unemployment insurance rate for the year beginning July 1, 1993, the Cabinet for Human Resources needs to implement this emergency regulation. An ordinary administrative regulation will not suffice because the correct weekly benefit amount would not be declared in a timely manner. This emergency regulation will be replaced by an ordinary administrative regulation in accordance with KRS Chapter 13A. The ordinary administrative regulation will be filed with the Regulations Compiler prior to June 15, 1993.

BRERETON C. JONES, Governor
FONTAINE BANKS, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Employment Services
Division of Unemployment Insurance

903 KAR 5:270E. Maximum weekly benefit rates.

RELATES TO: KRS 341.380
STATUTORY AUTHORITY: KRS 194.050, 341.380
EFFECTIVE: June 16, 1993
NECESSITY AND FUNCTION: KRS 341.380 requires the

Secretary for Human Resources to determine the average weekly wage for insured employment. Fifty-five (55) percent of this amount adjusted to the nearest multiple of one (1) dollar constitutes the maximum weekly unemployment insurance benefit rate for those workers whose benefit year commences on or after July 1, 1993 [~~1992~~], and prior to July 1, 1994 [~~1993~~]. This administrative regulation applies the mathematical computation required by statute and contains the determination of the maximum weekly benefit rate.

Section 1. The secretary finds the following to exist:

(1) The "total monthly employment" reported by subject employers for the calendar year of 1992 [~~1991~~] was 16,834,545 [~~16,432,030~~];

(2) The "average monthly employment," obtained by dividing the total monthly employment by twelve (12), was 1,402,879 [~~1,369,336~~];

(3) The "total wages" reported by subject employers for the calendar year of 1992 [~~1991~~] was $30,342,989,530 [~~28,082,939,030~~];

(4) The "average weekly wage" for the calendar year of 1992 [~~1991~~] for insured employment, obtained by dividing the average monthly employment into total wages for such year and dividing by fifty-two (52), was $415.94 [~~394.39~~];

(5) Fifty-five (55) percent of the average weekly wage of $415.94 [~~394.39~~] for the calendar year of 1992 [~~1991~~] was $228.77 [~~216.91~~].

Section 2. On the basis of the above findings, and in accordance with KRS 341.380(3), the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July, 1993 [~~1992~~], and prior to the first day of July, 1994 [~~1993~~], is determined to be $229 [~~217~~].

MARGARET WHITTET, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: May 26, 1993
FILED WITH LRC: June 16, 1993 at 10 a.m.

STATEMENT OF EMERGENCY
907 KAR 1:013E

This emergency administrative regulation is being amended to comply with House Bill 1 passed in the Second Extraordinary Session, 1993 of the General Assembly; to provide that prospective acute care and rehabilitation hospital payment rates for a limited time will be set at the rates (and using the same upper limits) that were in effect for the period January 1, 1992 through December 31, 1992; to show that provider taxes will be considered allowable costs; to provide that cost growth will be limited to 1 1/2 times the Data Resources, Inc. (DRI) inflation factor; to provide for a revised system of disproportionate share hospital payments; and to provide that hospitals with 100 beds or less will have an upper limit set at 110 percent of the weighted median (rather than the weighted median). This action must be taken on an emergency basis to implement policy in a timely manner. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on March 31, 1993 since it provides that provider taxes will be considered allowable cost, provides for a revised disproportionate share hospital program, provides that the upper limit for small (under 100 beds) hospitals is increased, limits cost growth to 1 1/2 times the DRI inflation factor, and changes the ending date for using the 1992 rates to June 30, 1993. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about July 1, 1993.

BRERETON JONES, Governor
FONTAINE BANKS, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

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

RELATES TO: KRS 205.520, 205.575, 1992 Acts c. 462, Part I.G.52.b.2

STATUTORY AUTHORITY: KRS 194.050, 1992 Acts c. 462, Part I.G.52.b.2., 20 CFR 405.402 through 405.488, 42 CFR 440.10, 440.140, 447.250 through 447.280, 42 USC 1396a, b, d, r-4, HB 1 of the Second Extraordinary Session, 1993, of the General Assembly

EFFECTIVE: July 7, 1993

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. [~~KRS 205.575 provides for hospital indigent care assurance program (HICAP) payments.~~] This administrative regulation sets forth the method for determining amounts payable by the cabinet for hospital inpatient services.

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

Section 2. Establishment of Payment Rates. Except as specified in Section 5 of this administrative regulation, the policies, methods, and standards to be used by the cabinet in setting payment rates are specified in the cabinet's "Inpatient Hospital Reimbursement Manual" revised July 1, 1993 [~~July 1, 1992~~], which is incorporated by reference in this administrative regulation.

(2) For any reimbursement issue or area not specified in the manual, the cabinet shall apply the Medicare standards and principles (excluding the Medicare inpatient routine nursing salary differential).

(3) The Kentucky Medical Assistance Program Inpatient Hospital Reimbursement Manual may be reviewed during regular working hours of 8 a.m. to 4:30 p.m. eastern time in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of an appropriate fee which shall not exceed approximate cost.

Section 3. General Description of the Payment System. Except as specified in Section 5 of this administrative regulation the following provisions shall be applicable for purposes of setting inpatient hospital payment rates:

(1) Use of prospective rates. Each hospital shall be paid using a prospective payment rate based on allowable Medicaid costs and Medicaid inpatient days.

(a) The prospective rate shall be all inclusive in that both routine and ancillary cost shall be reimbursed through the rate.

(b) For universal rate years prior to January 1, 1985 the prospective rate shall not be subject to retroactive adjustment except to the extent that an audited cost report alters the basis for the prospective rate or the projected inflation index utilized in setting the individual rate is different from actual inflation as determined by the index being used.

(c) For universal rate years beginning on or after January 1, 1985, the prospective rate shall not be subject to retroactive adjustment except to the extent that facilities with a rate based on unaudited data shall have their rate appropriately revised for the rate year when the

audited cost report is received from the fiscal intermediary.

(d) [However,] Total prospective payments shall not exceed the total customary charges in the prospective year.

(e) Overpayments shall be recouped:

1. By payment from the provider [to the cabinet] of the amount of the overpayment; or

2. [alternatively,] By the withholding of the overpayment amount [by the cabinet] from future payments [otherwise] due the provider.

(2) Use of a uniform rate year. A uniform rate year shall be set for all facilities, with the rate year established as January 1 through December 31 of each year. The first uniform rate year for mental hospitals shall be July 1, 1985 through June 30, 1986; however, effective January 1, 1986 the mental hospital rate year shall be reestablished and shall be January 1 through December 31 of each year thereafter. Changes of rates throughout the rate year as a result of policy changes shall not change the rate year, although the facility rates may change. Hospitals are not required to change their fiscal years.

(3) Trending of cost reports. Allowable Medicaid cost as shown in cost reports on file in the cabinet, both audited and unaudited, shall be trended to the beginning of the rate year so as to update Medicaid costs. When trending, capital costs and return on equity capital are excluded. The trending factor to be used shall be the Data Resources, Inc. rate of inflation for the period being trended.

(4) Indexing for inflation. After allowable costs have been trended to the beginning of the rate year, an indexing factor shall be applied so as to project inflationary cost in the uniform rate year. The forecasting index currently in use is prepared by Data Resources, Inc. This policy shall be effective August 3, 1985.

(5) Peer grouping. Acute care hospitals (but not including those considered to be primarily rehabilitative in nature) shall be peer grouped according to bed size.

(a) The peer groupings for the payment system shall be: 0-50 beds, 51-100 beds, 101-200 beds, 201-400 beds, and 401 beds and up.

(b) [(except that the] Designated state teaching hospitals affiliated with or a part of the University of Kentucky and the University of Louisville shall not be included in the array for facilities with 401 beds and up unless the [such] facility's primary characteristics are considered essentially the same as the peer group's, and the facility, although not a university teaching hospital as such, is treated in [such] a manner which [as to] recognizes the presence of the major pediatric teaching component existing outside the state university hospitals[)].

(c) No facility in the 201-400 peer group shall have its operational per diem reduced below that amount in effect in the 1982 rate year as a result of the establishment of a peer grouping of 401 beds and up.

(d) Mental hospitals shall not be peer grouped but shall have a separate array of mental hospitals only.

(e) Rehabilitation hospitals and acute care hospitals considered to be primarily rehabilitative in nature shall not be peer grouped or arrayed.

(6) Use of a minimum occupancy factor. A minimum occupancy factor shall be applied to capital costs attributable to the Medicaid program. A sixty (60) percent occupancy factor shall apply to hospitals with 100 or fewer beds. A seventy-five (75) percent occupancy factor shall apply to facilities with 101 or more beds. Capital costs are interest and depreciation related to plant and equipment.

(7) Use of a reduced depreciation allowance. The allowable amount for depreciation on building and fixtures (not including major movable equipment) shall be sixty-five (65) percent of the reported depreciation amount as shown in the hospital's cost reports. The use of a reduced depreciation allowance is not applicable with regard to mental hospitals.

(8) Use of upper limits with regard to services provided on or after July 1, 1993 [1991].

(a) The following upper limits and payment principles shall apply to all hospitals with other limitations for disproportionate share hospitals shown in paragraph (b) of this subsection.

1.a.(i) For acute care hospitals, except hospitals with 100 beds or less, an upper limit shall be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in each peer group, using the most recent medicaid cost report available as of December 1 of each year.

(ii) For acute care hospitals with 100 beds or less, the upper limit on all costs (except Medicaid capital cost) shall be established at 110 percent of the weighted median per diem for hospitals in the peer groups, using the most recent Medicaid cost report available as of December 1 of each year.

b. For mental hospitals, an upper limit shall be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in the array. A mental hospital designated by the cabinet as a primary referral and services resource for children in the custody of the cabinet shall be exempt from the upper limit for the array and shall be paid at actual projected cost with no year end settlement to actual cost; the projected cost may be adjusted for usual cost of living increases using the Data Resources, Incorporated Index.

c. Upon being set, the arrays and upper limits shall not be altered due to revisions or corrections of data; however the arrays or upper limits may be changed as a result of changes of agency policy.

d. Disproportionate share hospitals [participating in the Hospital Indigent Care Assurance Program (HICAP)] shall also receive, in addition to regular program payments, disproportionate share hospital payments as described in the Reimbursement Manual. [amounts which are payable under HICAP. Effective with regard to payments for the quarter ending June 30, 1992 and thereafter, the HICAP payments shall be the product of the ratio of each hospital's Medicaid patient days compared to total Medicaid patient days as applied to total available HICAP funds (which are the amounts remaining, from the hospital assessments paid, for distribution to hospitals after exclusion of appropriate amounts for administrative expense, the contingency reserve amount, and amounts reserved for other program needs in accordance with budget commitments, obligations, and appropriations, and taking into consideration available federal Medicaid matching funds and upper limits on HICAP payments). The formula for determination of HICAP payment amounts is shown in the Reimbursement Manual at Section 102D(b)(2), (3), (4), and (5). No hospital participating in HICAP shall receive on an annual basis less than five and one quarter (5.25) percent of its operating costs, or five (5) percent of its annual operating costs plus $100,000, whichever amount is greater. For hospitals which are disproportionate share hospitals the limitations shown in paragraph (b) of this subsection and subsection (9) of this section shall be applicable for HICAP payments. If a hospital which is a nondisproportionate share hospital is determined by the cabinet to be a nonparticipant in HICAP, the amounts otherwise payable under HICAP to the hospital shall not be made.]

e. Provider taxes shall be considered allowable cost. For the rate period beginning July 1, 1993, the allowable cost of the tax shall be added to the hospital rate with no offsets and without regard for usual upper limits. For subsequent rate periods the cost shall be shown in the appropriate cost report with adjustment as necessary to reflect an annual amount.

f. Allowable cost growth from the prior rate base year to the new rate base year shall be limited to not more than one and one-half (1 1/2) times the Data Resources, Inc. inflation amount for the same time period; limits shall be applied by component (capital and operating cost only); cost growth beyond the allowable amounts shall be considered unallowable cost for rate setting purposes.

2. For medically necessary hospital inpatient services provided to infants under the age of one (1) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which

for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other infants are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the infants.

(b) The following upper limits and payment principles shall apply to disproportionate share hospitals as defined in subsection (9) of this section.

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, and hospitals having twenty-five (25) percent or more nursing days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days, shall have an upper limit set at 120 percent of the weighted median per diem cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to disproportionate share hospital payments as appropriate. [~~amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.~~]

2. Designated state teaching hospitals and major affiliated pediatric teaching hospitals (i.e., those affiliated with or a part of the University of Kentucky and the University of Louisville) shall have an upper limit set at 126 percent of the weighted median per diem cost for all other hospitals of comparable size (401 beds and up). The pediatric teaching hospitals shall also be paid, in addition to the facilities' base rate, an amount which is equal to two (2) percent of the base for each one (1) percent of Medicaid occupancy but this amount shall not exceed the prospective reasonably determined uncompensated Medicaid cost to the facility. In addition to the per diem amount computed using the limits specified in this subparagraph, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to disproportionate share hospital payments as appropriate. [~~amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.~~]

3. Mental hospitals with Medicaid utilization of thirty-five (35) percent or higher shall have an upper limit set at 115 percent of the weighted median per diem cost for hospitals in the array. The hospitals shall also be entitled to disproportionate share hospital payments as appropriate. [~~The per diem amount shall be computed using this upper limit or by using the disproportionate share minimum payment amount shown in subsection (9)(b)1 of this section if doing so results in a higher per diem amount.~~]

4. All other disproportionate share acute care hospitals shall have their upper limit set at the weighed median per diem of the cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to disproportionate share hospital payments as appropriate. [~~amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.~~]

(9) Disproportionate share hospitals.

(a) Disproportionate share hospitals are those hospitals meeting the criteria specified in 42 USC 1396r-4(b) and (d) and those hospitals which may not meet the [~~such~~] criteria but meet the criteria specified in 42 USC 1396r-4(d) and meet this additional criteria:

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher and mental hospitals with Medicaid utilization of thirty-five (35) percent or higher;

2. Hospitals which are designated state teaching hospitals;

3. Hospitals which are designated major pediatric teaching hospitals;

4. Hospitals having twenty-five (25) percent or more nursery days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days; and

5. Effective with regard to services provided on or after July 1, 1990, hospitals not meeting the additional criteria specified in subparagraphs 1 through 4 of this paragraph but with Medicaid utilization of one-half (1/2) of one (1) percent or higher.

(b) The upper limit for payments for hospitals in Kentucky shall be set at the lower of allowable Medicaid cost or the median of the facility array of allowable cost with payment adjustments allowed for hospitals deemed disproportionate share hospitals in accordance with subsections (8) and (9) of this section. For compliance with 42 USC 1396r-4(c), the minimum payment adjustment and actual payment adjustment shall be computed in the following manner:

1.a. Each disproportionate share hospital shall be paid a minimum disproportionate share payment amount for the type of hospital plus any earned adjustment to which the hospital is entitled. The hospital types, minimum payment amounts, and earned adjustments shall be as follows:

(i) Type I hospitals shall be those acute care and rehabilitation in-state hospitals serving a federally designated medically underserved area, a federally designated health manpower shortage area, or a primary care physician shortage area designated under the rural Kentucky medical scholarship fund, when the hospital has fifty (50) beds or less. Minimum amount: ninety-five (95) dollars per Medicaid day.

(ii) Type II. These hospitals shall be described in the same manner as Type I, except these hospitals have fifty-one (51) beds to 100 beds. Minimum amount: seventy (70) dollars per Medicaid day.

(iii) Type III. These hospitals shall be described in the same manner as Type I except these hospitals have 101 beds to 200 beds. Minimum amount: fifty-five (55) dollars per Medicaid day.

(iv) Type IV. These hospitals shall be described in the same manner as Type I except these hospitals have 201 or over beds. Minimum amount: forty-five (45) dollars per Medicaid day.

(v) Type V. All acute care and rehabilitation in-state hospitals with 100 beds and under except those described as Type I or II. Minimum amount: forty-five (45) dollars per Medicaid day.

(vi) Type VI. All acute care and rehabilitation in-state hospitals with 101 beds to 200 beds except those that are Type III. Minimum amount: thirty-five (35) dollars per Medicaid day.

(vii) Type VII. All other in-state hospitals including psychiatric hospitals. Minimum amount: ten (10) dollars per Medicaid day.

(viii) Type VIII. All out-of-state hospitals. Minimum amount: one (1) dollar per Medicaid day.

b.(i) Each Type I through Type VII hospital shall have the opportunity for a earned payment adjustment based on the provision of indigent care (i.e., care provided to Medicaid recipients beyond the Medicaid covered days or to individual or families with income under the poverty level).

(ii) The earned adjustment shall equal ten (10) dollars for each indigent day of care provided plus an amount equal to the cost of the indigent care (at Medicaid rates) provided by the hospital for which there has been no direct or indirect payment (i.e., where the cost of the care has not been paid or cost-shifted to other payors).

(iii) A hospital shall be presumed to have received payment for indigent care to the extent that other patient revenues exceed other patient costs, and to the extent that direct or other indirect payments are made to the hospital for the indigent care.

c. Each Type VIII hospital shall qualify for an earned adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid occupancy above one (1) standard deviation. [~~All hospitals determined to be disproportionate share hospitals shall be entitled to a minimum payment adjustment equal to one (1) dollar as an addition to the hospital payment rate computed using usual upper limits; and for hospitals with Medicaid utilization in excess of one (1) standard~~

~~deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, a further payment adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid utilization in the hospital which is in excess of utilization at the one (1) standard deviation level.~~]

2. Effective with regard to medically necessary hospital inpatient services provided by all Kentucky disproportionate share hospitals on or after July 1, 1991 to children under the age of six (6) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other children are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the children.

[~~3. Effective with regard to services provided on or after July 1, 1990 any hospital which is participating in the Hospital Indigent Care Assurance Program (HICAP) shall receive disproportionate share payments under HICAP. HICAP assessments and payments are described in 907 KAR 1:017, Hospital indigent care assurance program. If a hospital is determined by the cabinet to be a nonparticipant in the HICAP program, the hospital shall be entitled to the minimum adjustment shown in subparagraph 1 of this paragraph.~~]

(10) Operating costs shall not include professional (physician) costs for purposes of establishing the median based upper limits. Professional costs shall be trended separately.

(11) Hospitals whose general characteristics are not those of an acute care or mental hospital (i.e., because they are rehabilitation hospitals or acute care hospitals considered to be primarily rehabilitative in nature) are not subject to the operating cost upper limits.

(12) Rate appeals. As specified in the Inpatient Hospital Reimbursement Manual, hospitals may request an adjustment to the prospective rate with the submittal of supporting documentation. The established appeal procedure allows a representative of the hospital group to participate as a member of the rate review panel.

Section 4. Payments to Participating Out-of-state Hospitals. This section shall be effective except as specified in Section 5 of this administrative regulation.

(1) Effective with regard to services provided on or after July 1, 1990 participating out-of-state hospitals shall be reimbursed for covered inpatient services rendered eligible Kentucky Medicaid recipients at the rate of seventy-five (75) percent of usual and customary charges, up to the in-state per diem upper limit for a comparable size hospital, except as specified in subsection (2) of this section.

(2) Effective with regard to medically necessary hospital inpatient services provided on or after July 1, 1991, to infants under the age of one (1), and for children under the age of six (6) in disproportionate share hospitals (determined in the same manner as for in-state hospitals except that out-of-state hospitals are not included in facility arrays), for days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other children are after thirty (30) days from the date of admission, participating out-of-state hospitals shall be paid at the rate of eighty-five (85) percent of usual and customary actual billed charges up to 110 percent of the per diem upper limit for the in-state peer group for comparably sized hospitals in recognition of exceptionally high costs and lengths of stay related to infants under the age of one (1) and children under age six (6), without regard to length of stay or number of admissions of the infants and children.

(3) Effective with regard to services provided on or after February 1, 1991, professional costs (i.e., physician fees) for all covered days of stay shall be paid at seventy-five (75) percent of the usual and customary charges of the provider.

Section 5. Special Payment Rates and Upper Limits Period. For the period beginning on April 1, 1993 and ending on June 30, 1993 acute care and rehabilitation hospital payment rates and upper limits shall be the same rates (including necessary adjustments for audits or other purposes) and upper limits as the rates and upper limits in effect for the rate period of January 1, 1992 through December 31, 1992.

Section 6. Except as otherwise specified the changes shown in this administrative regulation shall be effective with regard to services provided on or after July 1, 1993.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 7, 1993 at 3 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:017E

This emergency administrative regulation is being amended to comply with KRS 205.575 with regard to hospital tax assessments. This action must be taken on an emergency basis to implement policy in a timely manner. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about June 7, 1993.

BRERETON JONES, Governor
FONTAINE BANKS, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:017E. Hospital indigent care assurance program (HICAP).

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 205.575
EFFECTIVE: June 16, 1993
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the Medicaid program [~~of Medical Assistance~~] and the Hospital Indigent Care Assurance Program (HICAP). This administrative regulation sets forth provisions relating to implementation of HICAP.

Section 1. Definition. "Nonparticipant" means a hospital not complying with the conditions of participation for the Hospital Indigent Care Assurance Program (HICAP).

Section 2. Conditions of Participation. A hospital participating in HICAP shall submit to the cabinet any requested information to show the required sign has been posted.

Section 3. Departmental Actions Based on Noncompliance with Participation Requirements. (1) A hospital shall be considered a nonparticipant when it fails to meet one (1) or more of the requirements shown in KRS 205.575 and Section 2 of this administrative regulation. A hospital shall be notified in writing when the department determines the facility to be a nonparticipant. Prior to written notification, the department shall provide the hospital an opportunity to:

(a) Discuss the department's determination; and

(b) Present evidence of its compliance with participation requirements.

(2) A hospital which is a nonparticipant shall not be paid HICAP benefits until all participation requirements are met.

Section 4. Assessments. The assessment percentage for annual

periods beginning January 1, 1991 (except for the quarter beginning on April 1, 1993 and ending June 30, 1993), shall be five (5) percent utilizing hospital cost reports used in setting the year's Medicaid hospital rates. The assessment percentage for the quarter beginning April 1, 1993 and ending June 30, 1993 shall be 3.7312 percent utilizing hospital cost reports used in setting the year's Medicaid hospital rates. The department shall reserve $1,000,000 as a contingency reserve and shall reserve two (2) percent of the assessments for necessary administrative expenditures as provided for in KRS 205.575.

Section 5. HICAP Benefit Payments. If a hospital appeals a departmental decision with regard to its assessment payment amount or its HICAP benefit amount to Franklin Circuit Court, it may nevertheless pay to the department the assessment payment amount computed by the department with the understanding that the payment shall not compromise its right of action in court and that its final assessment payment amount or HICAP benefit payment amount shall be contingent on expiration of the time of judicial appeals or on court determination.

Section 6. Assessment Schedules. (1) The assessment payment due date for each calendar quarter shall be on the last day of the second month of each quarter, except that the department may establish administratively different assessment schedules for the calendar quarters ending March 31, 1991 and June 30, 1991 to accommodate assessment and payment requirements mandated by KRS 205.575.

(2) A hospital may request a delay in its assessment payment due date based on unforeseeable circumstances affecting the hospital's ability to pay in a timely manner. Unforeseeable circumstances may include, but are not limited to, substantial disruptions of management or operations from occurrences such as fire, flood, storm, bankruptcy or other demonstrated financial hardship. Simple inability to pay, if combined with a filing of bankruptcy or other demonstrated financial hardship by the hospital, shall constitute justification for a delayed payment schedule. If a delay is granted, the delay shall not exceed sixty (60) days. An appeal to the Franklin Circuit Court (or a higher court as appropriate) with regard to the assessment payment amount or the HICAP benefit amount shall be justification for a delay in payment of the assessment until the court case is resolved.

Section 7. Waiver of Late Payment Penalties. The commissioner of the department shall waive the late payment penalty specified in KRS 205.575 ($20,000 per incident of late payment) only when good cause exists. Good cause shall be determined to exist only when an unforeseeable circumstance occurs affecting timely payment. Unforeseeable circumstances may include substantial disruptions of management or operations from occurrences such as fire, flood, storm or similar events. Good cause may also exist when the responsible official of the hospital reasonably anticipated that payment was or should have been made (e.g., payment was mailed timely but lost in the mail). Failure to pay due to insufficient funds shall not be good cause for a waiver of the penalty unless combined with a bankruptcy filing of the hospital. An appeal to the Franklin Circuit Court (or a higher court as appropriate) with regard to the assessment payment amount or the HICAP benefit payment amount shall be considered to meet the criteria for good cause.

Section 8. Termination of HICAP. HICAP shall terminate, except for activities required to resolve outstanding issues, effective July 1, 1993.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 3, 1993
FILED WITH LRC: June 16, 1993 at 10 a.m.

STATEMENT OF EMERGENCY
907 KAR 1:022E

This emergency administrative regulation is being amended to reduce from 35 percent to 20 percent the nursing facility's Medicare bed participation requirement. This action must be taken on an emergency basis to implement policy in a timely manner. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about July 1, 1993.

BRERETON JONES, Governor
FONTAINE BANKS, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:022E. Nursing facility and intermediate care facility for the mentally retarded services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 CFR 430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456, 42 USC 1396, 1396a, b, c, d, g, i, l, n, o, p, r, r-2, r-3, r-5, s
EFFECTIVE: July 7, 1993
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer Medicaid the program [~~of Medical Assistance~~]. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth the provisions relating to nursing facility and intermediate care facility for the mentally retarded services for which payment shall be made by the Medicaid [~~medical assistance~~] program in behalf of both the categorically needy and medically needy.

Section 1. Definitions. The following definitions shall be applicable:

(1) "Patient status" means that the individual has care needs meeting the criteria set forth in this administrative regulation for treatment in the institutional setting.

(2) "Intermittent high intensity services" means the individual requires high intensity nursing services at regular or irregular intervals, but not on a twenty-four (24) hour per day basis.

(3) "Stable medical condition" means one which is capable of being maintained in accordance with a planned treatment regimen requiring a minimum amount of medical supervision without significant change or fluctuation in the patient's condition or treatment regimen.

(4) "Nursing facility" (NF) means a facility which has a license as a nursing facility and which is certified to the Department for Medicaid Services by the state survey agency as meeting nursing facility standards. A facility which is certified to the department as meeting skilled nursing facility standards based on a survey agency survey made prior to October 1, 1990 shall be deemed to meet the requirements for participation as a nursing facility until the first survey agency survey of the facility which occurs on or after October 1, 1990. Hospital swing beds providing services in accordance with 42 USC 1395tt and 42 USC 13961 shall also be considered nursing facilities if [~~so long as~~] the swing beds are certified to the department as meeting requirements for the provision of swing bed services under federal laws and regulations. Each nursing facility shall have Medicare participatory status in at least twenty (20) [~~thirty-five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (10) beds); if the facility has less than ten (10) Medicaid participat-

ing beds, all participating beds shall participate in the Medicare Program).

(5) "Nursing facility with waiver" (NF-W) means a facility which has a license as a nursing facility and which is certified to the Department for Medicaid Services by the state survey agency as meeting all nursing facility requirements except for the nurse staffing requirement for which a Medicaid waiver has been granted by the survey agency; some nursing facilities with waiver do not meet Medicare participation requirements. A facility which is certified to the department as meeting intermediate care facility standards based on a survey agency survey made prior to October 1, 1990 shall be deemed to meet the requirements for participation as a nursing facility with waiver until the first survey agency survey of the facility which occurs on or after October 1, 1990. If a facility which has a Medicaid waiver chooses to participate in the Medicare Program, the facility shall be required to have Medicare participatory status in at least twenty (20) [~~thirty-five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (10) beds; if the facility has less than ten (10) Medicaid participating beds, all participating beds shall participate in the Medicare Program).

(6) "Intermediate care facility for the mentally retarded" (ICF-MR) means a licensed intermediate care facility for the mentally retarded certified to the Department for Medicaid Services as meeting all standards for intermediate care facilities for the mentally retarded.

(7) "High intensity nursing care services" means care provided to Medicaid eligible individuals who meet high intensity patient status criteria by nursing facilities (NFs) and nursing facilities with waiver participating in the Medicaid program with the care provided in beds also participating in the Medicare Program. High intensity nursing care patient status criteria shall be equivalent to skilled nursing care standards under Medicare.

(8) "Low intensity nursing care services" means care provided to Medicaid eligible individuals who meet low intensity patient status criteria by nursing facilities (NFs) or nursing facilities with waiver (NFs-W) participating in the Medicaid program. Low intensity nursing care patient status criteria shall be equivalent to the former intermediate care patient status standards.

(9) "Intermediate care for the mentally retarded and persons with related conditions services" means care provided to Medicaid eligible individuals who meet ICF-MR patient status criteria by ICF-MRs participating in the Medicaid program.

Section 2. Participation Requirements. Each facility desiring to participate as a nursing facility, nursing facility with waiver, or ICF-MR shall meet the following requirements:

(1) An application for participation shall be made to the cabinet using the procedures specified by the Commissioner, Department for Medicaid Services, Cabinet for Human Resources. A vendor number shall be assigned to the facility by the cabinet when participation status is achieved.

(2) Each nursing facility shall be required to have participatory status in the program of health care known as Medicare in at least twenty (20) [~~thirty-five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (10) beds; if the facility has less than ten (10) Medicaid participating beds, all participating beds shall participate in the Medicare Program) before the conditions of participation for Medicaid shall be deemed met.

(3) If a nursing facility with waiver chooses to participate in the Medicare Program, the facility shall meet Medicare participation requirements in at least twenty (20) [~~thirty-five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (10) beds; if the facility has less than ten (10) Medicaid participating beds, all participating beds shall participate in the Medicare Program.)

(4) Each nursing facility and nursing facility with waiver shall be required to comply with the preadmission screening and annual resident review requirements specified in 42 USC 1396r, effective with regard to admissions and resident stays occurring on or after January 1, 1989. Facilities failing to comply with this requirement shall be subject to disenrollment, with exclusion from participation to be accomplished in accordance with 907 KAR 1:220, Terms and conditions of provider participation; provider appeals, and federal regulations at 42 CFR 431.153 and 431.154.

(5) A facility shall be required to be certified by the state survey agency as meeting NF, NF-W, or ICF-MR status; a facility not appropriately certified shall not participate in the Medicaid program except for appropriately certified SNFs or ICFs during the grandfathered period which ends upon the facility's first survey by the state survey agency on or after October 1, 1990.

Section 3. Provision of Service. (1) Payment for high intensity, low intensity and ICF-MR services shall be limited to those services meeting the care definitions shown in Section 1 of this administrative regulation. A nursing facility or nursing facility with waiver may provide and receive payments for high intensity services provided to Medicaid eligible individuals meeting high intensity patient status criteria if [~~so long as~~] the services are provided in beds also participating in the Medicare Program and a nursing facility or nursing facility with waiver may provide and receive payments for low intensity services provided to Medicaid eligible individuals meeting low intensity patient status criteria when the services are provided in any Medicaid participating beds; an ICF-MR may provide and receive payments for ICF-MR services only.

(2) A participating nursing facility may be certified, in accordance with standards and conditions specified in 907 KAR 1:545 [~~374~~], Incorporation by reference of the [~~skilled~~] nursing facility services manual, to operate a unit providing preauthorized specialized rehabilitation services for persons with brain injuries.

Section 4. Determining Patient Status. Professional staff of the cabinet, or a peer review organization operating under its lawful authority pursuant to the terms of its agreement with the cabinet, shall review and evaluate the health status and care needs of the recipient in need of institutional care giving consideration to the medical diagnosis, care needs, services and health personnel required to meet these needs and the feasibility of meeting the needs through alternative institutional or noninstitutional services.

(1) A patient shall not qualify for Medicaid patient status unless the person is qualified for admission, and continued stay as appropriate, under the preadmission screening and annual resident review criteria specified in 42 USC 1396r with regard to admissions and resident stays occurring on or after January 1, 1989.

(2) Patients qualify for high intensity nursing care when their needs mandate high intensity nursing or high intensity rehabilitation services on a daily basis and when, as a practical matter, the care can only be provided on an inpatient basis. Where the inherent complexity of a service prescribed for a patient exists to the extent that it can be safely or effectively performed only by or under the supervision of technical or professional personnel, the patient would qualify for high intensity nursing care. A patient with an unstable medical condition manifesting a combination of care needs in the following areas shall qualify for high intensity nursing care:

(a) Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

(b) Nasogastric or gastrostomy tube feedings;

(c) Nasopharyngeal and tracheotomy aspiration;

(d) Recent or complicated ostomy requiring extensive care and self-help training;

(e) In-dwelling catheter for therapeutic management of a urinary tract condition;

(f) Bladder irrigations in relation to previously indicated stipulation;

(g) Special vital signs evaluation necessary in the management of related conditions;

(h) Sterile dressings;

(i) Changes in bed position to maintain proper body alignment;

(j) Treatment of extensive decubitus ulcers or other widespread skin disorders;

(k) Receiving medication recently initiated, which requires high intensity observation to determine desired or adverse effects or frequent adjustment of dosage;

(l) Initial phases of a regimen involving administration of medical gases;

(m) Receiving services which would qualify as high intensity rehabilitation services when provided by or under the supervision of a qualified therapist(s), for example: ongoing assessment of rehabilitation needs and potential; therapeutic exercises which must be performed by or under the supervision of a qualified physical therapist; gait evaluation and training; range of motion exercises which are part of the active treatment of a specific disease state which has resulted in a loss of, or restriction of, mobility; maintenance therapy when the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs, and consistent with the patient's capacity and tolerance; ultrasound, short wave, and microwave therapy treatments; hot pack, hydrocollator infrared treatments, paraffin baths, and whirlpool (in cases where the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures or other complications, and the skills, knowledge, and judgment of a qualified physical therapist are required); and services by or under the supervision of a speech pathologist or audiologist when necessary for the restoration of function in speech or hearing.

(3) An individual shall be determined to meet low intensity patient status when the individual requires intermittent high intensity nursing care, continuous personal care or supervision in an institutional setting. In making the decision as to patient status, the following criteria shall be applicable:

(a) An individual with a stable medical condition requiring intermittent high intensity services not provided in a personal care home shall be considered to meet patient status.

(b) An individual with a stable medical condition, who has a complicating problem which prevents the individual from caring for himself in an ordinary manner outside the institution shall be considered to meet patient status. For example, ambulatory cardiac and hypertensive patients may be reasonably stable on appropriate medication, but have intellectual deficiencies preventing safe use of self-medication, or other problems requiring frequent nursing appraisal, and thus be considered to meet patient status.

(c) An individual with a stable medical condition manifesting a significant combination of the following care needs shall be determined to meet low intensity patient status when the professional staff determines that the [~~such~~] combination of needs can be met satisfactorily only by provision of intermittent high intensity nursing care, continuous personal care or supervision in an institutional setting:

1. Assistance with wheelchair;

2. Physical or environmental management for confusion and mild agitation;

3. Must be fed;

4. Assistance with going to bathroom or using bedpan for elimination;

5. Old colostomy care;

6. In-dwelling catheter for dry care;

7. Changes in bed position;

8. Administration of stabilized dosages of medication;

9. Restorative and supportive nursing care to maintain the patient and prevent deterioration of his condition;

10. Administration of injections during time licensed personnel is available.

11. Services that could ordinarily be provided or administered by the individual but due to physical or mental condition is not capable of [~~such~~] self-care.

12. Routine administration of medical gases after a regimen of therapy has been established.

(d) An individual shall not generally be considered to meet patient status criteria when care needs are limited to the following:

1. Minimal assistance with activities of daily living;

2. Independent use of mechanical devices, for example, assistance in mobility by means of a wheelchair, walker, crutch(es) or cane;

3. Limited diets such as low salt, low residue, reducing and other minor restrictive diets;

4. Medications that can be self-administered or the individual requires minimal supervision.

(4) Evaluation of patient status for persons with mental disorders or mental retardation. A person with a mental disorder or mental retardation meeting the health status and care needs specified in subsections (2) and (3) of this section shall generally be considered to meet patient status. However, these individuals shall be specifically excluded from coverage in the following situations:

(a) When the cabinet determines that in the individual case the combination of care needs are beyond the capability of the facility, and that placement in the facility is inappropriate due to potential danger to the health and welfare of the patient, other patients in the facility, or staff of the facility; and

(b) When the nursing care needs result directly and specifically from a mental disorder; i.e., are essentially symptoms of the mental disorder; and

(c) When the patient does not meet the preadmission screening and annual resident review criteria specified in 42 USC 1396r for entering or remaining in a facility.

(5) An individual shall be determined to meet patient status for an intermediate care facility for the mentally retarded and persons with related conditions when the individual requires physical or environmental management or rehabilitation for moderate to severe retardation. In making the decision as to patient status the following criteria shall be applicable:

(a) An individual with significant developmental disabilities and significantly subaverage intellectual functioning who requires a planned program of active treatment to attain or maintain the individual's optimal level of functioning, but does not necessarily require nursing facility or nursing facility with waiver services, shall be considered to meet patient status.

(b) An individual requiring a protected environment while overcoming the effects of developmental disabilities and subaverage intellectual functioning shall be considered to meet patient status while:

1. Learning fundamental living skills;

2. Learning to live happily and safely within his own limitations;

3. Obtaining educational experiences that will be useful in self-supporting activities;

4. Increasing his awareness of his environment.

(c) An individual with a psychiatric primary diagnosis or needs shall be considered to meet patient status criteria only when the individual also has care needs as shown in paragraph (a) or (b) of this subsection, the mental care needs are adequately handled in a supportive environment (i.e., the intermediate care facility for the mentally retarded), and the individual does not require psychiatric inpatient treatment.

(d) An individual that does not require a planned program of active treatment to attain or maintain the individual's optimal level of functioning shall not be considered to meet patient status.

(e) It shall be the policy of the cabinet that no individual shall be denied patient status soley due to advanced age, or length of stay in an institution, or history of previous institutionalization, if [~~so long as~~] the individual qualifies for patient status on the basis of all other factors.

(f) With regard to an individual with a "related condition" (not mental retardation) the illness or ailment shall have manifested itself prior to the individual's 22nd birthday.

Section 5. Reevaluation of Need for Service. Nursing facility, nursing facility with waiver, and ICF-MR services shall be provided if [~~for as long as~~] the health status and care needs are within the scope of program benefits as described in Sections 3 and 4 of this administrative regulation. Patient status shall be reevaluated at least once every six (6) months. If a reevaluation of care needs reveals that the patient no longer requires high intensity, low intensity, or intermediate care for the mentally retarded services and payment is no longer appropriate in the facility, payment shall continue for ten (10) days to permit orderly discharge or transfer to an appropriate level of care.

Section 6. Preauthorization of Provision of Specialized Rehabilitation Services for Persons with Brain Injuries. Patients who are brain injured and meet usual high intensity nursing facility patient status criteria may be provided care in a certified unit providing specialized rehabilitation services for persons with brain injuries (i.e., brain injury unit) when the care is preauthorized by staff of the Department for Medicaid Services using criteria specified in this section. For coverage to occur, authorization of coverage shall be granted prior to admission of the individual with the head injury into the certified head injury unit, or if previously admitted to the unit with other third party coverage, authorization shall be granted prior to exhaustion of those benefits.

(1) Injuries within the scope of benefits shall be:

(a) Central nervous system injury from physical trauma;

(b) Central nervous system damage from anoxia or hypoxic episodes; and

(c) Central nervous system damage from allergic conditions, toxic substances and other acute medical/clinical incidents.

(2) Indications for admission and continued stay shall be as follows:

(a) The individual sustained a traumatic brain injury with structural, nondegenerative brain damage and is medically stable;

(b) The individual shall not be in a persistent vegetative state;

(c) The individual demonstrates physical, behavioral, and cognitive rehabilitation potential;

(d) The individual requires coma management; and

(e) The individual has sustained diffuse brain damage caused by anoxia, toxic poisoning, encephalitis, or cardiovascular accident with rehabilitation potential.

(3) The determination as to whether preauthorization is appropriate shall be made taking into consideration the following:

(a) The presenting problem;

(b) The goals and expected benefits of the admission;

(c) The initial estimated time frames for goal accomplishment; and

(d) The services needed.

(4) The following are indicators that show it shall be inappropriate to preauthorize coverage for services provided in a certified brain injury unit:

(a) Strokes, (note: nursing facilities provide rehabilitation services that are expected to meet the needs of most stroke patients);

(b) Spinal cord injuries in which there are no known or obvious injuries to the intercranial central nervous system;

(c) Progressive dementias and other mentally impairing conditions;

(d) Depression and psychiatric disorders in which there is no known or obvious central nervous system damage;

(e) Mental retardation, developmental disabilities, and birth defect related disorders of long standing; and

(f) Neurological degenerative, metabolic and other medical conditions of a chronic, degenerative nature.

Section 7. Reserved Bed Days. The cabinet shall cover reserved bed days in accordance with the following specified upper limits and criteria.

(1) Reserved bed days for nursing facilities and nursing facilities with wavier shall be covered for a maximum of fourteen (14) days per absence for a hospital stay with an overall maximum of forty-five (45) days per provider during the calendar year. Reserved bed days shall be covered for a maximum of fifteen (15) days per provider during the calendar year for leaves of absence other than for hospitalization.

(2) For intermediate facilities for the mentally retarded and persons with related conditions, reserved bed days shall be covered for a maximum of forty-five (45) days per provider within a calendar quarter. Reserved bed days for hospital stays shall not exceed fifteen (15) days per stay. No more than thirty (30) consecutive reserved bed days (for hospital stay(s) plus leave(s) of absence, or leave of absence only) shall be approved for coverage.

(3) Coverage during a recipient's absence for hospitalization or leave of absence shall be contingent on the following conditions being met:

(a) The person shall be in Medicaid payment status in the level of care he/she is authorized to receive and shall have been a resident of the facility at least overnight. Persons for whom Medicaid is making Medicare coinsurance payments shall not be considered to be in Medicaid payment status for purposes of this policy;

(b) The person can be reasonably expected to return to the same level of care;

(c) Due to demand at the facility for beds at that level, there is a likelihood that the bed would be occupied by some other patient were it not reserved;

(d) The hospitalization shall be for treatment of an acute condition, and not for testing, brace-fitting, etc.; and

(e) In the case of leaves of absence other than for hospitalization, the patient's physician orders and plan of care provide for such leaves. Leaves of absence include visits with relatives and friends, and leaves to participate in state-approved therapeutic or rehabilitative programs.

Section 8. The provisions of this administrative regulation shall apply to covered services provided on or after July 1, 1993 [~~1994~~].

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 7, 1993 at 3 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:025E

This emergency administrative regulation is being amended to show the provider tax, provided for in House Bill 1 passed in the Second Extraordinary Session 1993 of the General Assembly, as an allowable cost (for 1993-94 rate year the change will be accomplished as a rate add-on without offset or application of usual upper limits). Also, the administrative regulation is being amended to reduce from thirty-five (35) percent to twenty (20) percent the nursing facility's minimum Medicare bed participation requirement. This action must be taken on an emergency basis to implement policy in a timely manner. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on January 13, 1993 as follows: to allow the provider tax as an allowable cost (for 1993-94 rate year the change will be accomplished as a rate add-on without offset or application of usual upper limits) and to reduce from thirty-five (35) percent to twenty (20) percent the nursing facility's minimum Medicare bed participation requirement. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about July 1, 1993.

BRERETON JONES, Governor
FONTAINE BANKS, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:025E. Payments for nursing facility and intermediate care facility for the mentally retarded services.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 CFR 430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456; 42 USC 1396, a, b, c, d, g, i, l, n, o, p, r, r-2, r-3, r-5, s
EFFECTIVE: July 7, 1993
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth the method for determining amounts payable by the cabinet for nursing care facility services and intermediate care facility for the mentally retarded services.

Section 1. Definitions. (1) "Allowable cost" means that portion of the facility's cost which may be allowed by the cabinet in establishing the reimbursement rate. Cost shall be considered allowable if the item of supply or service is necessary for the provision of the appropriate level of patient care and the cost incurred by the facility is within cost limits established by the cabinet, i.e., the allowable cost is "reasonable."

(2) "Ancillary services" means those direct services for which a separate charge is customarily made, and which, except for ventilator therapy services, and brain injury unit services are retrospectively settled on the basis of reasonable allowable cost at the end of the facilities' fiscal year. Ancillary services are limited to the following:

(a) Physical, occupational and speech therapy;

(b) Laboratory procedures;

(c) X-ray;

(d) Oxygen and other related oxygen supplies;

(e) Respiratory therapy (excluding the routine administration of oxygen);

(f) Psychological and psychiatric therapy (for intermediate care facilities for the mentally retarded only); and

(g) Ventilator therapy services, subject to the coverage limitations shown in the reimbursement manual.

(3) "Nursing facility (NFs)" means a facility certified to the Medicaid program by the state survey agency as meeting all nursing facility requirements, and in at least twenty (20) [~~thirty five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (1) beds meeting all conditions of participation in the Medicare program. The phrase "nursing facility" also includes a nursing facility with waiver, as provided for in 42 USC 1396r(b)(4)(C)(ii), unless the context specifies otherwise.

(4) "Nursing facilities with waiver (NFs/W)" means facilities certified to the Medicaid program by the state survey agency as meeting all NF requirements except the nurse staffing requirement for which an NF waiver has been granted by the survey agency.

(5) "Hospital based nursing facilities" means those nursing facilities in the same building with or attached to an acute care hospital and which share common administration, nursing staff, and ancillary services with the hospital; however, those facilities classified as hospital based skilled nursing facilities on June 30, 1989 shall remain classified as hospital based nursing facilities.

(6) "Nursing services costs" means the direct costs associated with nursing services.

(7) "All other costs" means other care-related costs, other operating costs, capital costs, and indirect ancillary costs.

(8) The "basic per diem cost" for each major cost category (nursing services costs and all other costs) shall be the computed rate arrived at when otherwise allowable costs are trended and adjusted in accordance with the inflation factor, the occupancy factor, and the median cost center per diem upper limits.

(9) "Inflation factor" means the comparison of allowable routine service costs, not including fixed or capital costs, with an inflation rate to arrive at projected current year cost increases, which when added to allowable costs, including fixed or capital costs, yields projected current year allowable costs.

(10) "Incentive factor" means the comparison of the basic per diem cost (for facilities qualifying for a cost savings incentive) with the upper limit for the appropriate cost arrays using the cost savings incentive (CSI) percentage (and taking into consideration the maximum allowable CSI amount for each cost array) to arrive at the actual dollar amount of cost savings incentive return to be added to the basic per diem cost.

(11) "Maximum allowable cost" means the maximum amount which may be allowed to a facility as reasonable cost for provision of an item of supply or service while complying with limitations expressed in related federal or state regulations.

(12) "Upper limit" means the maximum level at which the cabinet shall reimburse, on a facility by facility basis, for routine services.

(13) "Occupancy factor" means the imposition of an assumed level of occupancy used in computing unadjusted basic per diem rates.

(14) "Prospective rate" means a payment rate of return for routine services based on allowable costs and other factors, and includes the understanding that except as specified the prospective rate shall not be retroactively adjusted, either in favor of the facility or the cabinet.

(15) "Routine services" means the regular room, dietary, medical social services, nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Routine services include but are not limited to the following:

(a) All general nursing services, including administration of oxygen and related medications, handfeeding, incontinency care and tray services;

(b) Items which are furnished routinely and relatively uniformly to all patients, such as patient gowns, water pitchers, basins and bed pans. Personal items such as paper tissues, deodorants, and mouthwashes shall be allowable as routine services if generally furnished to all patients;

(c) Items stocked at nursing stations or on the floor in gross supply and distributed or utilized individually in small quantities, such as alcohol, applicators, cotton balls, band-aids and tongue depressors;

(d) Items which are utilized by individual patients but which are reusable and expected to be available in an institution providing a nursing facility level of care, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable medical equipment;

(e) Laundry services including personal clothing to the extent it is the normal attire for everyday facility use, but excluding dry cleaning costs; and

(f) Other items or services generally available or needed within a facility unless specifically identified as ancillary services. (Items excluded from reimbursement include private duty nursing services and ambulance services costs.)

(16) "Nursing facility with a mental retardation specialty (NF/MRS)" means a nursing facility in which at least fifty-five (55) percent of the patients have demonstrated special needs relating to the diagnosis of mental retardation.

(17) "Necessary function" means that had the owner not rendered services pertinent to the operation of the institution, the institution would have had to employ another person to perform the service.

Section 2. Reimbursement for Nursing Facilities (NFs) (Including Nursing Facilities with Waiver) and Intermediate Care Facilities for the Mentally Retarded (ICF-MRs). (1) All nursing facilities (NFs) (including

nursing facilities with waiver) or intermediate care facilities for the mentally retarded (ICF-MRs) participating in the Medicaid program shall be reimbursed in accordance with this administrative regulation.

(2) Payments made shall be in accordance with the requirements set forth in 42 CFR 447.250 through 42 CFR 447.280 and the coverage requirements specified in 907 KAR 1:022, Nursing facility and intermediate care facility for the mentally retarded services.

(3)(a) A nursing facility desiring to participate in Medicaid shall be required to have at least twenty (20) [~~thirty-five (35)~~] percent of its Medicaid participating beds (but not less than ten (10) beds; for a facility with less than ten (10) beds, all beds) participate in the Medicare program unless the nursing facility has been granted a waiver of the nursing facility nurse staffing requirement and, as a result, cannot participate in Medicare.

(b) If a nursing facility with waiver chooses to participate in the Medicare Program, the facility shall be required to have at least twenty (20) [~~thirty-five (35)~~] percent of its Medicaid participating beds (but not less than ten (10) beds; if the facility has less than ten (10) beds, all beds) participate in the Medicare Program.

(4) The Medicaid program does not recognize multilevel nursing facilities, and therefore all participating beds in nursing facilities (including nursing facilities with waiver but not including ICF-MRs) shall be reimbursed at the same rate established for the entire facility.

Section 3. Basic Principles of Reimbursement. (1) Payment shall be on the basis of rates which have been determined by the cabinet to be reasonable and adequate to meet the costs which are required to be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards, in accordance with the requirements set forth in 42 USC 1396(a)(13)(A).

(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the cabinet and contained in the [{]Kentucky Medicaid Program Nursing Facility Reimbursement Manual, revised July [~~January~~] 1, 1993 which is [~~hereby~~] incorporated by reference in this administrative regulation [}] and supplemented by the use of the Medicare reimbursement principles. The Kentucky Medicaid Program Nursing Facility Reimbursement Manual may be reviewed during regular working hours (8 a.m. to 4:30 p.m. eastern standard time) in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of an appropriate fee which shall not exceed approximate cost.

Section 4. Implementation of the Payment System. The cabinet's reimbursement system shall be supported by the Medicare Principles of Reimbursement, with the system utilizing the principles as guidelines in unaddressed policy areas. The cabinet's reimbursement system includes the following specific policies, components or principles:

(1) Prospective payment rates for routine services shall be set by the cabinet on a facility by facility basis, and shall not be subject to retroactive adjustment except as specified in this section of the administrative regulation, including the provisions contained in subsections (13) and (14) of this section.

(a) Prospective rates shall be cost based annually, and may be revised on an interim basis in accordance with procedures set by the cabinet.

(b) An adjustment to the prospective rate (subject to the maximum payment for that type of facility) shall be considered only if a facility's increased costs are attributable to one (1) of the following reasons:

1. Governmentally imposed minimum wage increases;

2. The direct effect of new licensure requirements or new interpretations of existing requirements by the appropriate governmental agency as issued in administrative regulation or written policy which affects all facilities within the class; or

3. Other governmental actions that result in an unforeseen cost increase.

(c)1. The amount of any prospective rate adjustment shall not exceed that amount by which the cost increase resulting directly from the governmental action exceeds on an annualized basis the inflation allowance amount included in the prospective rate for the general cost area in which the increase occurs. For purposes of this determination, costs shall be classified into two (2) general areas, salaries and other.

2. The effective date of interim rate adjustment shall be the first day of the month in which the adjustment is requested or in which the cost increase occurred, whichever is later.

(2)(a) The prospective rate shall not exceed, on a facility by facility basis, an administratively established maximum payment for that type of facility as applicable (except that ICF-MRs shall have no administratively set upper limit).

(b)1. The state shall set a uniform rate year for NFs and ICF-MRs (July 1 - June 30) by taking the latest available cost data which is available as of May 16 of each year and trending the facility costs to July 1 of the rate year with prospective rates based on cost reports which are not audited or desk reviewed subject to adjustment when the audit or desk review is completed.

2. Appropriate cost report adjustments shall be made for the period between July 1, 1990 and October 1, 1990 to account for the fact a nursing facility rate adjustment related to nursing home reform shall be made effective October 1, 1990.

3. Partial year, or budgeted cost data may be used if a full year's data is unavailable. Unaudited reports are subject to adjustment to the audited amount.

(c) Facilities paid on the basis of partial year or budgeted cost reports shall have their reimbursement settled back to allowable cost, with usual upper limits applied.

(d) Facilities whose rates are subject to settlement back to cost will not be included in the arrays until [~~such time as~~] the facilities are no longer subject to cost settlement.

(e) The following specific policies shall be used with regard to determination, application, and exclusion from upper limits.

1. Nursing facility arrays. For purposes of setting upper limits the freestanding NFs (exclusive of the NF/MRs, NF/IMDs, and NF/pediatric facilities) shall be divided into urban and rural arrays.

a. The urban array shall include all facilities within a standard metropolitan statistical area (SMSA).

b. The rural array shall include all facilities in non-SMSA counties.

c. For purposes of arraying, current multilevel facilities (i.e., SNF and ICF) shall be considered as one (1) facility, and the composite or overall rate for the facility shall be paid for services rendered in either level during the period of time preceding the first survey agency occurring on or after October 1, 1990 (with separate levels ceasing to exist for Medicaid purposes at the time of the first survey).

d. The urban and rural arrays shall be further broken down into a nursing cost center array and an "other cost center" array for each.

2. Nursing facility upper limits. The following NF upper limits shall be applied:

a. The upper limit for nursing costs for freestanding NFs shall be set at 115 percent of the median of the array of each facility's cost per case mix unit (urban or rural as applicable). The upper limit for "other costs" for freestanding NFs shall be set at 115 percent of the median of the allowable per diem cost array for the facilities (urban or rural as applicable);

b. The upper limit for hospital based nursing facilities shall be set at 125 percent of the appropriate upper limit for freestanding facilities; and

c. The upper limit for NF/MRS shall be set at 120 percent of the appropriate upper limit for freestanding facilities.

3. Exclusions from nursing facility upper limits. The following exclusions from usual NF payment methodology and upper limits shall be applied.

a. Nursing facilities designated as institutions for mental diseases or as pediatric facilities shall be reimbursed at full reasonable and allowable prospective cost;

b. Hospital swing beds shall be paid at the average of NF payments for the preceding calendar year; the swing bed rates shall change effective January 1, 1991 and each January 1 thereafter;

c. Hospital dual licensed beds shall be paid at the hospital based facility upper limits;

d. Facilities recognized as providing ventilator dependent care shall be paid at an all-inclusive (excluding drugs which shall be reimbursed through the pharmacy program) fixed rate which shall be equal to projected costs; and

e. Facilities which are Medicaid certified head injury units providing preauthorized specialized rehabilitation services for persons with brain injuries shall be paid at an all-inclusive (excluding drugs which shall be reimbursed through the pharmacy program) fixed rate which shall be set at $360 per diem.

4. Other factors relating to costs and upper limit determination shall be:

a. When the cabinet has made a separate rate adjustment as compensation to the facilities for minimum wage updates, the cabinet shall then adjust downward trending and indexing factors to the extent necessary to remove from the factors costs relating to the minimum wage updates already provided for by the separate rate adjustment. The purpose of the adjustment to the factors shall be to avoid paying the facilities twice for the same costs. If ~~[When]~~ the trending and indexing factors include costs related to a minimum wage increase, the cabinet shall not make a separate rate adjustment, and the minimum wage costs shall not be deleted from the trending and indexing factors.

b. The allowable per diem cost for NFs (excluding swing beds, dual licensed hospital beds, and facilities with all inclusive rates) shall include (through June 30, 1991) thirty-eight (38) cents for nurse aide training; and one (1) dollar and thirty-eight (38) cents for implementation of universal precautions for disease control; and four (4) cents for medical director costs; these allowable cost amounts shall not be subject to adjustment or cost settlement.

c. A special access and treatment fee shall be added to the facility per diem (without regard to upper limits) for each individual identified as having care needs associated with high infectious or communicable diseases with limited treatment potential, such as hepatitis B, methicillin-resistant staphylococcus aureaus (MRSA), acquired immune deficiency syndrome (AIDS), or who test positive for human immunodeficiency virus (HIV).

d. The maximum payment amounts for the prospective uniform rate year shall be adjusted each July 1 so that the maximum payment amount in effect for the rate year shall be related to the cost reports used in setting the facility rates for the rate year.

e. For purposes of administrative ease in computations, normal rounding may be used in establishing the maximum payment amount, with the maximum payment amount rounded to the nearest five (5) cents. Upon being set, the arrays and upper limits shall not be altered due to revisions or corrections of data except as specified in this subsection.

(3) The reasonable direct cost of ancillary services provided by the facility as a part of total care shall be compensated on a reimbursement cost basis as an addition to the prospective rate except for ventilator therapy and brain injury unit services which shall be paid on the basis of all-inclusive rates.

(a) Ancillary services reimbursement shall be subject to a year-end audit, retroactive adjustment and final settlement.

(b) Ancillary costs may be subject to maximum allowable cost limits under federal regulations.

(c) Any percentage reduction made in payment of current billed charges shall not exceed twenty-five (25) percent, except:

1. In the instance of individual facilities where the actual retroactive adjustment for a facility for the previous year reveals an overpayment by the cabinet exceeding twenty-five (25) percent of billed charges; or

2. Where an evaluation by the cabinet of an individual facility's current billed charges shows the charges to be in excess of average billed charges for other comparable facilities serving the same area by more than twenty-five (25) percent.

(4) Interest expense used in setting the prospective rate shall be an allowable cost if permitted under Medicare principles and if it meets these additional criteria:

(a) It represents interest on long-term debt existing at the time the vendor enters the program or represents interest on any new long-term debt, the proceeds of which are used to purchase fixed assets relating to the provision of the appropriate level of care. If the debt is subject to variable interest rates found in balloon-type financing, renegotiated interest rates shall be allowable. The form of indebtedness may include mortgages, bonds, notes and debentures when the principal is to be repaid over a period in excess of one (1) year; or

(b) It is other interest for working capital and operating needs that directly relate to providing patient care. The form of the indebtedness may include, but shall not be limited to, notes, advances and various types of receivable financing;

(c) For both paragraphs (a) and (b) of this subsection, interest on a principal amount used to purchase goodwill or other intangible assets shall not be considered an allowable cost.

(5) Compensation to owner/administrators shall be considered an allowable cost provided that it is reasonable, and that the services actually performed are a necessary function.

(a) Compensation shall include the total benefit received by the owner for the services he renders to the institution, excluding fringe benefits routinely provided to all employees and the owner/administrator.

(b) Payment for services requiring a licensed or certified professional performed on an intermittent basis shall not be considered a part of compensation. Reasonableness of compensation shall be based on total licensed beds (all levels).

(c) Compensation for owners and nonowner administrators (except for nonowner administrators of intermediate care facilities for the mentally retarded and dual licensed pediatric facilities) shall not exceed the amounts specified in the Nursing Facility Reimbursement Manual.

(6) The allowable cost for services or goods purchased by the facility from related organizations shall be the cost to the related organization, except when it can be demonstrated that the related organization is in fact equivalent to any other second party supplier, i.e., a relationship for purposes of this payment system is not considered to exist. A relationship shall be considered to exist when an individual (or individuals) possesses five (5) percent or more of ownership or equity in the facility and the supplying business; however, an exception to the relationship shall be determined to exist when fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(7) The amount allowable for leasing costs shall not exceed the amount which would be allowable based on the computation of historical costs, except that for nursing facilities entering into lease/rent arrangements as intermediate care facilities prior to April 22, 1976, intermediate care facilities for the mentally retarded entering into lease/rent arrangements prior to February 23, 1977, and nursing facilities entering into lease/rent arrangements as skilled nursing facilities prior to December 1, 1979, the cabinet shall determine the allowable costs of these arrangements based on the general reasonableness of the costs.

(8) Certain costs not directly associated with patient care shall not be considered allowable costs. Costs which shall not be allowable include political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies,

conferences, or any related activities), specified vehicle costs as shown in the Kentucky Medicaid Program Nursing Facility Reimbursement Manual, and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs unless the costs are incurred by administrators or owners.

(9) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the following methods shall be used for changes of ownership occurring before July 18, 1984:

(a) Determine the actual gain on the sale of the facility.

(b) Add to the seller's depreciated basis two-thirds (2/3) of one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to arrive at the purchaser's cost basis.

(c) Gain shall be defined as any amount in excess of the seller's depreciated basis as computed under program policies at the time of the sale, excluding the value of goodwill included in the purchase price.

(d) A sale shall be any bona fide transfer of legal ownership from an owner(s) to a new owner(s) for reasonable compensation, which shall usually be fair market value. Lease-purchase agreements or other similar arrangements which do not result in transfer of legal ownership from the original owner to the new owner shall not be considered sales until legal ownership of the property is transferred.

(e) If an enforceable agreement for a change of ownership was entered into prior to July 18, 1984, the purchaser's cost basis shall be determined in the manner set forth in paragraphs (a) through (d) of this subsection.

(10) Notwithstanding the provisions contained in subsection (9) of this section, or in any other section or subsection of this administrative regulation or the "Kentucky Medicaid Program Nursing Facility Reimbursement Manual," the cost basis for any facility changing ownership on or after July 18, 1984 (but not including changes of ownership pursuant to an enforceable agreement entered into prior to July 18, 1984 as specified in subsection (9)(e) of this section) shall be determined in accordance with the methodology set forth in this administrative regulation [~~herein~~] for the reevaluation of assets of nursing facilities.

(a) An increase shall not be allowed in capital costs;

(b) The allowable historical base for depreciation for the purchaser shall be the lesser of the allowable historical cost of the seller less any depreciation allowed to the seller in prior periods, or the actual purchase price; and

(c) The amount of interest expense allowable to the purchaser shall be limited to the amount that was allowable to the seller at the time of the sale.

(11) Each facility shall maintain and make available any records (in a form acceptable to the cabinet) which the cabinet may require to justify and document all costs to and services performed by the facility. The cabinet shall have access to all fiscal and service records and data maintained by the provider, including unlimited on-site access for accounting, auditing, medical review, utilization control and program planning purposes.

(12) The following shall apply with regard to the annual cost report required of the facility:

(a) The year-end cost report shall contain information relating to prior year cost, and shall be used in establishing prospective rates and setting ancillary reimbursement amounts;

(b) New items or expansions representing a departure from current service levels for which the facility requests prior approval by the program shall be so indicated with a description and rationale as a supplement to the cost report;

(c) Cabinet approval or rejection of projections or expansions shall be made on a prospective basis in the context that if expansions and related costs are approved they shall be considered when actually incurred as an allowable cost. Rejection of items or costs shall represent notice that the costs shall not be considered as part of the cost basis for reimbursement. Unless otherwise specified, approval shall relate to the substance and intent rather than the cost projection; and

(d) When a request for prior approval of projections or expansions is made, absence of a response by the cabinet shall not be construed as approval of the item or expansion.

(13) The cabinet shall perform a desk review of each year-end cost report and ancillary service cost to determine the necessity for and scope of a field audit in relation to routine and ancillary service cost. If a field audit is not necessary, the report shall be settled without a field audit. Field audits shall be conducted when determined necessary. A desk review or field audit shall be used for purposes of verifying cost to be used in setting the prospective rate or for purposes of adjusting prospective rates which have been set based on unaudited data; audits may be conducted annually or at less frequent intervals. An audit of ancillary cost shall be conducted as needed.

(14) Year-end adjustments of the prospective rate and a retroactive cost settlement shall be made when:

(a) Incorrect payments have been made due to computational errors (other than the omission of cost data) discovered in the cost basis or establishment of the prospective rate.

(b) Incorrect payments have been made due to misrepresentation on the part of the facility (whether intentional or unintentional).

(c) A facility is sold and the funded depreciation account is not transferred to the purchaser.

(d) The prospective rate has been set based on unaudited cost reports and the prospective rate is to be adjusted based on audited reports with the appropriate cost settlement made to adjust the unaudited prospective payment amounts to the correct audited prospective payment amounts.

(15) The cabinet may develop and utilize methodology to assure an adequate level of care. Facilities determined by the cabinet to be providing less than adequate care may have penalties imposed against them in the form of reduced payment rates.

(16) Each facility shall submit the required data for determination of the prospective rate no later than sixty (60) days following the close of the facility's fiscal year. This time limit may be extended at the specific request of the facility (with the cabinet's concurrence).

(17) Allowable prior year cost, trended to the beginning of the rate year and indexed for inflation, shall be subject to adjustment based on a comparison of costs with the facility's occupancy rate (i.e., the occupancy factor) as determined in accordance with procedures set by the cabinet.

(a) The occupancy rate shall not be less than actual bed occupancy, except that it shall not exceed ninety-eight (98) percent of certified bed days (or ninety-eight (98) percent of actual bed usage days, if more, based on prior year utilization rates).

(b) The minimum occupancy rate shall be ninety (90) percent of certified bed days for facilities with less than ninety (90) percent certified bed occupancy.

1. The cabinet may impose a lower occupancy rate for newly constructed or newly participating facilities, or for existing facilities suffering a patient census decline as a result of a competing facility newly constructed or opened serving the same area.

2. The cabinet may impose a lower occupancy rate during the first two (2) full facility fiscal years an existing nursing facility participates in the program under this payment system.

(18) Qualifying nursing facilities (but not including swing beds, dual licensed hospital beds, IMDs, pediatric facilities, and facilities with all-inclusive rates) shall earn a cost savings incentive (CSI).

(a) Facilities qualifying for the CSI (except for NF/MRSs) shall be those facilities whose rate within the applicable cost array is not in excess of 110 percent of the median of the array.

(b) The CSI shall be computed at ten (10) percent of the difference between the facility's cost and the upper limit for the array

with the CSI amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array.

(c) NF/MRSs shall qualify for the CSI when the NF/MRS has costs less than the NF/MRS upper limit, and the CSI shall be ten (10) percent of the difference between the facility rate and the upper limit for the class of facility with the CSI amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array.

(19) Intermediate care facilities for the mentally retarded may qualify for a cost incentive and investment factor (CIIF) allowance based on a comparison of the facility rate with the CIIF schedule shown in this subsection. No return for investment risk shall be made to nonprofit facilities, and publicly owned and operated facilities shall not receive the incentive or investment return. Cost incentive and investment schedule for intermediate care facilities for the mentally retarded:

(Effective 10-1-90)

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$ 96.99 & below	$1.38	$.87
97.00 -102.99	1.29	$.75
103.00 -108.99	1.18	$.62
109.00 -114.99	1.06	$.47
115.00 -120.99	.92	$.31
121.00 -126.99	.76	$.13
127.00 -133.49	*.53	----

*There is no maximum payment limit for intermediate care facilities for the mentally retarded.

(20) Hold harmless. The NFs (but not including swing beds or dual licensed hospital beds) shall be entitled to a "hold harmless" amount for the period from October 1, 1990 through June 30, 1992.

(a) This hold harmless amount shall be the amount, if any, by which the July 1, 1990 allowable facility rate plus an adjustment for ancillary costs shifted to routine costs (less a nurse aide training per diem allowance of one (1) dollar and twenty (20) cents) exceeds the allowable facility rate as computed on October 1, 1990 and July 1, 1991 (excluding the revised nurse aide training per diem allowance and other per diem add-ons in recognition of OBRA 87 requirements) under the revised reimbursement system.

(b) For hold harmless purposes, the July 1, 1990 rate shall be increased by an inflation allowance using the appropriate data resources, incorporated index for inflation.

(21) An adjustment shall be made to the usual rate for ICF-MRs, IMDs, and pediatric facilities to account for those medical supplies, catheters, syringes, and diapers not payable under the pharmacy program (and no longer payable as ancillaries under the nursing facility payment system) which are thus included under the routine cost category.

(22) Case-mix. The nursing costs for each facility shall be divided by the average case weight (as measured by each patient's needs with regard to activities of daily living and special needs using a standardized measurement as shown in the Nursing Facility Reimbursement Manual with a range from one (1.0) (lowest level of intensity) to 4.12 (highest level of intensity) to derive the facility average case unit cost.

(a)1. The average case weight for the period October 1, 1990 through June 30, 1991 shall be based on Medicaid patient level of care determinations made during the period July 1, 1990 through September 30, 1990 for each facility. (The peer review organization (PRO) shall first determine whether a patient is high-intensity, low-intensity, or neither. For patients meeting patient status (high or low-intensity), the PRO will then determine the case weight).

2. The average case weight thereafter shall be based on all level of care determinations made during the period covered by the cost report (or as appropriate the most recent period available or a projection if a fully or partial cost report is not available).

(b) The facility nursing rate shall be adjusted for each quarter throughout the year and shall be the product of the average case unit cost (subject to upper limits and with the CSI adjustment as appropriate) times the average case weight for the prior quarter (as determined using standard methodology and point-in-time analysis). The actual facility payment amount for nursing care shall thus be subject to adjustment each calendar quarter based on changes in facility average case weight, though the average case unit cost (based on prior year costs) remains the same.

(23) Nursing home reform costs.

(a) Effective October 1, 1990 and thereafter, facilities shall be required to request preauthorization for costs that must be incurred to meet nursing home reform costs in order to be reimbursed for the costs.

1. The preauthorization request shall show the specific reform action that is involved and appropriate documentation of necessity and reasonableness of cost.

2. Upon authorization by the Medicaid agency, the cost shall be allowable.

3. A request for a payment rate adjustment may then be submitted to the Medicaid agency with documentation of actual cost incurred.

4. The allowable additional amount shall then be added on the facility's rate (effective with the date the additional cost was incurred) without regard to upper limits or the CSI factor (i.e., the authorized nursing home reform cost shall be passed through at 100 percent of reasonable and allowable cost).

(b) Preauthorization shall not be required for nursing home reform costs incurred during the period July 1, 1990 through September 30, 1990; however, the actual costs incurred shall be subject to tests of reasonableness and necessity and shall be fully documented at time of the request for rate adjustment.

(c) Facilities may request multiple preauthorizations and rate adjustments (add-ons) as necessary for implementation of nursing home reform.

(d) Facility costs incurred prior to July 1, 1990 shall not (except for the costs previously recognized in a special manner, i.e., the universal precautions add-on and the nurse aide training add-on) be recognized as being nursing home reform costs.

(e) The special nursing home reform rate adjustment shall be requested using forms and methods specified by the agency.

(f) A nursing home rate adjustment shall be included within the cost base for the facility in the rate year following the rate year for which the adjustment was allowed.

(g) Interim rate adjustments for nursing home reform shall not be allowed for periods after June 30, 1993.

(24) The provider tax on nursing facilities shall be considered allowable cost; for the period of July 1, 1993 through June 30, 1994 appropriate rate adjustment shall be made as a rate add-on, with no offset against the inflation allowance. For subsequent rate periods, the cost basis shall be adjusted as appropriate to reflect the cost of the provider tax.

Section 5. Prospective Rate Computation. The prospective rate for each facility (taking into account the factors described in this administrative regulation and the case mix methodology shown in the Nursing Facility Reimbursement Manual) shall reflect the following:

(1) The adjusted allowable cost for the facility;

(2) Adjustments to allowable cost related to occupancy;

(3) Adjustments to allowable cost related to application of upper limits;

(4) Adjustments to allowable cost related to application of the cost savings incentive factor, or for ICF-MRs, the cost incentive and

investment schedule;

(5) Rates shall be recomputed quarterly based on revisions in the case mix assessment classification which affects the nursing services component as described in the Nursing Facility Reimbursement Manual; however, the cost basis and the upper limits shall be revised annually using the latest available cost reports and assessments from each provider;

(6) Adjustments as appropriate for costs shifted from ancillary to routine;

(7) Nursing home reform adjustments; and

(8) Hold harmless adjustments.

Section 6. Reimbursement Review and Appeal. Participating facilities may appeal cabinet decisions as to application of the general policies and procedures in accordance with the following:

(1) First recourse shall be for the facility to request in writing to the Director, Division of Reimbursement Operations, a reevaluation of the point at issue. This request shall be received within forty-five (45) days following notification of the prospective rate or forwarding of the desk review or audited cost report by the program. The director shall review the matter and notify the facility of any action to be taken by the cabinet (including the retention of the original application of policy) within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, if one is held, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) Second recourse shall be for the facility to request in writing to the Commissioner, Department for Medicaid Services, a review by a standing reimbursement review panel to be established by the commissioner.

(a) This request shall be postmarked within twenty (20) days following notification of the decision of the Director, Division of Reimbursement Operations.

(b) The panel shall consist of three (3) members: one (1) member from the Division of Reimbursement Operations, one (1) member from the Kentucky Association of Health Care Facilities, and one (1) member from the Department for Medicaid Services (but not within the Division of Reimbursement Operations) as designated by the Commissioner, Department for Medicaid Services, with the designated member to act as chairperson of the review panel.

(c) A date for the reimbursement review panel to convene shall be established within twenty (20) days after receipt of the written request.

(d) The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(e) In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances in order to provide for equitable treatment and reimbursement of the provider.

(f) The attendance of the representative of the Kentucky Association of Health Care Facilities at review panel meetings shall be at the cabinet's expense.

Section 7. Implementation Date. The provisions of this administrative regulation shall be effective with regard to payments for services provided on or after July [~~January~~] 1, 1993.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 7, 1993 at 3 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:031E

This emergency administrative regulation is being amended to show the provider tax, provided for in House Bill 1 of the Second Extraordinary Session, 1993 of the General Assembly, as an allowable cost (for 1993-94 rate year the change will be accomplished as a rate add-on without offset or application of usual upper limits). This action must be taken on an emergency basis to implement policy in a timely manner. This emergency administrative regulation differs from the emergency administrative regulation on the same subject matter that was filed on January 21, 1993 since it allows the provider tax as an allowable cost (for 1993-94 rate year the change will be accomplished as a rate add-on without offset or application of usual upper limits). This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about July 1, 1993.

BRERETON JONES, Governor
FONTAINE BANKS, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:031E. Payments for home health services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 440.70, 447.325, 42 USC 1396a-d

EFFECTIVE: July 7, 1993

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth the method for determining amounts payable by the cabinet for home health agency services.

Section 1. Payments to Home Health Agencies. (1) The cabinet shall reimburse participating home health agencies on the basis of interim rates set by the cabinet using available Medicare data and methodology as applied to Medicaid covered services (effective July 1, 1992 using cost data submitted by the home health agency provider on the annual Medicaid home health agency cost report), taking into consideration the upper limit shown in Section 2 of this administrative regulation and the various policies and guidelines specified in the Cabinet for Human Resources Title XIX Home Health Reimbursement Manual.

(a) A home health agency (but not including a publicly operated agency) whose nonaggregated base year costs (as shown in the cost report used to set the agency's interim rate) are below the prospective upper limit for the agency shall receive a cost containment incentive payment in accordance with the incentive payment schedule shown in the reimbursement manual.

(b) The cost containment incentive payment shall not be subject to retrospective settlement.

(2) Payments made at the interim rate (except for incentive payments) shall be settled back to actual allowable cost at the end of the facilities' fiscal year, with actual allowable costs not to exceed the amounts that would be allowable taking into consideration the upper limit specified in Section 2 of this administrative regulation. The Medicaid final rates (except for incentive payments) shall not exceed federally established upper limits for Medicare.

(3) The Cabinet for Human Resources Title XIX Home Health Reimbursement Manual, revised July [~~February~~] 1, 1993, is incorporated by reference.

(a) The Home Health Reimbursement Manual is available for inspection and copying during regular working hours (8 a.m. to 4:30 p.m. eastern time) in the office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621.

(b) A fee shall be charged for the Home Health Reimbursement Manual not to exceed the approximate cost of copying and materials.

(4) Provider taxes shall be considered allowable costs; for the rate period beginning on July 1, 1993 and ending on June 30, 1994, the cost of the provider tax shall be added to the rate as an add-on without offset or application of upper limits. For subsequent rate periods, the provider tax cost shall be shown in the appropriate cost report used for rate setting.

Section 2. Application of Upper Limits. (1) Publicly operated home health agencies (except new facilities as shown in Section 5 of this administrative regulation) shall be reimbursed at full allowable cost but shall be subject to the Medicare upper limits.

(2) Payments for agencies other than publicly operated home health agencies (except payments for disposable medical supplies, as shown in Section 4 of this administrative regulation), [~~and~~] incentive payments as shown in Section 1 of this administrative regulation, and rate add-ons to recognize provider taxes as shown in Section 1 of this administrative regulation, shall not exceed a prospective upper limit which shall be set at 105 percent of the weighted median of the array of allowable per visit costs of those agencies that are subject to the upper limits.

(3) Facilities shall be placed in an urban or rural array based on the facility location for the following cost centers or disciplines: speech pathology, physical therapy, occupational therapy, medical social services, and home health aid services.

(a) The upper limit for the skilled nursing cost center shall be the Medicare upper limit. A determination as to whether a county is urban or rural shall be made taking into account usual standard metropolitan statistical areas.

(b) Arrays shall be based on annual cost report data with costs trended through June 30 and indexed for the rate year; the rate year shall begin on July 1 and end on June 30; and the upper limit shall be subject to an annual adjustment to be effective on July 1 of each rate year. Aggregation of costs (i.e., shifting of allowable costs from one cost center to another if the limit is exceeded in one cost center but not in another) shall be permitted.

(c) For rate years beginning July 1, 1986 and thereafter, the array shall be based on the latest available cost report as of May 31 preceding the rate year.

Section 3. Payments for Durable Medical Equipment. Effective with regard to services provided on or after July 1, 1989, home health agencies shall not be reimbursed for durable medical equipment unless enrolled as a participating durable medical equipment provider.

Section 4. Disposal medical supplies shall be reimbursed on an interim basis at a percent of allowable billed charges with a settlement to actual costs at the end of the agency's fiscal year.

Section 5. New home health agencies shall be paid seventy (70) percent of the Medicaid maximum rate not to exceed Medicare upper limits, until a fiscal year end cost report is available. During this initial period, the rate may be adjusted if the provider documents the justification for a rate change by the submittal of a projected cost report.

Section 6. Owners' compensation shall be limited as shown in the Home Health Reimbursement Manual.

Section 7. Payments to Out-of-state Home Health Agencies Effective with Regard to Services Provided on or after July 1, 1990. (1) The cabinet shall reimburse participating out-of-state home health agencies at the lower of the Medicare maximum payment rate, the Medicaid maximum payment rate, or the agency's actual usual and customary billed charge.

(2) Disposable medical supplies shall be reimbursed at a rate of eighty (80) percent of the actual usual and customary billed charge.

Section 8. Requests for Reconsideration and Appeals. Participating home health agencies are provided the following mechanism for a review of program decisions relating to the application of the policies and procedures governing home health agency payments.

(1) Request for reconsideration. A home health agency operator may request reconsideration of a program decision by writing to the Director, Division of Reimbursement Operations.

(a) A request for reconsideration shall be received within forty-five (45) days following transmittal of the audited cost report to the agency or the notification of the agency's prospective rate. A request for workpapers pertaining to audit adjustments to the home health agency's cost report shall not extend the forty-five (45) day time limit.

(b) If the home health agency operator fails to request reconsideration of the audited cost report within the forty-five (45) days, the audited cost report shall be final and shall not be reopened unless the cabinet determines that there is suspected fraud or misrepresentation.

(c) A request for reconsideration shall indicate which adjustments the home health agency wishes reconsidered. A blanket request for reconsideration of the cost report shall not be accepted.

(d) Program/vendor conference. Upon receipt of the request for reconsideration, the division shall determine the need for a program/vendor conference and shall contact the home health agency to arrange a conference.

1. If a program/vendor conference is needed, the conference shall be held within sixty (60) days of receipt of the home health agency's request for review unless delayed due to extenuating circumstances.

2. Regardless of the program decision, the provider shall be afforded the opportunity for a conference if he so wishes for a full explanation of the factors involved in the decision.

(e) Following reconsideration of the matter, the Director of the Division of Reimbursement Operations shall notify the home health agency in writing of the action to be taken by the division within twenty (20) days of receipt of the request for reconsideration or the date of the program/vendor conference, whichever is later.

(f) The twenty (20) day period for notification in paragraph (e) of this subsection may be extended by the program when necessary to secure additional information for resolution of the issue.

(2) Appeal to the reimbursement review panel. If the Director of Reimbursement Operations' decision is unsatisfactory, the home health agency may appeal the question to a reimbursement review panel established by the Commissioner of the Department for Medicaid Services.

(a) The reimbursement review panel shall include one (1) member of the Division of Reimbursement Operations, a representative of the Kentucky Association of Home Health Agencies, and a member of the Department for Medicaid Services (but not within the Division of Reimbursement Operations) as designated by the commissioner, with the designated member to serve as chairperson.

(b) A request for review by the reimbursement review panel shall be postmarked within twenty (20) days following the notification of the initial decision by the Director, Division of Reimbursement Operations.

(c) A date for the reimbursement review panel to convene shall be established within twenty (20) days after receipt of a written request for the appeal. The question shall be heard by the panel.

(d) The review panel shall issue a binding decision on the issue within thirty (30) days of the hearing unless the review panel determines that additional time is needed to secure further information or clarification pertinent to the resolution of the issue.

(e) The review panel may consider extenuating circumstances to provide equitable treatment and reimbursement of the provider.

Section 9. Audits may be performed by either the Medicare or Medicaid program; if audited by both, the Medicaid audit shall take precedence over the Medicare audit.

Section 10. Implementation Date. The amendments to this administrative regulation [~~as shown herein~~] shall be effective with regard to services provided on or after July [~~February~~] 1, 1993.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 7, 1993 at 3 p.m.

STATEMENT OF EMERGENCY
907 KAR 1:536E

This emergency administrative regulation is being promulgated to repeal the Medicaid Program's administrative regulations which provide for tax assessment schedules for physicians, dentists, optometrists, pharmacies, and mental health centers. The statutory authority for these administrative regulations has been repealed and they should be terminated in a timely manner to avoid possible confusion relating to provider taxes. This emergency administrative regulation shall be replaced by an ordinary administrative regulation filed with the Regulations Compiler on or about June 30, 1993.

BRERETON JONES, Governor
FONTAINE BANKS, JR., Secretary

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:536E. Repeal of 907 KAR 1:480, 907 KAR 1:485, 907 KAR 1:490, 907 KAR 1:495, and 907 KAR 1:535.

RELATES TO: KRS 13A.224, 205.520
STATUTORY AUTHORITY: KRS 194.050
EFFECTIVE: July 7, 1993
NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medicaid Program in accordance with KRS 205.520. This administrative regulation acts specifically to repeal the Medicaid tax assessment schedules for physicians, dentists, optometrists, pharmacies, and mental health centers.

Section 1. 907 KAR 1:480, Tax assessment schedule for physicians; 907 KAR 1:485, Tax assessment schedule for dentists; 907 KAR 1:490, Tax assessment schedule for optometrists; 907 KAR 1:495, Tax assessment schedule for pharmacies; and 907 KAR 1:535, Tax assessment schedule for mental health centers, are repealed.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30. 1993
FILED WITH LRC: July 7, 1993 at 3 p.m.

ADMINISTRATIVE REGULATIONS AMENDED BY PROMULGATING AGENCY & REVIEWING COMMITTEE

COMPILER'S NOTE: The following administrative regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee at its June 7, 1993, meeting unless specified otherwise.

DEPARTMENT OF STATE
Registry of Election Finance
(As Amended)

32 KAR 2:150. Three (3) judge panel; appointment; procedure.

RELATES TO: KRS 121.140(4)
STATUTORY AUTHORITY: KRS 121.120(1)(g)
NECESSITY AND FUNCTION: KRS 121.140(4) provides for the referral to a three (3) judge panel cases which cannot be resolved through conciliation. It is necessary to promulgate this administrative regulation to effectively implement this statutory mandate.

Section 1. Appointment of Panel. (1) Upon the failure of respondent to accept a conciliation agreement proposed by the Registry of Election Finance as provided by KRS 121.140(2) and (3), the **registry** **[~~general counsel~~]** shall, within five (5) days, **submit a written request** **[~~refer the case~~]** to the Chief Justice of the Kentucky Supreme Court **to recommend qualified judges to serve pursuant to KRS 121.140(4).**

(2) The registry shall:

(a) Request the Chief Justice to recommend retired judges qualified to serve on the panel; and

(b) Select three (3) judges from this list; or

(c) If the Chief Justice declines to make a recommendation, the registry, on its own initiative, shall request retired judges to serve on the panel. **[~~and request that a three (3) judge panel be appointed pursuant to KRS 121.140(4). Not later than fifteen (15) days following receipt of the referral from the registry, the Chief Justice shall appoint three (3) active or retired justices or judges of the Court of Justice to conduct a hearing on the matter, and shall notify the general counsel of the appointments and the date scheduled for hearing which shall be scheduled no later than forty five (45) days from the appointment of the panel. The general counsel shall provide notice to the complainant and the respondent as provided in KRS 121.140(4).~~

~~(2) A justice or judge appointed by the Chief Justice pursuant to subsection (1) of this section and KRS 121.140(4) shall disqualify himself in a proceeding in which his impartially might reasonably be questioned, including but not limited to instances where:~~

~~(a) The judge has a personal bias or prejudice toward a party to the action or has personal knowledge of disputed evidentiary facts of the case;~~

~~(b) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such person:~~

~~1. Is a party to the action;~~

~~2. Is acting as a lawyer in the proceeding;~~

~~3. Is known by the judge to have an interest which could be substantially affected by the outcome of the proceeding; or~~

~~4. Is to the judge's knowledge likely to be a material witness in the proceeding;~~

~~(3) A judge or justice who believes he is required by subsection (2) of this section to disqualify himself from serving as a member of a three (3) judge panel shall immediately notify the Chief Justice of that fact, and the Chief Justice shall appoint a replacement within three (3) days of receipt of the notification.~~]

Section 2. Except as provided in Section 1 of this administrative regulation, the Kentucky Rules of Civil Procedure shall govern hearings before the three (3) judge panel.

Section 3. The **time and** location of hearings shall be determined by the **registry** **[~~Chief Justice~~]**. Judges or justices appointed to serve on a three (3) judge panel shall receive reimbursement **from the registry** for their reasonable and necessary expenses incurred as a result of the performance of their duties.

JOSEPH H. TERRY, Chairman
APPROVED BY AGENCY: March 17, 1993
FILED WITH LRC: April 14, 1993 at 11 a.m.

COMPILER'S NOTE: The following administrative regulation, 103 KAR 5:150, was amended by the promulgating agency and the Interim Joint Committee on Appropriations and Revenue, and became effective on June 24, 1993.

REVENUE CABINET
Department of Administrative Services
(As Amended)

103 KAR 5:150. Procedures for the removal of a property valuation administrator from office.

RELATES TO: KRS 132.370
STATUTORY AUTHORITY: KRS 61:810, 131.030, 131.130, 132.370
NECESSITY AND FUNCTION: KRS 132.370 provides that a property valuation administrator may be removed from office by final order of the Secretary of Revenue for willful disobedience of any just or legal order of the cabinet, or for misfeasance or malfeasance in office or willful neglect in the discharge of his official duties, including but not limited to intentional underassessment or overassessment of properties and chronic underassessment of properties. This administrative regulation implements KRS 132.370 and establishes the time limits and procedures to be followed by all parties in preremoval conferences and postremoval hearings.

Section 1. Definitions. (1) "Cabinet" means the Revenue Cabinet.

(2) "PVA" means a property valuation administrator.

(3) "Secretary" means the Secretary of the Revenue Cabinet.

Section 2. Notice of Intent to Remove. If the secretary has determined that a PVA should be removed from office pursuant to KRS 132.370, the PVA shall be notified in writing of the secretary's intent to remove him. The notice shall state the specific reasons for removal including the specific activity, act or omission on which the intent to remove is based. The notice shall advise the PVA of the PVA's right to a preremoval conference and a postremoval hearing and shall explain the time limits and procedures to be followed in that conference and hearing.

Section 3. Preremoval Conference. (1) No later than five (5) working days after receipt of the notice of intent to remove, excluding the day he or she receives such notice, the PVA may request in writing a conference with the secretary or his or her designee to answer the charges. The conference shall be scheduled within six (6) working days after receipt of the PVA's

request for a preremoval conference, excluding the day the PVA's request is received. Failure of a PVA to request a preremoval conference shall not be deemed a waiver of the PVA's right to contest removal from office in the postremoval hearing. If a preremoval conference is not timely requested, the cabinet shall notify the PVA in writing of the effective date of removal, the specific reason for removal, and advise the PVA of the opportunity for a postremoval evidentiary hearing in accordance with subsection (3) of this section.

(2) The preremoval conference shall be held for the purpose of allowing the PVA to appear, with or without counsel, and to reply to the charges.

(3) No later than five (5) working days after the PVA appears before the secretary or his or her designee, excluding the day of the appearance, the secretary or his or her designee shall decide whether there are reasonable grounds to believe the charges against the PVA are true and that removal is appropriate. If the secretary or his or her designee determines the PVA shall be removed, the PVA shall be notified in writing of the effective date of removal and the specific reason for the removal, including the specific activity, act or omission upon which the removal is based. This notification shall also advise the PVA that no later than ten (10) days after receipt of the notice of removal, excluding the day he or she receives such notice, the PVA may request a postremoval evidentiary hearing before the cabinet.

(4) The secretary or his or her designee shall schedule a postremoval hearing to be held within thirty (30) working days after receipt of the PVA's request for a postremoval hearing. A hearing may be continued or rescheduled by agreement of the parties or upon motion of a party supported by a showing of good cause.

(5) If the PVA fails to timely notify the cabinet in writing of his or her intention to appear and answer the charges at the postremoval evidentiary hearing, he or she shall be deemed to have no objection to his or her removal or the charges upon which the removal based. The secretary may, without conducting further proceedings or making findings of fact or conclusions of law, issue a decision making the removal final.

Section 4. Postremoval Hearing. (1) Hearing officer. Postremoval hearings shall be conducted before one (1) or more hearing officers to be appointed by the secretary. The hearing officers shall be full-time employees of the cabinet who have had no involvement in the investigation of or decision to bring the charges resulting in the PVA's removal. If more than one (1) hearing officer is appointed, the secretary shall designate one (1) of the hearing officers to preside over the hearing.

(2) Power and duties of the presiding hearing officer. The presiding hearing officer shall have the authority to control the procedure of a hearing, to admit or exclude testimony or other evidence, and to rule upon all motions and objections. The presiding hearing officer shall fully inquire into all the facts at issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. The presiding hearing officer may call and examine witnesses, direct the production of papers or documents, and admit this proof into the record of the proceedings.

(3) Procedure.

(a) A case in support of the charges against the PVA shall be presented before the hearing officer by a cabinet attorney or cabinet employee. The cabinet may call and examine witnesses. The PVA or his or her counsel may cross-examine cabinet witnesses and may present evidence and witnesses on his or her behalf. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded and the rules of privilege shall be given effect.

(b) All testimony shall be given under oath or affirmation and a record of the proceedings shall be made and kept.

(c) Motions made during a hearing and objections with respect to the conduct of a hearing, including objections to the introduction of evidence, may be stated orally.

(d) The presiding hearing officer may exclude from the hearing room or from further participation in the proceeding any person who engages in conduct before the hearing officer that is contrary to law, disruptive or otherwise improper.

(e) A postremoval hearinge shall be private unless the accused PVA requests a public hearing.

(f) The record of the proceedings before the hearing officer shall consist of the transcript of the testimony taken at the hearing, the exhibits offered in evidence, any written applications, orders and motions made by the parties, any interlocutory orders or rulings made by the hearing officer, and the hearing officer's recommended findings of fact, conclusions of law.

(g) Within thirty (30) days of the completion of the hearing, the hearing officer shall render written recommended findings of fact, conclusions of law and an order to be served upon the parties and the secretary.

(h) The secretary may accept or reject the recommended decision of the hearing officer and shall notify the PVA in writing of this decision. This decision of the secretary shall constitute the final decision of the secretary and shall be made part of the record of the proceedings conducted by the hearing officer.

~~[RELATES TO: KRS 132.370(4), (5)~~

~~STATUTORY AUTHORITY: KRS 61.810(1)(f) [13A.100], 131.030(1),(2), 131.130(1), 132.370(4),(5)~~

~~NECESSITY AND FUNCTION: KRS 132.370 provides that a property valuation administrator [("PVA")] may be removed from office by final order of the Secretary of Revenue for willful disobedience of any just or legal order of the cabinet, or for misfeasance or malfeasance in office or willful neglect in the discharge of his official duties, including but not limited to intentional underassessment or overassessment of properties and chronic underassessment of properties. This administrative regulation implements KRS 132.370 and establishes the time limits and procedures to be followed by all parties in preremoval conferences and postremoval hearings.~~

~~Section 1. Definitions. (1) "Cabinet" is defined by KRS 132.010(1).~~
~~(2) "PVA" means a property valuation administrator.~~
~~(3) "Secretary" means the Secretary of the Revenue Cabinet.~~

~~Section 2. Notice of Intent to Remove. (1) If [When] the secretary has determined that [Revenue Cabinet believes] a PVA should be removed from office pursuant to KRS 132.370(4), he shall notify the PVA [shall be notified] in writing of the secretary's [Revenue Cabinet's] intent to remove him.~~

~~(2) The notice shall:~~
~~(a) State the:~~
~~1. Specific reasons for removal including the specific activity;~~
~~2. Act; or~~
~~3. Omission [on which the intent to remove is based];~~
~~(b) [. The notice shall] Advise the PVA of his [the PVA's] right to a preremoval conference and a postremoval hearing; and~~
~~(c) [shall] Explain the time limits and procedures to be followed in the [that] conference and hearing.~~

~~Section 3. [2.] Preremoval Conference. (1) No later than five (5) working days after receipt of the notice of intent to remove, [excluding the day he or she receives such notice,] the PVA may request in writing a conference with the Secretary [of the Revenue Cabinet] or his [or her] designee to answer the charges.~~

~~(2) The conference shall be scheduled within six (6) working days after receipt of the PVA's request for a preremoval conference[, excluding the day the PVA's request is received].~~

~~(3) [Any] Failure of a PVA to request a preremoval conference~~

shall not be deemed a waiver of the PVA's right to contest [final] removal from office in the postremoval hearing.

(4) If [In the event] a preremoval conference is not timely requested, the [Revenue] cabinet shall notify the PVA in writing of the:

(a) Effective date of removal;

(b) [the] Specific reason for removal; and

(c) Advise the PVA of the opportunity for a postremoval evidentiary hearing in accordance with subsection (6) [(3)] of this section.

(5) [(2)] The preremoval conference shall be held for the purpose of allowing the [accused] PVA to appear, with or without counsel, and to reply to the charges.

(6) [(3)] No later than five (5) working days after the PVA appears before the secretary or his [or her] designee, [excluding the day of the appearance,] the secretary or his [or her] designee shall decide whether there are reasonable grounds to believe the charges against the PVA are true and that removal is appropriate.

(7) If the secretary or his [or her] designee determines the PVA shall be removed, the PVA shall be notified in writing of the:

(a) Effective date of removal;

(b) Specific reason for the removal, including the specific:

1. Activity;

2. Act; or

3. Omission;

(c) PVA's right to request in writing:

1. Within ten (10) days after receipt of the notice of removal;

2. A postremoval hearing before the cabinet. [and the specific reason for the removal, including the specific activity, act or omission upon which the removal is based. This notification shall also advise the PVA that no later than ten (10) days after receipt of the notice of removal, excluding the day he or she receives such notice, the PVA may request a postremoval evidentiary hearing before the Revenue Cabinet.]

(8)(a) [(4)] The secretary or his [or her] designee shall schedule a postremoval hearing to be held within thirty (30) working days after receipt of the PVA's request for a postremoval hearing.

(b) A hearing may be continued or rescheduled:

1. By agreement of the parties; or

2. Upon motion of a party supported by a showing of good cause.

(9)(a) [(5)] If the PVA fails to timely notify the cabinet in writing of his [or her] intention to appear and answer the charges at the postremoval evidentiary hearing, he [or she] shall be deemed to have no objection to his [or her] removal or the charges upon which his [underlying this] removal is based.

(b) The secretary may[, without conducting further proceedings or making findings of fact or conclusions of law,] issue a decision making the removal final without:

1. Conducting further proceedings; or

2. Making findings of fact or conclusions of law.

Section 4. [3.] Postremoval Hearing. [(1)] Hearing officer. (1)(a) A postremoval hearing shall be conducted before one (1) or more hearing officers to be appointed by the Secretary of the Revenue Cabinet.

(b) A [The] hearing officer shall be a full-time employee of the [Revenue] cabinet who has [have] had no involvement in the investigation of or decision to bring the charges resulting in the PVA's removal.

(c) If [In the event] more than one (1) hearing officer is appointed, the secretary shall designate one (1) of the hearing officers to preside over the hearing.

(2) Power and duties of the presiding hearing officer.

(a) The presiding hearing officer shall have the [full] authority to:

1. Control the procedure of a hearing;

2. [, to] Admit or exclude testimony or other evidence; and

3. [to] Rule upon [all] motions and objections.

(b) The presiding hearing officer shall:

1. Fully inquire into all the facts at issue; and

2. [shall] Obtain a full and complete record of all facts necessary for a fair determination of the issues.

(c) The presiding hearing officer may:

1. Call and examine witnesses;

2. Direct the production of papers or documents; and

3. Admit this proof into the record of the proceedings.

(3) Procedure.

(a) A [The] case in support of the charges against the PVA shall be presented before the hearing officer by a [Revenue] Cabinet attorney or [Revenue Cabinet] employee. The [Revenue] Cabinet may call and examine witnesses. The PVA or his [or her] counsel may:

1. Cross examine cabinet [these] witnesses; and

2. [may] Present evidence and witnesses on his [or her] behalf. [Irrelevant, immaterial, or unduly repetitious evidence shall be excluded and the rules of privilege shall be given effect.]

(b) [All] testimony shall be given under oath or affirmation and a record of the proceedings shall be made and kept.

(c) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(d) The rules of privilege shall be given effect.

(e) The following may be stated orally:

1. Motions made during a hearing;

2. Objections to the conduct of a hearing; and

3. Objections to the introduction of evidence. [Motions made during a hearing and objections with respect to the conduct of a hearing, including objections to the introduction of evidence, may be stated orally.]

(f) A [d) The] presiding hearing officer may exclude from the hearing room, or from further participation in the proceeding, any person who engages in conduct before the hearing officer that is:

1. Contrary to law;

2. Disruptive; or

3. Otherwise improper.

(g) A [(e) All] postremoval hearing shall be private, unless the accused PVA requests a public hearing.

(h) [(f)] The record of the proceedings before the hearing officer shall consist of:

1. The transcript of the testimony taken at the hearing;

2. The exhibits offered in evidence;

3. [, any] Written applications, orders and motions made by the parties;

4. [, any] Interlocutory orders or rulings made by the hearing officer; and

5. The hearing officer's recommended findings of fact, and conclusions of law.

(i) [(g) Upon completion of both sides of the case and] Within thirty (30) days of the completion of the hearing, the hearing officer shall render:

1. Written recommended findings of fact;

2. Conclusions of law; and

3. An order that shall [to] be served upon the parties and the secretary of the [Revenue] cabinet.

(j) [(h)] The secretary of the [Revenue] cabinet:

1. May accept or reject the recommended decision of the hearing officer; and

2. Shall notify the PVA in writing of his [this] decision.

(k) The [This] decision of the secretary shall:

1. Constitute the final decision of the secretary of the [Revenue] cabinet; and

2. [shall] Be made part of the record of the proceedings conducted by the hearing officer.]

[Section 4. Judicial Review. As provided by KRS 132.370(5), the PVA shall have the right to appeal the final decision of the Secretary of the Revenue Cabinet to a circuit court of an adjacent judicial circuit.]

KIM BURSE, Secretary
APPROVED BY AGENCY: March 8, 1993
FILED WITH LRC: March 11, 1993 at 2 p.m.

GENERAL GOVERNMENT CABINET
State Board of Accountancy
(As Amended)

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. **On and after February 3, 1994, Sections 9 to 11 of this administrative regulation shall apply to all examination candidates.** ~~[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:
(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.

GENERAL GOVERNMENT CABINET
State Board of Accountancy
(As Amended)

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 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". **In 1994, the examination fees shall be $140.**

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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(As Amended)

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 **(June 1993)** required by the board is hereby incorporated by reference. A copy of the form may be obtained**, inspected or copied** at the Board of Nursing office, 312 Whittington Parkway, Suite 300430, 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, 312 Whittington Parkway, Suite 300, 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 "ARNP 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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(As Amended)

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

Aportion of 201-20:115 is being transfered to this reg.

to safeguard the public health and welfare.

Section 1. Definitions. "Established protocol" means 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, which is reviewed at least annually and includes those areas of practice related to diagnostic tests, and prescription of medications and treatments. In delineating the areas of pracatice in the established protocol, the advanced registered nurse practitioner shall conform to the standards of practice of the appropriate nursing organization incorporated by reference in Section 2 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 2. [~~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, **Standards of Practice for the Primary Health Care Nurse Practitioner, 1987**;

(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, 1983) 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,~~

~~ements may such scopes solicit the appropriate accept the accordance the nursing~~

~~ered nursing shall practice consultation irements are "established eved by the er delineating e practitioner, and shall be reviewed at least annually. The established protocol shall include these 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 4. [~~3.~~] Advanced registered nursing practice **shall** [~~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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(As Amended)

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. **That regulation deals with limited licenses following disciplinary action and for individuals with handicaps that may impair their ability to safely perform the full scope of nursing practice. The portion of the regulation dealing with limited licenses following disciplinary action is being retained and put in this regulation. 201 KAR 20:115 is being repealed because of concerns about the impact of the Americans with Disabilities Act on it.**

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.

(4) [~~(5) 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.

(5) [~~(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.~~]

(6) [~~(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 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.

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(As Amended)

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 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.

GENERAL GOVERNMENT CABINET
Department of Agriculture
Division of Animal Health
(As Amended)

302 KAR 20:054. Fee basis schedule for brucellosis testing.

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 or 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 **shall** [~~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; **or** [~~and~~]

(4) Submitted false or questionable requests for fee basis payments.

Section 5. Fee Basis Forms. A fee basis claim **shall** [~~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.

JUSTICE CABINET
Department of Criminal Justice Training
(As Amended)

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 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 **administrative** 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.

Section 2. The actual funds expended **shall** [~~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 **shall** [~~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.

TRANSPORTATION CABINET
Department of Highways
Division of Planning
(As Amended)

603 KAR 9:010. Railroad crossing alteration and 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 **or other appropriate action** 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**, and an alternate crossing is available as required in paragraphs (a) and (b) of this subsection**.

(3) The Transportation Cabinet shall consider action other than closure when the conditions set forth in subsection (2)(c) of this section are not met at a particular crossing, but when there are unusual safety concerns about the crossing.

Section 2. Evaluation. (1) The Transportation Cabinet's recommendation **regarding** [~~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**; or**

(t) Funding availability, or potential availability, for action other than closure.

(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:

(1) Provide notification to the jurisdictional local government unit and appropriate railroad company of the potential for closure of the crossing;

(2) 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:

(a) [~~(1)~~] Collection of updated information from local officials;

(b) [~~(2)~~] Collection of updated information from officials of the affected railroad company; and

(c) [~~(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. (1) If the Transportation Cabinet's final decision is to close the candidate railroad crossing, the secretary shall issue an official order to that effect.

(2) The official order shall have an effective date far enough in advance of its issuance to allow the local government unit having jurisdiction to comply with the requirements of KRS 178.050.

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 PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
Division of Plumbing
(As Amended)

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.

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
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 1,644	1,645 to 2,466	2,467 to 3,702	3,703 to 5,556	Over 5,556
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	2.2	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. (1) Roofs, paved areas, courts, and courtyards shall be drained into **one (1) of the following:**

(a) A storm water system;

(b) [~~or into~~] A combined sewerage system;

(c) [~~or into~~] A surface drainage area **unless** [~~if not~~] prohibited by the local health department or sewer district. [,]

(2) **These areas** [~~but~~] shall not be drained into sewers intended for sewage only.

(3) **Traps.**

(a) If drains are connected to a combined sewerage system, they shall be trapped.

(b) 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.

(c) 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.~~]

(d) 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. **Where the downspots run** along public driveways without side walks, they shall be placed in niches in the **walks** [~~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.

ADMINISTRATIVE REGULATIONS AMENDED AFTER HEARING

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(Amended After Hearing)

201 KAR 20:235. The prevention of transmission of HIV and HBV by nurses.

RELATES TO: **42 USC Section 300ee-2 note** [~~PL 102-141, Section 633~~]
STATUTORY AUTHORITY: KRS 314.131(1)
NECESSITY AND FUNCTION: **42 USC Section 300ee-2 note** [~~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 **invasive** 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 **or object** in **a poorly visualized or highly confined** [~~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 **Morbidity and Mortality Weekly Report, June 24, 1988, Volume 37, Number 24, which is hereby incorporated by reference. A copy may be inspected or copied at the board office during regular business hours.** [~~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 who fail to adhere to universal precautions are acting in a manner inconsistent with the practice of nursing and shall be subject to disciplinary action pursuant to KRS 314.091.** [~~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 perform exposure-prone invasive procedures and who know their status to be HIV seropositive or HBV seropositive in the absence of hepatitis B vaccination may seek counsel from the board.** [~~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) **Upon the request of a nurse, the executive director of the board or his designee 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;

(c) A nurse with expertise in the procedures performed by the requesting nurse; and

(d) The state or local public health officer or his designee [~~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 executive director or his designee and the expert review panel shall follow the confidentiality requirements of KRS 214.625(5) and 61.878(1)(a).** [~~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) **After review of a particular case, the expert review panel shall offer counsel regarding under what circumstances, if any, the nurse may continue to perform exposure-prone invasive procedures.** [~~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) **If the expert review panel determines that a nurse is not in compliance with its recommendations and that his continued practice poses a significant risk to patients, the expert review panel shall initiate the complaint procedure set forth in 201 KAR 20:161.** [~~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: July 1, 1993
FILED WITH LRC: July 2, 1993 at 8 a.m.

TRANSPORTATION CABINET
Department of Highways
Division of Planning
Division of Maintenance
(Amended After Hearing)

603 KAR 5:230. Bridge weight limits on the extended weight coal or coal by-products haul road system.

RELATES TO: KRS 177.9771, 189.230
STATUTORY AUTHORITY: KRS 177.9771
NECESSITY AND FUNCTION: KRS 177.9771(2) requires the Secretary of the Transportation Cabinet to certify those public highways which meet certain criteria as the extended weight coal or coal by-products haul road system. KRS 189.230 provides that the Department of Highways may prescribe gross vehicle weight limits for bridges lower than the limits prescribed in KRS 177.9771 on any bridge which may be damaged or destroyed to the point of catastrophic failure if gross vehicle weights exceed certain limits. This 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 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**	**61.9 Woodford County Line**

[~~ANDERSON COUNTY~~

	ROAD	FROM	TO
*	Bluegrass Pkwy	44.8 Washington County Line	52.3 Mercer County Line
	Weight Limit - Bridge over Cheeselick Road @ milepoint 51.84		
	TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons		
		56.3 Mercer County Line	61.9 Woodford County Line]

BATH COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Montgomery CO LN	12.8 Fleming CO LN
	[~~Weight Limit - Bridge over Hinkston Creek @ milepoint 0.01~~		
	~~TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 54 tons~~]		

BELL COUNTY

	ROAD	FROM	TO
*	US 25E	0.0 Virginia State LN	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 = 28 [~~37~~] tons, TY III = 37 [~~39~~] tons, TY IV = 40 [~~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 = 37 [35] tons, TY IV = 50 [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 = 40 [~~39~~] tons		
*	KY 66	0.0 US 25E	1.6 KY 221 [~~10.1 Buffalo Creek RD~~]
	[~~Weight Limit - Bridge over Cumberland River @ milepoint 0.33~~		
	~~TY I = 20 tons, TY II = 49 tons, TY III = 49 tons, TY IV = 54 tons~~		
	~~Weight Limit - Bridge over Left Fork Straight Creek @ milepoint 3.95~~		
	~~TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 44 tons~~		
	~~Weight Limit - Bridge over Sims Fork @ milepoint 7.16~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons~~]		
		11.6 Straight Creek Road	14.8 Mine
		[~~11.9 Straight Creek Road~~	~~15.1 Mines~~
		~~18.2 KY 2011~~	~~18.7 Clay CO LN~~
~~*~~	~~KY 72~~	~~1.0 Mine~~	~~3.4 Harlan CO LN~~]
*	KY 74	[~~0.0 Tennessee State LN~~	~~0.9 KY 535~~]
		0.0 Tenn. State Line [~~9.8 Mine~~]	16.8 US 25E [~~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 = 42 [~~43~~] tons, TY III = 48 [~~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
		[~~2.2 Appollo Tipple~~	~~3.1 KY 74~~]
	Weight Limit - Bridge over Bennett's Fork @ milepoint 2.41		
	TY I = 20 tons, TY II = 35 [~~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 190**	**4.1 Blacktop Church Road**	**7.4 Hall Henderson Road**
*	KY 221	10.4 Tipple [~~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 = 44 [40] tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Stoney Fork Creek @ milepoint 9.23~~
~~TY I = 20 tons, TY II = 31 [35] tons, TY III = 37 tons, TY IV = 60 tons~~]

*	KY 441	0.0 KY 74 [~~4.5 KY 2079~~]	0.5 Beans Fork RD [~~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 = 39 [~~38~~] tons, TY III = 41 [~~40~~] tons, TY IV = 50 [~~59~~] tons

[~~*~~	~~KY 535~~	~~0.0 KY 74~~	~~0.6 Clear Fork RD~~
~~*~~	~~KY 987~~	~~9.4 Hen Wilder RD~~	~~13.5 KY 217~~
~~*~~	~~KY 988~~	~~1.2 KY 217~~	~~1.7 KY 188~~
~~*~~	~~KY 1344~~	~~0.0 KY 217~~	~~2.1 Wolfpen Branch RD~~
~~*~~	~~KY 2011~~	~~8.6 Beverly Tipple~~	~~9.0 KY 66~~
~~*~~	~~KY 2012~~	~~0.0 Private Haul RD~~	~~0.1 Hen Wilder RD~~
~~*~~	~~KY 2014~~	~~0.0 US 25E~~	~~2.7 Lewis Coal Mine RD~~

~~Weight Limit - Bridge over Cumberland River @ milepoint 0.63~~
~~TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons~~

~~*~~	~~KY 2079~~	~~2.4 Ashbury Avenue~~	~~3.2 KY 441~~
~~*~~	~~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~~]
*	**KY 535**	**0.0 KY 74**	**0.3 Mine**
*	**KY 1595**	**0.2 Blacktop Church**	**1.5 Whitley County Line**
*	**KY 3483**	**0.0 KY 1595**	**1.0 KY 190**
*	**KY 3485**	**0.0 KY 74**	**4.6 KY 190**
*	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 [~~41~~] tons, TY III = 45 [~~42~~] tons, TY IV = 60 [~~59~~] tons
Weight Limit - Bridge over Townsend Creek @ milepoint 15.43

TY I = 20 tons, TY II = 42 [~~41~~] 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 [~~50~~] tons

*	US 68X	1.4 KY 627	2.8 US 68 (East)

~~[Weight Limit - Bridge over Stoner Creek @ milepoint 2.0~~
~~TY I = 20 tons, TY II = 39 tons, TY III = 40 tons, TY IV = 48 tons]~~

*	US 460	7.7 US 27	9.2 US 68X

Weight Limit - Bridge over Houston Creek @ milepoint 8.95
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 47 [~~57~~] tons

*	KY 627	0.0 Clark CO LN	9.5 US 68X

Weight Limit - Bridge over Strodes Creek Mill Race @ milepoint 0.75
TY I = 20 tons, TY II = 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 [~~21.1~~] Greenup CO LN

Weight Limit - Bridge over I-64 @ milepoint 10.56
TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons
Weight Limit - Bridge over C & O R.R. @ milepoint 19.31
TY I = 20 tons, TY II = 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 [~~52~~] tons

*	US 23S	0.0 US 60	0.6 [~~0.5~~] 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]~~

*	KY 5	7.7 KY 766	8.1 Rockhouse Fork Road
		~~[0.0 US 60~~	~~1.5 Straight Creek RD]~~

~~[Weight Limit - Bridge over Williams Creek @ milepoint 0.92~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons]~~

*	KY 757	6.2 US 23	8.5 Dock [~~10.2 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 Dock~~

~~* 53rd Street (Ashland)~~
~~0.0 US 23 0.1 53rd ST Dock~~

~~BOYLE COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
~~*~~	~~US 127~~	~~7.5 US 127 Bypass~~	~~9.7 Mercer CO LN~~

~~Weight Limit - Bridge over Mocks Branch @ milepoint 9.74~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

~~*~~	~~US 127B~~	~~0.0 US 127~~	~~5.3 US 127~~

~~Weight Limit - Bridge over Southern RR @ milepoint 0.93~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 54 tons~~

~~*~~	~~US 150~~	~~16.8 US 150 Bypass~~	~~18.9 Lincoln CO LN~~
~~*~~	~~US 150B~~	~~0.0 US 127~~	~~2.3 US 150]~~

BRACKEN COUNTY

	ROAD	FROM	TO
*	KY 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 = 37 [~~39~~] tons, TY III = 40 [~~38~~] tons, TY IV = 53 [~~51~~] tons
Weight Limit - Bridge over Lost Creek @ milepoint 3.07
TY I = 20 tons, TY II = 37 [~~39~~] tons, TY III = 40 [~~38~~] tons, TY IV = 53 [~~51~~] tons
Weight Limit - Bridge over Lost Creek @ Milepoint 3.80
TY I = 20 tons, TY II = 36 [~~38~~] tons, TY III = 40 tons, TY IV = 52 [~~51~~] tons
Weight Limit - Bridge over Lost Creek @ milepoint 6.48
TY I = 20 tons, TY II = 38 tons, TY III = 41 [~~39~~] tons, TY IV = 50 [~~49~~] tons
Weight Limit - Bridge over Lost Creek @ milepoint 6.69
TY I = 20 tons, TY II = 39 tons, TY III = 42 [~~40~~] tons, TY IV = 52 [~~50~~] tons
Weight Limit - Bridge over Troublesome Creek @ Milepoint 7.64
TY I = 20 tons, TY II = 38 [~~39~~] tons, TY III = 42 [~~40~~] tons, TY IV = 51 [~~50~~] tons
Weight Limit - Bridge over Quicksand Creek @ milepoint 14.73
TY I = 20 tons, TY II = 36 [~~38~~] tons, TY III = 39 tons, TY IV = 48 [~~47~~] tons

	[~~Weight Limit - Bridge over Frozen Creek @ milepoint 23.27~~		
	~~TY I = 20 tons, TY II = 45 tons, TY III = 49 tons, TY IV = 57 tons~~		
*	~~KY 28~~	~~5.7 Perry CO LN~~	~~7.4 Perry CO LN~~]
*	KY 30	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 540**	**0.0 KY 1812**	**3.7 Steer Fork Road**
*	KY 542	13.3 Mine [~~9.2 Quicksand Creek RD~~]	18.6 Magoffin CO LN
*	KY 1098	**18.0** [~~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
*	**KY 1419**	**0.0 KY 1812**	**2.9 Wolfe County Line**
*	**KY 1812**	**9.5 KY 540**	**14.4 KY 205**

Weight Limit - Bridge over Boone Fork of Frozen Creek @ milepoint 14.25
TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 40 tons
Weight Limit - Bridge over Boone Fork of Frozen Creek @ milepoint 14.44
TY I = 12 tons, TY II = 13 tons, TY III = 14 tons, TY IV = 20 tons

		15.7 KY 1419	**17.5 Wolfe County Line**
*	Big Lovely Branch RD CR 5030	0.0 KY 1111	1.4 KY 542
*	**Sneed Fork Road CR 5050**	**0.0 KY 540**	**0.6 Mine**
*	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~~]		

BULLITT COUNTY

	ROAD	**FROM**	**TO**
*	**US 31E**	**0.0 Spencer CO LN**	**5.5 Jefferson CO LN**

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		
		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 = 38 [~~39~~] tons, TY III = 44 [~~41~~] tons, TY IV = 60 tons		
*	KY 1117	7.0 Haul RD	8.0 Mine
*	Charlie Shepherd RD		
	CR 5023	0.0 KY 70	1.3 Mine
[*	~~KY 79~~	~~13.4 KY 70~~	~~15.2 Possum Hollow School RD~~
*	~~KY 411~~	~~0.0 KY 70~~	~~6.1 Mine~~
*	~~KY 1328~~	~~8.4 Pyramid Mine Access RD~~	~~11.7 KY 70~~
*	~~KY 1468~~	~~0.0 KY 70~~	~~1.1 US 231~~
*	~~Old Greenwich School Road~~		
	~~CR 5015~~	~~0.0 KY 1328~~	~~0.7 KY 70~~
*	~~Jolertown Ridge Road~~		
	~~CR 5027~~	~~0.0 KY 70~~	~~0.3 Pyramid Mine~~
*	~~New Cut Road (South)~~		
	~~CR 5243~~	~~0.0 KY 70~~	~~0.3 C Crabtree MN~~
*	~~Possum Hollow School Road~~		
	~~CR 5355~~	~~0.0 KY 79~~	~~0.7 Mine~~
	~~Weight Limit - Bridge over East Prong of Indian Creek~~		
	~~TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons~~]		

CALDWELL COUNTY

ROAD	FROM	TO
Western Kentucky Parkway	5.6 Lyon CO LN	21.8 Hopkins CO LN

Weight Limit - Bridge over I. C. R.R. @ milepoint 11.36
TY I = 20 tons, TY II = 40 [~~38~~] tons, TY III = 41 [~~40~~] tons, TY IV = 58 [~~57~~] tons
Weight Limit - Bridge over Tradewater River @ milepoint 21.75
TY I = 20 tons, TY II = 42 tons, TY III = 45 [~~44~~] tons, TY IV = 60 [~~58~~] tons

~~[CALLOWAY COUNTY~~

~~ROAD~~	~~FROM~~	~~TO~~
~~* US 641~~	~~0.0 Tennessee State LN~~	~~17.4 Marshall CO LN~~

~~Weight Limit - Bridge over Bee Creek @ milepoint 8.92~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~Weight Limit - Bridge over Rockhouse Creek @ milepoint 15.65~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons]~~

CAMPBELL COUNTY

ROAD	FROM	TO
KY 471	0.0 US 27	0.7 I-275

CARTER COUNTY

ROAD	FROM	TO
~~[* US 60~~	~~24.1 KY 1 and KY 7~~	~~24.8 KY 1~~
	~~29.7 Fighting Fork RD~~	~~35.0 Boyd CO LN]~~
* KY 1	~~[0.0 Lawrence CO LN~~	~~10.6 US 60~~

~~Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.46~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Dry Fork Creek @ milepoint 0.83~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Dry Fork Creek @ milepoint 1.12~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 2.40~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 59 tons~~
~~Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.13~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 4.75~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.41~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 43 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 5.77~~
~~TY I = 20 tons, TY II = 33 tons, TY III = 34 tons, TY IV = 45 tons~~
~~Weight Limit - Bridge over Little Fork Little Sandy River @ milepoint 7.70~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 41 tons, TY IV = 55 tons]~~

	10.6 US 60	11.5 I-64

Weight Limit - Bridge over I-64 @ milepoint 11.50
TY I = 20 tons, TY II = 40 [~~42~~] tons, TY III = 46 [~~44~~] tons, TY IV = 60 tons

* 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 = 49 tons, TY IV = 56 tons~~

~~* KY 207~~	~~0.0 US 60~~	~~2.3 Greenup CO LN~~
~~* Fighting Fork RD~~		
~~CR 5034~~	~~0.0 US 60~~	~~0.9 Mine]~~

CHRISTIAN COUNTY

ROAD	FROM	TO
~~[* Pennyrile PKWY~~	~~2.4 US 68~~	~~21.1 KY Hopkins CO LN]~~
* US 41	28.5 KY 1296	31.6 Hopkins CO LN

Weight Limit - Bridge over Campbells Creek @ milepoint 29.51
TY I = 20 tons, TY II = 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 Lulbegrud Creek @ milepoint 0.01		
	TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons		
	Weight Limit - Bridge over Upper Howard's Creek @ milepoint 2.98		
	TY I = 20 [~~21~~] tons, TY II = 21 tons, TY III = 24 tons, TY IV = 38 tons		
	Weight Limit - Bridge over Big Stoner Creek @ milepoint 7.00		
	TY I = 20 tons, TY II = 21 tons, TY III = 24 tons, TY IV = 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
		9.3 [~~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		
	Weight Limit - Bridge over Little Goose Creek @ milepoint 18.59		
	TY I = 20 tons, TY II = 37 [~~35~~] tons, TY III = 38 [~~36~~] tons, TY IV = 50 [~~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 = 44 [~~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 = 56 [~~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 = 54 [~~52~~] tons		
*	KY 11	**5.5** [~~7.8~~] Tipple [~~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 = 46 [43] tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Collins Fork - Goose Creek @ milepoint 5.38~~		
	~~TY I = 20 tons, TY II = 39 [40] tons, TY III = 45 [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 = 37 [~~42~~] tons, TY III = 44 tons, TY IV = 60 tons		
	~~[* KY 66~~	~~0.0 Bell CO LN~~	~~1.8 Beverly Tipple~~]
*	**KY 66**	**3.1 Mine**	**19.1 Daniel Boone Parkway**
	Weight Limit - Bridge over Phelps Fork Creek @ milepoint 4.95		

	TY I = 20 tons, TY II = 28 tons, TY III = 32 tons, TY IV = 49 tons		
*	KY 80	5.5 Paw Paw RD ~~[4.8 New Trucker Tip.]~~	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 South **Curb** ~~[Side]~~ Cedar St. ~~[Sester RD]~~	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	1.5 Jim Cove Hollow RD ~~[0.2 Mine]~~
*	Jim Cove Hollow RD		
	CR 5136	1.0 Sand Hill RD	2.2 Mine
*	Sevier Road		
	CR 5180	0.0 US 421	0.2 Tipple Access RD
	Weight Limit - Bridge over Goose Creek		
	TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 60 tons		
*	Lynn Log Fork RD		
	CR 5194	0.0 US 421	0.3 Mine
*	**Carpenter Branch Road**		
	CR 5199	**0.0 KY 2000**	**1.0 Mine**
*	**Cedar Street** ~~[Sester Road]~~ (Manchester)		
	CR 5227AA	0.0 KY 2432	0.2 Tipple Access
*	Paw Paw RD		
	CR 5271	0.0 KY 80	0.3 Tipple
~~[*~~	~~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
*	**Audobon Parkway**	**15.9 Henderson County Line**	**23.5 US 60 Bypass**
*	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 ~~14.8 US 60 Bypass]~~	~~[10.6 KY 331 [28.0 Hancock CO LN]~~ 28.0 Hancock CO LN
	~~[Weight Limit - Bridge over L & N Railroad @ milepoint 11.78~~		
	~~TY I = 20 tons, TY II = 34 tons, TY III = 35 tons, TY IV = 44 tons]~~		
	Weight Limit - Westbound Bridge over L & N RR @ milepoint 16.66		
	TY I = 20 tons, TY II = 40 tons, TY III = 44 [~~42~~] tons, TY IV = 60 tons		
	Weight Limit - Eastbound Bridge over Power Plant Entrance @ milepoint 16.66		
	TY I = 20 tons, TY II = 35 [~~37~~] tons, TY III = 38 tons, TY IV = 54 [~~53~~] tons		
	Weight Limit - Bridge over Pup Creek @ milepoint 20.31		
	TY I = 20 tons, TY II = 38 [~~39~~] tons, TY III = 49 [~~41~~] tons, TY IV = 60 [~~45~~] tons		
*	US 60B	0.0 US 60	10.2 US 60
	Weight Limit - Bridge over US 431 @ milepoint 4.22		
	TY I = 20 tons, TY II = 43 [~~42~~] tons, TY III = 45 [~~42~~] tons, TY IV = 51 [~~48~~] tons		
	Weight Limit - Bridge over L & N Railroad @ milepoint 4.84		
	TY I = 20 tons, TY II = 35 [~~37~~] tons, TY III = 38 tons, TY IV = 50 [~~49~~] tons		
	Weight Limit - Bridge over Sutherland Road @ milepoint 5.08		
	TY I = 20 tons, TY II = 39 [~~40~~] tons, TY III = 45 [~~42~~] tons, TY IV = 60 tons		
	Weight Limit - Bridge over Horse Fork Creek @ milepoint 5.65		
	TY I = 20 tons, TY II = 32 [~~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 = 35 [~~37~~] tons, TY III = 37 tons, TY IV = 49 [~~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 = 40 [~~41~~] tons, TY III = 46 [~~43~~] tons, TY IV = 60 tons
Weight Limit - Bridge over Panther Creek @ milepoint 8.84
TY I = 20 tons, TY II = 40 [~~44~~] tons, TY III = 46 [~~45~~] tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 8.94
TY I = 20 tons, TY II = 40 [~~42~~] tons, TY III = 46 [~~44~~] tons, TY IV = 60 tons
Weight Limit - Bridge over overflow @ milepoint 9.22
TY I = 20 tons, TY II = 40 [~~42~~] tons, TY III = 46 [~~44~~] tons, TY IV = 60 tons
Weight Limit - Bridge over Owensboro Beltline @ milepoint 11.29
TY I = 20 tons, TY II = 36 [~~39~~] tons, TY III = 42 [~~39~~] tons, TY IV = 60 tons

		14.9 US 60 Bridge at Ohio River	**15.7 Indiana State Line**
		Weight Limit - Bridge over Ohio River @ milepoint 14.90	
		TY I = 20 tons, TY II = 32 tons, TY III = 37 tons, TY IV = 41 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	**0.0 McLean County Line**[~~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 = 25 [~~27~~] tons, TY III = 29 [~~28~~] tons, TY IV = 45 [~~43~~] tons	
*	**KY 140**	**0.9 Lon Jackson Road**	**3.4 US 431**
*	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 = 45 [~~43~~] tons, TY III = 47 [~~46~~] tons, TY IV = 60 [~~59~~] tons	
*	KY 331	0.0 US 60 (East) (Via Industrial Dr. & Medley-Roost Rd.)	2.6 Dock [~~1.9 Mine~~]
*	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	
*	**KY 1207**	**3.6 Mine**	**5.5 KY 140**
*	**KY 1389**	**1.9 KY 1831**	**9.2 Mine**
		Weight Limit - Bridge over Pup Creek @ milepoint 4.00	
		TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 55 tons	
*	**KY 1831**	**0.0 US 60**	**2.8 KY 1389**
*	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
[*	~~Floral Road~~		
	~~CR 5035~~	~~0.0 KY 144~~	~~1.4 Mine~~
*	~~St Lawrence Road~~		
	~~CR 5036~~	~~1.6 Mine~~	~~1.8 Indian Hill Rd~~
*	~~Indian Hill Road~~		
	~~CR 5038~~	~~0.0 KY 951~~	~~0.5 St. Lawrence RD~~
*	~~Iceland Road~~]		

ELLIOTT COUNTY

ROAD	FROM	TO
* KY 7	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)	19.3 Clark CO LN

~~[Weight Limit - Bridge over New Circle Road (KY 4) @ milepoint 10.19~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 58 tons~~

~~*~~	~~US 68~~	~~0.0 Jessamine CO LN~~	~~3.1 KY 4~~

~~Weight Limit - Bridge over South Elkhorn Creek @ milepoint 0.74~~
~~TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons]~~

*	KY 4	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 I 75]~~

FLEMING COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Robertson CO LN	5.4 Mason CO LN
*	KY 11	0.0 Bath CO LN	17.3 ~~[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 = 49 tons, TY IV = 56 tons~~
~~Weight Limit - Bridge over C&O RR @ milepoint 10.95~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 57 tons~~

~~*~~	~~US 23~~	~~16.8 KY 1428~~	~~24.1 Johnson CO LN]~~
*	KY 3	0.0 US 23 & KY 80	2.5 KY 1428 ~~[2.3 Blackhawk Tipple]~~
		10.0 US 23	12.0 Johnson CO LN

~~[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
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 114**	**0.0 Magoffin County Line**	**11.4 US 23**
	Weight Limit - Bridge over Middle Creek @ milepoint 10.60		
	TY I = 20 tons, TY II = 43 tons, TY III = 47 tons, TY IV = 56 tons		
*	KY 122	8.5 KY 80	**26.1 KY 979**[~~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 302**	**2.6 Mine**	**2.9 Johnson County Line**
[*	~~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	**0.2 KY 7 South** [~~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		
		0.2 KY 7 North	**0.7 Tipple**
		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	**0.0 Knott County Line**	**0.1 CR 5037C**
		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 Nerco 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~~]
		1.3 Keathley BR RD [~~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
[~~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
* Ivel Coal Company RD CR 5020	0.0 US 23	0.1 Tipple
[~~* Powell Branch Road CR 5022~~	~~0.0 Justell Bridge RD~~	~~0.3 Camp BR Branch RD~~
~~* Justell Bridge Road CR 5024F~~	~~0.0 US 23~~	~~0.1 Powell Branch RD~~]
* Ivy Creek RD CR 5032	0.0 US 23	3.0 Haul RD [~~2.1 Mine~~]
* **Left Fork Ivy Creek Road CR 5033**	**0.0 CR 5032**	**2.1 Mine**
* Bushy Fork Road CR 5046	0.0 KY 194	0.8 Pike CO LN
[~~* Wolf Branch Road CR 5046A~~	~~0.0 Bushy Fork Road~~	~~1.0 Martin CO LN~~]
*Sugarloaf Branch RD CR 5048	0.0 KY 1428	0.6 Mine
* **Long Branch of John's Creek Road CR 5049**	**0.0 KY 302**	**1.7 Mine**
* Bull Creek Road CR 5055	0.0 KY 3	0.4 [~~0.5~~] Cabin Coal Tipple
*Crum Branch RD CR 5100	0.0 KY 3381	0.6 Mine
[~~* Camp Branch Road CR 5078~~	~~0.0 Powell Branch RD~~	~~0.9 Right FK/Camp BR RD~~
~~* Right Fork/Camp Branch Road CR 5078A~~	~~0.0 Camp Branch RD~~	~~0.2 Prater Creek Mine~~
~~* Transcontinental Road (Excluding Bridge) CR 5083~~	~~0.0 Transcontinental Tip~~	~~0.8 US 23~~
~~* Justice Branch Road CR 5107~~	~~0.0 KY 1426~~	~~0.4 Right Fork Justice BR RD~~
~~* Right Fork of Justice Branch RD CR 5107A~~	~~0.0 Justice Branch RD~~	~~0.3 Island Creek Mine~~
~~* Frog Branch Road CR 5110~~	~~0.0 KY 2030~~	~~1.0 Maple Ridge Mine~~]
* Betsy Layne Branch Road CR 5111	0.0 KY 2557	0.9 Somerset Coal Mine
* Cedar Hill Road CR 5118	0.0 KY 1426	0.6 Tipple [~~0.2 Mine~~]
[~~* Hamilton Branch RD CR 5127~~	~~0.0 KY 1426~~	~~0.2 Bebe Mine~~
~~Weight Limit - Bridge over Toler Creek TY I = 20 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 35 tons~~		
~~* Parsons Branch Road CR 5128~~	~~0.0 KY 979~~	~~0.2 Transcontinental Mine~~
~~Weight Limit - Bridge over Mud Creek TY I = 20 tons, TY II = 36 tons, TY III = 36 tons, TY IV = 36 tons~~]		
* Tackett Branch RD CR 5129	0.0 KY 979	**1.0** [~~0.7~~] Mine
* Frasure Branch Road CR 5134	0.0 KY 979	0.8 Mine [~~1.0 Joseph Mining Mine~~]
* Little Branch/Hamilton Creek RD CR 5136	0.0 KY 680	0.4 Mine
* Rocky Branch RD CR 5137	0.0 Mink Branch RD	0.2 Left Fork Rocky BR RD
* Left Fork Rocky Branch RD 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~~]

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
* 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~~]
* **Keathley Branch Road CR 5144**	**0.0 KY 1426**	**0.8 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 KY 3380 [~~Tinker Fork RD~~]	0.2 [~~0.5 Ensel~~] Mine
* Red Morg Branch Road CR 5153	0.0 KY 979	0.7 [~~0.9 Turner Elkhorn~~] Mine
* Mitchell Branch RD CR 5154	0.0 KY 979	0.5 Mine
* Tackett Branch RD CR 5156	0.0 KY 979	0.9 Buzzard Rock RD
* Buzzard Rock Road CR 5157	0.0 Tackett FK RD [~~0.2 Apache Mining Mine~~]	0.5 Pike CO LN
* Buckhorn Hollow RD CR 5159	0.0 Ky 979	0.5 Mine
[~~* Caleb Fork RD CR 5175~~	~~0.0 KY 466~~	~~0.7 Pike County Haul RD~~]
* Spewing Camp Branch CR 5190	0.0 KY 122	2.5 [~~1.8~~] Mine

Weight Limit - Bridge over Left Fork of Beaver Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

* Little Muddy Creek Road CR 5197	0.0 KY 2030	3.0 Bebe Mine
[~~* Upper Wolfpen Branch Road CR 5197B~~	~~0.0 Little Muddy Creek RD~~	~~0.7 Prater Creek Mine~~]
* **Upper Wolfpen Branch Road CR 5197B**	**0.0 Little Muddy Creek Road**	**1.0 Mine**
* Morgan Fork RD CR 5198	0.0 Little Muddy Creek RD	1.1 Mine
* Mud Creek RD CR 5202	0.0 Little Muddy Creek RD	0.4 Mine
* Hite Road CR 5220	1.0 Mine	1.8 Hite RD-KY 122 [~~1.9 Hite Prep Plant Connector RD~~]
* Hite Road-KY 122 Connector Road CR 5220A	0.0 KY 122	0.1 Hite RD
[~~* Stonecoal Branch Road CR 5234~~	~~0.0 KY 1101~~	~~1.6 Mine~~]
* Simpson Branch RD CR 5239	0.0 KY 1101	1.3 Mine
* Step Branch RD CR 5247	0.0 KY 122	0.1 Mine
* Head of Turkey Creek RD CR 5268	0.0 KY 777	2.0 Mine
[~~* Goose Creek Road CR 5273~~	~~0.0 Gosling Branch RD~~	~~0.6 Transcontinental T&H Mine~~
~~* Gosling Branch Road CR 5274~~	~~0.0 KY 80~~	~~0.1 Goose Creek RD~~]
* Vine Street (Eastern) CR 5283C	0.0 KY 80	0.1 Pitts Fork RD [~~May I Tipple~~]

Weight Limit - Bridge over Right Fork of Beaver Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

* Pitts Fork Road CR 5288	0.0 KY 850	0.3 Mine
[~~* 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		
		12.0 KY 676	14.0 Woodford CO LN
		[~~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 [~~5.3~~] 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~~	~~0.5 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 [~~5.0~~] 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 Poore Fork Cumberland River @ milepoint 31.12~~		
	~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 53 tons~~		
	~~Weight Limit - Bridge over Poore Fork Cumberland River @ milepoint 33.32~~		
	~~TY I = 20 tons, TY II = 47 tons, TY III = 47 tons, TY IV = 55 tons~~		
	~~Weight Limit - Bridge over Clover Lick Creek @ milepoint 33.74~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
	~~Weight Limit - Bridge over Poor Fork @ milepoint 35.56~~		
	~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Poor Fork @ milepoint 38.91~~		
	~~TY I = 20 tons, TY II = 25 tons, TY III = 27 tons, TY IV = 35 tons~~		
	~~Weight Limit - Bridge over Poor Fork @ milepoint 39.61~~		
	~~TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 44 tons~~]		
*	US 421	0.0 Virginia State LN	17.9 [~~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		
		23.9 KY 221 West [~~17.6 US 119 (East)~~]	27.6 [~~27.4~~] Leslie CO LN
*	KY 38	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 [~~45~~] tons, TY IV = 55 [~~53~~] tons		
	Weight Limit - Bridge over Yocum Creek @ milepoint 8.60		

TY I = 8 [~~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~~

		~~16.7 Conveyor Dump Point~~	~~17.0 KY 179~~]
*	KY 72	[~~0.0 Bell CO LN~~	~~1.3 Mill Branch RD~~]
		1.9 KY 2005	4.9 Rockhouse BR RD

Weight Limit - Bridge over Puckett Creek @ milepoint 4.73
TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 41 [~~40~~] tons
Weight Limit - Bridge over Puckett Creek @ milepoint 4.84
TY I = 20 tons, TY II = 32 [~~35~~] tons, TY III = 38 [~~37~~] tons, TY IV = 60 tons

		5.4 Tipple	11.3 US 421

Weight Limit - Bridge over Catron Creek @ milepoint 5.59
TY I = 20 tons, TY II = 30 tons, TY III = 34 tons, TY IV = 48 tons
Weight Limit - Bridge over Catron Creek @ milepoint 6.98
TY I = 20 tons, TY II = 22 tons, TY III = 25 tons, TY IV = 34 tons

		[~~10.2 Mine~~	~~11.3 US 421~~

~~Weight Limit - Bridge over Clover Fork Cumberland River @ milepoint 11.19~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons~~]

	KY 179	0.0 KY 38	0.6 Mine
		7.1 Tipple Road	**7.2 Mine**
*	**KY 215**	**0.0 KY 38**	**0.2 Tipple**
[*	~~KY 215~~	~~0.0 KY 38~~	~~0.2 Yocum Tipple~~

~~Weight Limit - Bridge over Yocum Creek @ milepoint 1.06~~
~~TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons~~]

*	KY 221	0.0 Bell CO LN	8.9 US 421 (South)
		8.9 US 421 (North)	21.6 KY 2008
*	KY 987	8.9 Mine [~~10.4 Wilder Branch RD~~]	18.5 US 421

[~~Weight Limit - Bridge over Martins Fork Lake @ milepoint 12.72~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 55 tons~~]
Weight Limit - Bridge over Martins Fork @ milepoint 14.89 [~~15.07~~]
TY I = 20 tons, TY II = 34 [~~37~~] tons, TY III = 39 [~~38~~] tons, TY IV = 60 tons
Weight Limit - Bridge over Crummies Creek @ milepoint 18.52
TY I = 20 tons, TY II = 34 [~~29~~] tons, TY III = 37 [~~34~~] tons, TY IV = 41 tons

*	KY 990	0.0 US 421	1.3 Coalgood Tipple
*	KY 991	0.0 Begin State Maintenance	1.5 KY 987

Weight Limit - Bridge over Martin's Fork @ milepoint 1.44
TY I = 20 tons, TY II = 41 tons, TY III = 45 tons, TY IV = 59 tons

*	KY 1137	0.0 US 421	3.2 Mine Access RD
*	KY 1216	0.0 Mine	0.7 KY 72
*	**KY 1556**	**1.1 Mine**	**2.1 US 421**
*	KY 1601	0.0 Jones Creek RD	1.5 Cawood Branch RD

Weight Limit - Bridge over Jones Creek @ milepoint 1.12
TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons

		2.3 Tipple and Mine	**2.4 KY 38**
*	KY 2005	2.6 Lick Branch Culvert	5.1 KY 72

Weight Limit - Bridge over Yocum Creek @ milepoint 5.08
TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons

*	KY 2006	0.0 Clover Lick RD [~~0.7 Mine~~]	4.2 Tipple [~~4.6 Arch of KY Tipple~~]
*	KY 2008	0.0 Leslie CO LN	1.4 KY 221
*	KY 2009	0.0 KY 221	2.7 Leslie CO LN

Weight Limit - Bridge over Fork of Laurel Fork Creek @ milepoint 1.51
TY I = 20 tons, TY II = 26 [~~34~~] tons, TY III = 30 [~~36~~] tons, TY IV = 51 [~~59~~] tons
[~~Weight Limit - Bridge over Laurel Fork Creek @ milepoint 2.72~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 58 tons~~]

*	KY 2425	0.0 Crawford Branch	0.4 KY 72
*	KY 2430	0.0 KY 38	1.3 Mine
*	KY 3449	0.0 Forester's Creek RD	1.1 Kentucky Harlan Tipple
*	KY 3451	0.0 [~~1.4~~] Mine	2.2 US 119

Weight Limit - Bridge over Ewing Creek @ milepoint 1.60
TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 49 tons
Weight Limit - Bridge over Cumberland River @ milepoint 2.15
TY I = 20 tons, TY II = 23 tons, TY III = 25 tons, TY IV = 32 tons

[*	~~KY 3457~~	~~0.0 KY 38~~	~~0.5 Mine~~
*	~~KY 3462~~	~~0.0 US 421~~	~~0.8 Mine~~]
*	**KY 3457**	**0.0 KY 38**	**0.5 End of State Maintenance**
*	KY 3465	0.0 KY 221	1.7 End of State Maintenance [~~3.9 Leslie CO LN~~]
*	Totz Road		

	CR 5007B	0.0 US 119 [~~Haul RD~~]	0.1 Totz Washer
*	Clover Lick Creek RD		
	CR 5027	0.0 KY 2006	0.4 Mine
*	Leonard Lane		
	CR 5032	0.0 KY 38	0.2 Mine
*	Mill Branch RD		
	CR 5033	0.0 KY 38	0.3 Mine
*	Jones Creek RD		
	CR 5102	0.0 KY 1601	0.7 Mine
*	**Kelly Branch Road**		
	CR 5122F	**0.0 Mine**	**0.2 KY 38**
*	Slack Cemetery Road		
	CR 5140	0.0 US 421 (North)	0.4 Tipple
[*	~~Barn Branch Road~~		
	~~CR 5142~~	~~0.0 US 421~~	~~0.4 Mine Access RD~~]
*	Grays Branch Road		
	CR 5206K	0.0 US 421 @ Grays Knob	0.4 Tipple
	Weight Limit - Bridge over Martins Fork		
	TY I = 20 tons, TY II = 20 tons, TY III = 20 tons, TY IV = 20 tons		
[*	~~Foresters Creek Road~~		
	~~CR 5238~~	~~0.0 KY 3449~~	~~1.7 Mine Access RD~~]
*	Rockhouse Branch Road		
	CR 5256	0.0 KY 72	**0.8 Mine** [~~0.2 R B Tipple~~]
*	River [~~Gabes Branch~~] Road		
	CR 5326E	0.0 KY 38	0.1 Brookside Tipple
*	Abner Branch RD		
	CR 5338	0.0 KY 3465	2.2 Leslie CO LN
[*	~~Ages Creek Road~~		
	~~CR 5326M~~	~~0.0 KY 38~~	~~0.3 Mine~~
	~~Weight Limit - Bridge over Ages Branch~~		
	~~TY I = 20 tons, TY II = 27 tons, TY III = 33 tons, TY IV = 53 tons~~		
*	~~Big Run Hollow Road~~		
	~~CR 5344~~	~~2.1 Mine Access Road~~	~~2.6 Bell CO LN~~]

HARRISON COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Bourbon CO LN	19.5 Pendleton CO LN
	Weight Limit - Bridge over South Fork Licking River @ milepoint 5.65		
	TY I = 20 tons, TY II = 43 [~~42~~] tons, TY III = 47 [~~44~~] tons, TY IV = 60 [~~57~~] tons		
	Weight Limit - Bridge over L&N RR @ milepoint 6.28		
	TY I = 20 tons, TY II = 34 [~~35~~] tons, TY III = 37 [~~36~~] tons, TY IV = 42 [~~45~~] tons		
	Weight Limit - Bridge over Indian Creek @ milepoint 7.09		
	TY I = 20 tons, TY II = 45 [~~43~~] tons, TY III = 46 [~~45~~] tons, TY IV = 54 [~~58~~] tons		
	Weight Limit - Bridge over Sycamore Creek @ milepoint 9.09		
	TY I = 20 tons, TY II = 28 [~~45~~] tons, TY III = 37 [~~47~~] tons, TY IV = 40 [~~60~~] tons		
	Weight Limit - Bridge over Two Lick Creek @ milepoint 10.40		
	TY I = 20 tons, TY II = 39 [~~40~~] tons, TY III = 41 [~~39~~] tons, TY IV = 50 [~~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 = 51 [~~50~~] tons		
	Weight Limit - Bridge over Richland Creek @ milepoint 19.18		
	TY I = 20 tons, TY II = 34 [~~37~~] tons, TY III = 40 [~~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 [~~69.3 KY 425~~]
		[~~(Extended weight provision restricted to use by Type IV vehicles only.)~~]	
*	US 41	0.0 Webster CO LN	**0.2** [~~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 **KY 2096 Anaconda** Aluminum Plant RD
			[~~0.9 Bill Givens RD~~]
[~~* Bill Givens Road~~			
	~~CR 5142~~	~~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 [~~(Nentoll Segment) and US 41~~	
		~~22.6~~] US 41 (South)	55.0 Webseter 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 Nentoll 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 [~~41~~] 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 (Nentoll 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 [~~41~~] tons, TY IV = 60 tons		
*	US 41A	0.0 US 41	29.4 Webster CO LN
	Weight Limit - Bridge over Crab Orchard Creek @ milepoint 0.82		
	TY I = 20 tons, TY II = 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 Soxtet 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
TY I = 20 tons, TY II = 38 tons, TY III = 44 tons, TY IV = 60 tons
Weight Limit - Pond River Bridge @ milepoint 22.14
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

Weight Limit - Bridge over Richland Creek @ milepoint 11.77
TY I = 20 tons, TY II = 22 ~~[38]~~ tons, TY III = 22 ~~[40]~~ tons, TY IV = 22 ~~[60]~~ tons
~~[Weight Limit - Bridge over ICG RR NE of Richland @ milepoint 13.09~~
~~TY I = 20 tons, TY II = 27 tons, TY III = 27 tons, TY IV = 34 tons~~
~~Weight Limit - Bridge over Sugar Creek @ milepoint 13.45~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons]~~
Weight Limit - Bridge over L&N RR @ milepoint 18.53
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

		19.9 Pennyrile PKWY ~~[18.7 US 41A]~~	26.4 Muhlenberg CO LN

~~[Weight Limit - Bridge over Pond River @ milepoint 26.32~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 60 tons]~~

*	KY 109	2.1 US 62	17.2 KY 814

Weight Limit - Bridge over Western Kentucky Parkway @ milepoint 3.81
TY I = 20 tons, TY II = 40 ~~[39]~~ tons, TY III = 43 ~~[41]~~ tons, TY IV = 56 ~~[54]~~ tons
Weight Limit - Bridge over IC RR @ milepoint 4.50
TY I = 20 tons, TY II = 40 tons, TY III = 45 ~~[42]~~ tons, TY IV = 60 ~~[58]~~ tons
Weight Limit - Bridge over IC RR @ milepoint 6.49
TY I = 20 tons, TY II = 40 tons, TY III = 45 ~~[42]~~ tons, TY IV = 60 ~~[58]~~ tons
Weight Limit - Bridge over Lick Creek @ milepoint 7.24
TY I = 20 tons, TY II = 40 ~~[39]~~ tons, TY III = 42 ~~[41]~~ tons, TY IV = 58 ~~[60]~~ tons

*	KY 112	9.6 KY 1337 ~~[3.5 Mine Access RD]~~	9.8 US 41A

~~[Weight Limit - Bridge over Finley Ditch @ milepoint 5.85~~
~~TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons~~
~~Weight Limit - Bridge over Unnamed Stream @ milepoint 8.06~~
~~TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons~~
~~Weight Limit - Bridge over Unnamed Stream @ milepoint 8.26~~
~~TY I = 20 tons, TY II = 26 tons, TY III = 27 tons, TY IV = 46 tons]~~

*	KY 262	0.0 KY 630	2.6 Bean Cemetery RD

~~[Weight Limit - Bridge over Pogue Creek @ milepoint 0.92~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons]~~

*	KY 281	0.0 US 41A	0.7 Pennyrile Parkway

Weight Limit - Bridge over L&N RR @ milepoint 0.25
TY I = 20 tons, TY II = 44 ~~[43]~~ tons, TY III = 47 ~~[44]~~ tons, TY IV = 58 ~~[56]~~ tons

*	KY 502	0.0 KY 109	6.2 KY 1034
~~[*~~	~~KY 336~~	~~3.2 McLeod RD~~	~~5.8 US 41A]~~

Weight Limit - Bridge over Clear Creek Branch @ milepoint 1.06
TY I = 20 tons, TY II = 39 tons, TY III = 45 tons, TY IV = 60 tons
Weight Limit - Bridge over Clear Creek Overflow @ milepoint 2.77
TY I = 20 tons, TY II = 35 tons, TY III = 41 tons, TY IV = 60 tons
Weight Limit - Bridge over Clear Creek @ milepoint 2.90
TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Clear Creek Overflow @ milepoint 3.07
TY I = 20 tons, TY II = 37 tons, TY III = 43 tons, TY IV = 60 tons
Weight Limit - Bridge over Clear Creek @ milepoint 3.23
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~~
~~Weight Limit - Bridge over Western KY PKWY @ milepoint 1.02~~		
~~TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 49 tons]~~		
* KY 630	0.0 KY 262	2.0 US 41A
* KY 813	0.8 Claude Young RD	2.8 US 62
	5.4 Drakes Creek RD	5.6 Mine
[* ~~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
Weight Limit - Bridge over Pond Creek @ milepoint 7.02		
TY I = 20 tons, TY II = 23 tons, TY III = 29 tons, TY IV = 41 tons		
Weight Limit - Bridge over New Pond Creek @ milepoint 7.06		
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
Weight Limit - Bridge over L&N RR @ milepoint 1.14		
TY I = 20 tons, TY II = 40 tons, TY III = 44 [~~42~~] tons, TY IV = 60 [~~58~~] tons		
* KY 2086	0.0 Walnut Grove RD	1.2 KY 109
[* ~~KY 2273~~	~~0.0 KY 109~~	~~0.2 Ferguson Town Spur RD~~]
* KY 2644	0.0 US 62	0.9 C.B. Williams (E. Russ Hill) RD
* KY 2647	0.0 KY 2648	**0.6** [~~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 2655~~]
* Airport RD		
CR 5130	0.0 Seebree Avenue	1.6 Mine
* **Hecla Street**		
CR 5134A	**0.0 CR 5134G**	**0.8 CR 5130**
* 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~~
* ~~Mertens 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~~	~~7.9 Barnsley Loop RD~~	~~8.7 Mine~~
* ~~Barnsley Loop Road~~		
~~CR 5217~~	~~0.0 US 41A~~	~~1.5 Wells Road~~
* ~~Leonard Jackson Road~~		
~~CR 5262~~	~~0.0 Dawson Daylight RD~~	~~1.0 Private Haul RD~~]
* **Buttermilk Road**		
CR 5268	**0.0 US 62**	**2.5 Mine**
* 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 Howton Road~~		
	~~CR 5330~~	~~0.0 KY 70~~	~~0.3 Mine~~
*	~~Bean Cemetery Road~~		
	~~CR 5396~~	~~0.4 Mine~~	~~2.9 KY 262~~
	~~Weight Limit - Bridge over Greasy Creek~~		
	~~TY I = 11 tons, TY II = 11 tons, TY III = 11 tons, TY IV = 11 tons~~]		

JACKSON COUNTY

	ROAD	FROM	TO
*	US 421	0.0 Clay CO LN	4.6 KY 30 East [~~6.3 Andrews RD~~
	~~Weight Limit - Bridge over Flat Lick Creek @ milepoint 6.26~~		
	~~TY I = 20 tons, TY II = 33 tons, TY III = 35 tons, TY IV = 56 tons~~]		
*	KY 30	0.0 Laurel CO LN	12.5 US 421 (South)
	Weight Limit - Bridge over Moores Creek @ milepoint 0.59		
	TY I = 20 tons, TY II = 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**	**6.1 KY 1066**
		[~~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~~]	17.8 US 31W @ Second Street
*	US 31W	3.2 Kosmos Cement CO	22.1 US 31E @ Second Street
*	US 42	0.0 US 31E	0.8 US 60
	Weight Limit - Bridge over Beargrass Creek @ milepoint 0.23		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
*	US 60	0.0 US 42 (Westbound)	17.4 Shelby CO LN
	Weight Limit - Bridge over 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~~	~~11.9 US 31E~~
*	~~KY 1865~~	~~0.9 KY 841~~	~~1.3 KY 1065~~]
*	**KY 841**	**0.0 US 31W**	**6.1 Consumer**

	Weight Limit - Bridge over New Cut Road @ milepoint 6.032		
	TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 54 tons		
*	**KY 864**	**4.3 KY 1065**	**4.5 KY 1065**
*	**KY 1065**	**1.0 New Cut Road**	**11.9 US 31E**
	Weight Limit - Bridge over Northern Ditch @ milepoint 1.40		
	TY I = 20 tons, TY II = 27 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 = 45 tons, TY IV = 60 tons		
*	**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 **(US 31W)**
[*	~~KY 2056~~	~~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 Lacker BR RD~~]	**4.6** [~~4.7~~] Martin CO LN
*	KY 40	[~~7.2 KY 172~~	~~8.7 US 460~~]
		8.7 US 23	11.1 KY 1107 [~~13.3 Deadfall Branch RD~~]
*	**KY 302**	**0.0 Floyd County Line**	**0.1 KY 3**
*	**KY 581**	**0.0 KY 40**	**0.5 KY 1145**
*	KY 1107	3.3 KY 40	3.9 Mine
*	**KY 1428**	**3.4 US 23**	**3.8 Tipple**
*	**KY 1559**	**4.0 CR 5066**	**5.7 US 23**
*	**Old Salem-Slaughter Road**		
	CR 5066	**0.0 KY 1559**	**0.4 Mine**
*	Lackey Branch RD		
	CR 5128	0.0 KY 3	0.5 Tipple
*	Old KY 3 RD		
	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~~
*	~~Deadfall Branch Road~~		
	~~CR 5139~~	~~0.0 KY 40~~	~~0.6 Mine Access Road~~]

KNOTT COUNTY

	ROAD	FROM	TO
*	KY 7	**2.5 KY 1498** [~~4.1 Puncheon BR RD~~]	16.0 Floyd CO LN
		[~~2.5 KY 1498~~]	
	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 [~~21.1~~] 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 [56] tons		
		[8.2 KY 1393	13.9 Patsy Jayne Mine]
*	KY 550	**0.0 Perry County Line**	**9.6 Ogden Creek-Best Road**
		22.8 Blue Springs Branch RD	26.6 Floyd CO LN
		[23.0 Fourmile Branch RD]	[23.8 Big Springs RD]
	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	**2.1 KY 1393 [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 **1102** [3209]	1.7 Mine [3.4 Mountain Clay Mine]
		13.2 KY 1098	**13.8** [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 [56] tons		
[*	KY 1091	0.0 KY 7	2.2 Floyd CO LN
	Weight Limit - Bridge over Right Fork of Beaver Creek @ milepoint 0.01		
	TY I = 20 tons, TY II = 41 tons, TY III = 43 tons, TY IV = 60 tons]		
*	KY 1098	0.0 Breathitt CO LN	12.0 KY 1087
	Weight Limit - Bridge over Laurel Fork Quicksand Creek @ milepoint 6.94		
	TY I = 20 tons, TY II = 29 tons, TY III = 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	**8.0 KY 550** [7.2 RT Fork of Big Branch RD]
	Weight Limit - Bridge over Troublesome Creek @ milepoint 7.97		
	TY I = 20 tons, TY II = 31 tons, TY III = 35 tons, TY IV = 55 tons		
			[1.2 Flax Patch Branch RD]
*	KY 1393	0.0 KY 582 [2.8 KY 899]	**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 [55] tons		
[*	KY 1498	0.5 KY 7	1.5 Floyd CO LN]
*	**KY 1498**	**0.0 KY 7**	**1.0 Mine**
*	**KY 2759**	**0.0 KY 550**	**1.2 KY 160**
*	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		
*	KY 3391	0.0 KY 1231	1.8 Irishman Creek RD [1.7 Madden Creek RD]
*	**Potato Branch Road**		
	CR 5005	**0.0 KY 7**	**0.5 Mine**
*	Right Fork of Fourmile Branch RD		
	CR 5030	0.0 Fourmile BR RD	0.1 Mine
*	**Big Springs Branch Road**		
	CR 5032	**0.0 KY 550**	**0.1 Tipple**
*	Plum Branch RD		
	CR 5037C	0.0 KY **777** [80]	**0.5 Mine** [0.1 Floyd CO LN]
*	Hunter Branch RD		
	CR 5038	0.0 KY 80	0.5 Mine
*	Left Fork of Hollybush Creek RD		
	CR 5113	0.0 KY 3393	1.0 Mine
*	Mullins Branch RD		
	CR 5114	0.0 KY 7	2.8 Left Fork Hollybush RD
*	Righthand Fork of Bill Dees Branch RD		
	CR 5115	0.0 KY 582	1.3 Mine
[*	Potato Branch RD		
	CR 5005	0.0 KY 7	1.1 Wheelwright Mine
	Weight Limit - Bridge over Right Fork of Beaver Creek		
	TY I = 20 tons, TY II = 23 tons, TY III = 26 tons, TY IV = 44 tons		

~~* Patten Branch of Beaver Creek Road~~		
~~CR 5009~~	~~0.0 KY 7~~	~~0.2 National Mines Mine~~
~~* Big Springs Branch Road~~		
~~CR 5032~~	~~0.0 KY 550~~	~~0.9 National Mines Mine~~
~~Weight Limit - Bridge over Jones Fork~~		
~~TY I = 19 tons, TY II = 20 tons, TY III = 23 tons, TY IV = 39 tons~~		
~~* Triplett Branch Road~~		
~~CR 5033~~	~~0.0 KY 550~~	~~0.8 National Mines Mine~~
~~* Rock Fork (Bolyn) Road~~		
~~CR 5037~~	~~0.0 KY 80~~	~~0.8 Consolidation Mine]~~
* Bates Branch Road		
CR 5117	0.0 KY 7	1.4 Wheelwright Mine
* Puncheon Branch RD		
CR 5119	0.0 KY 7	2.4 Crager Fork RD
* Crager Fork RD		
CR 5121	0.0 Puncheon BR RD	**0.7** [~~0.5~~] Mine
* **Arnold Fork Road**		
CR 5122	**0.0 KY 1498**	**0.7 Mine**
* **Mudlick Branch Road**		
CR 5123	**0.0 Arnold Fork Road**	**0.2 Mine**
* Willard Branch RD		
CR 5133	0.0 KY 582	0.4 Mine
* Wolfpen Branch RD		
CR 5139	0.0 KY 1410	1.0 Mine
[~~* Perkins Branch-Lick Branch Road~~		
~~CR 5145~~	~~0.0 KY 15~~	~~0.4 Southeast Coal Mine]~~
* Runnells Branch Road		
CR 5156	0.0 KY 160	0.5 Left FK Runnells BR RD
* Left Fork of Runnells Branch Road		
CR 5156A	0.0 Runnells Branch RD	0.3 Golden Oak Mine
* Cave Branch RD		
CR 5202	0.0 KY 160	1.1 Mine
* Irishman Creek Road		
CR 5203	0.0 KY 1231	0.3 Tipple [~~0.8 R J F Coal Mine~~]
* Alum Cave Branch RD		
CR 5205	0.0 Irishman Creek RD	0.4 Mine
[~~* Flax Patch Branch Road~~		
~~CR 5208~~	~~0.0 KY 1231~~	~~0.5 Allied Coals Mine]~~
* **HEC Mine Road**		
CR 5207A	**0.0 KY 1231**	**0.3 Mine**
* Defeated Creek Road		
CR 5212	0.0 KY 15	3.2 Meade & Shepherd Mine
* **Walkers Branch Road**		
CR 5251	**0.0 KY 550**	**1.7 Mine**
* Right Fork RD		
CR 5261	0.0 KY 1231	0.7 Mine
[~~* Young's Fork Road~~		
~~CR 5226~~	~~0.0 KY 1088~~	~~1.3 Kentucky Prince Mine~~
~~* Middle Fork of Quicksand Creek Road~~		
~~CR 5312~~	~~0.0 Dacey Spring Fork RD~~	~~1.0 Big Branch of Quicksand Creek RD~~
~~* Big Branch of Quicksand Creek Road~~		
~~CR 5314~~	~~0.0 Miller Branch Mine~~	~~1.2 Middle Fork of Quicksand Creek RD~~
~~* Dacey Spring Fork Road~~		
~~CR 5315~~	~~0.0 Breathitt CO LN~~	~~1.1 Middle Fork of Quicksand]~~ Creek Road
*Sandlick Branch Road		
CR 5336	0.0 KY 1102	**1.1** [~~0.7~~] Mine [~~0.9 McCoy Coal Mine~~]

KNOX COUNTY		
ROAD	FROM	TO
* US 25E	7.2 KY 1304 [~~0.0 Bell CO LN~~]	**15.6 CR 5305E** [~~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 6**	**8.5 Mine**	**14.7 KY 11**
*	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 [~~51~~] tons

		~~[10.1 US 25E~~	~~22.7 Clay CO LN~~

~~Weight Limit - Bridge over Little Richland Creek @ milepoint 13.00~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 40 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Little Richland Creek @ milepoint 13.39~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons~~
~~Weight Limit - Bridge over Little Richland Creek @ milepoint 13.57~~
~~TY I = 20 tons, TY II = 40 tons, TY III = 42 tons, TY IV = 60 tons]~~

*	KY 225	9.2 Little Brushy Creek RD	14.8 KY 2421
		~~[5.9 Kayjay Mine~~	~~15.0 US 25E]~~
~~[*~~	~~KY 312~~	~~0.0 Whitley CO LN~~	~~1.3 US 25E~~
~~*~~	~~KY 930~~	~~0.0 KY 225~~	~~4.1 US 25E~~

~~Weight Limit - Bridge over Stinking Creek @ milepoint 1.77~~
~~TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 50 tons]~~

*	KY 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]~~
*	**Stoney Fork Road**		
	CR 5210	**0.0 KY 1809**	**2.4 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

*	**Sugartree Road**		
	CR 5216	**0.0 Hubbs Road**	**0.5 Mine**
*	Goldens Creek RD		
	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 1809~~	~~0.1 Mine~~
*	~~Dewis Road~~		
	~~CR 5248~~	~~0.0 KY 6~~	~~0.9 Mosley Branch RD~~
*	~~Middle Fork Richland Creek Road~~		
	~~CR 5311~~	~~0.9 Higgins Road~~	~~1.2 H & P Mine~~
*	~~Higgins Road~~		
	~~CR 5323~~	~~0.0 US 25E~~	~~0.8 Richland Creek RD~~]
*	**Bailey Branch Loop**		
	CR 5305E	**0.0 US 25E**	**0.3 CR 5305F**
*	**Bailey Hollow**		
	CR 5305F	**0.0 CR 5305E**	**0.2 Tipple**

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 [~~45~~] 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~~]		
		13.6 KY 80 & Daniel Boone Parkway	16.3 KY 490 [~~23.1 KY 909~~]
[*	~~US 25E~~	~~0.0 Knox CO LN~~	~~0.3 US 25 & US 25W~~]
*	KY 30	1.4 KY 490	9.8 Jackson CO LN
	[~~Weight Limit - Bridge over Rockcastle River @ milepoint 9.08~~		
	~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 59 tons~~]		
*	KY 80	0.0 Pulaski CO LN	11.1 US 25 [~~& Daniel Boone PKWY~~]
	Weight Limit - Bridge over I-75 @ milepoint 10.59		
	TY I = 20 tons, TY II = 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~~	~~11.5 KY 192~~
	~~Weight Limit - Bridge over Laurel River @ milepoint 6.85~~		
	~~TY I = 20 tons, TY II = 38 tons, TY III = 38 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Little Laurel River @ milepoint 10.63~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons~~]		
*	KY 490	0.0 US 25	0.9 KY 30
	Weight Limit - Bridge over L&N RR @ milepoint 0.10		
	TY I = 20 tons, TY II = 29 [~~31~~] 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
[*	~~KY 1~~	~~0.0 KY 3~~	~~5.0 Olioville Coal Branch RD~~
		~~12.8 KY 201~~	~~14.1 Carter CO LN]~~
*	KY 3	5.6 Dredge [~~0.0 Martin CO LN~~]	17.1 [~~15.5~~] US 23
	Weight limit - Bridge over Levisa & Tug Forks @ milepoint 14.87		
	TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
		[~~24.4 KY 1398~~	~~24.7 KY 1~~]
*	KY 3S	0.0 KY 3	0.1 West Virginia State LN
	[~~Weight Limit - Bridge over Levisa & Tug Forks @ milepoint 0.01~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]		
*	KY 32	28.5 KY 2565	29.2 KY 3
		[~~8.5 Lower Laurel Creek RD~~	~~28.9 US 23~~]
	[~~Weight Limit - Bridge over Caine Creek @ milepoint 9.53~~		
	~~TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Blaine Creek @ milepoint 10.10~~		
	~~TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 54 tons~~		
	~~Weight Limit - Bridge over Hood Creek @ milepoint 10.85~~		
	~~TY I = 20 tons, TY II = 36 tons, TY III = 37 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Brushy Creek @ milepoint 16.05~~		
	~~TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 54 tons~~		
	~~Weight Limit - Bridge over Rich Creek @ milepoint, 18.39~~		
	~~TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 59 tons~~		
	~~Weight Limit - Bridge over Blaine Creek @ milepoint 22.55~~		
	~~TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Russey Branch @ milepoint 23.46~~		
	~~TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV = 60 tons~~		
*	~~KY 201~~	~~5.0 KY 32~~	~~18.2 KY 1~~
	~~Weight Limit - Bridge over Dry Fork Creek @ milepoint 18.13~~		
	~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~]		
*	KY 645	0.0 US 23	5.2 Martin CO LN
*	KY 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~~		
	~~CR 5118~~	~~0.0 KY 3~~	~~1.6 Lockworth Mine~~
*	~~Georges Creek Road~~		
	~~CR 5156~~	~~0.0 KY 1760~~	~~1.5 Left FK Brushy CR RD~~
*	~~Left Fork Brushy Creek Road~~		
	~~CR 5203~~	~~0.0 Georges Creek Road~~	~~0.8 Mine~~
*	~~Lower Laurel Creek Road~~		
	~~CR 5221~~	~~0.0 KY 32~~	~~1.7 Black Wells Mine~~
	~~Weight Limit - Bridge over Lower Laurel Creek~~		
	~~TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons~~		
	~~Weight Limit - Bridge over Lower Laurel Creek~~		
	~~TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons~~		
*	~~Olioville Coal Branch Road~~		
	~~CR 5311~~	~~0.0 KY 1~~	~~0.3 Mine]~~

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
*	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 18~~]
		27.3 Puncheon Camp Branch Road [~~26.8 Wet Rockhouse Branch~~]	35.4 Clay CO LN
*	**KY 66**	**0.0 Clay CO LN**	**2.8 Clay CO LN**
	Weight Limit - Bridge over Red Bird River @ milepoint 2.705		
	TY I = 20 tons, TY II = 31 tons, TY III = 33 tons, TY IV = 45 tons		
*	KY 80	0.0 US 421	9.7 Perry CO LN
	Weight Limit - Bridge over Cutshin Creek @ milepoint 5.15		
	TY I = 20 tons, TY II = 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 Rock RD~~
	~~Weight Limit - Bridge over Cutshin Creek @ milepoint 1.96~~		
	~~TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 43 tons~~		
	~~Weight Limit - Bridge over Maggard Creek @ milepoint 8.14~~		
	~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~		
		~~15.2 Mine~~	~~16.0 Perry CO LN~~]
*	KY 1807	0.0 KY 80	3.6 Mine Access RD at end of State Maintenance
*	KY 2008	[~~0.0 KY 2009~~	~~3.0 Mine Access RD~~]
		5.1 [~~5.2~~] Mine	8.2 Harlan CO LN
*	KY 2009	0.0 Harlan CO LN	5.4 Bledsoe Tipple
	[~~Weight Limit - Bridge over Greasy Creek @ milepoint 3.58~~		
	~~TY I = 8 tons, TY II = 8 tons, TY III = 8 tons, TY IV = 8 tons~~]		
[~~*~~	~~KY 2057~~	~~0.0 KY 699~~	~~3.1 Bear BR RD~~]
*	KY 2431	0.0 US 421	0.1 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	**0.0 KY 80**	**0.7 CR 5006**
		2.2 Camp Creek RD	3.3 Wendover RD
*	Camp Creek Road		
	CR 5005	0.0 Hurricane Creek RD	0.7 Tipple Access
[~~*~~	~~Bear Branch Road~~		
	~~CR 5018~~	~~0.0 KY 2057~~	~~1.4 Mine & Perry CO LN~~]
*	**Big Branch - Hurricane Creek Road**		
	CR 5006	**0.0 CR 5002**	**1.2 Mine**
*	Bailey Branch Road		
	CR 5027	0.0 KY 1807	0.3 [~~0.6~~] Mine
[~~*~~	~~Long Branch Road~~		
	~~CR 5118~~	~~0.0 KY 699~~	~~0.2 Mine~~
~~*~~	~~Old Big Rock Road~~		
	~~CR 5126~~	~~0.0 KY 699~~	~~0.6 Right Fork of Cutshin RD~~
	~~Weight Limit - Bridge over Cutshin Creek~~		
	~~TY I = 18 tons, TY II = 18 tons, TY III = 18 tons, TY IV = 18 tons~~		
~~*~~	~~Right Fork of Cutshin Road~~		
	~~CR 5128~~	~~0.0 Old Big Rock RD~~	~~3.7 Mine~~]
*	Abner Branch Road		
	CR 5133	0.0 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 5135~~	~~0.0 KY 2008~~	~~0.8 Mine~~
~~*~~	~~Phillips Fork Road~~		
	~~CR 5225~~	~~5.0 Mine RD~~	~~5.2 Mine RD~~]

LETCHER COUNTY

	ROAD	FROM	TO
*	US 23	0.0 Virginia State LN	7.1 Pike CO LN
	Weight Limit - Bridge over Elkhorn Creek @ milepoint 5.83		
	TY I = 20 tons, TY II = 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	**0.0 Perry CO LN** [~~7.9 Caudill CR RD~~]	25.2 KY 317
		[~~0.0 Perry CO LN~~]	
	[~~Weight Limit - Bridge over Line Fork @ milepoint 0.17~~		
	~~TY I = 20 tons, TY II = 25 tons, TY III = 29 tons, TY IV = 34 tons~~		
	~~Weight Limit - Bridge over North Fork Kentucky River @ milepoint 2.61~~		
	~~TY I = 20 tons, TY II = 32 tons, TY III = 33 tons, TY IV = 48 tons~~		
	~~Weight Limit - Bridge over Elk Creek @ milepoint 5.28~~		
	~~TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons~~]		
	Weight Limit - Bridge over Line Fork @ milepoint 0.170		
	TY I = 20 tons, TY II = 22 tons, TY III = 28 tons, TY I IV = 33 tons		
	Weight Limit - Bridge over CSX RR and North Fork KY River @ milepoint 2.610		
	TY I = 20 tons, TY II = 28 tons, TY III = 33 tons, TY IV = 49 tons		
	Weight Limit - Bridge over Elk Creek @ milepoint 5.283		
	TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 50 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 19.476		
	TY I = 20 tons, TY II = 30 tons, TY III = 30 tons, TY IV = 30 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 **931** [~~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 343**	**0.0 KY 317**	**1.5 #2 Hollow Road**
*	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	**8.6 Brown BR RD** [~~10.2 KY 15~~]	18.4 KY 7 [~~10.2 KY 15~~]
		[~~7.7 Hampton Branch RD~~]	-
	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
* **Wright Branch RD**		
CR 5046	**0.0 CR 5020**	**0.7 Mine**
* **Beaver Dam Branch RD**		
CR 5047	**0.0 KY 7**	**1.6 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
* **Bottom Fork Road (Fleming)**		
CR 5068L	**0.2 #2 Hollow RD**	**0.7 Mine**
* **#2 Hollow Road (Fleming)**		
CR 5068M	**0.0 KY 343**	**0.6 Mine**
* **John's Fork-Joe's Branch RD**		
CR 5097	**0.0 US 23**	**3.0 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		
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~~
~~* Cram Creek Road~~		
~~CR 5169~~	~~0.9 Wampler Bros Mine~~	~~1.4 KY 3410~~
~~* Kingdom Come Creek Road~~		
~~CR 5229~~	~~0.0 Ky 588~~	~~1.2 Lake Coal Mine~~
~~Weight Limit - Bridge over Kingdom Come Creek~~		
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]		
* **Brown Branch Road**		
CR 5225	**0.0 KY 931**	**0.2 Mine**
* 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 Tolson BR RD~~]
* Defeated Creek Road		
CR 5265	5.1 Southeast Mine	5.6 KY 1103
Weight Limit - Bridge over Line Fork Creek		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
[~~* Lucky Branch Road~~		
~~CR 5272~~	~~0.0 KY 160~~	~~0.4 Lake Coal Mine~~
~~* Johnson Branch Road~~		
~~CR 5309~~	~~0.0 KY 160~~	~~0.3 Whitaker Mine~~]
* Bee Tree Branch Road		
CR 5311	0.0 KY 160	1.0 Lake Coal Mine
[~~* Hollybush Branch Road~~		
~~CR 5312~~	~~0.0 KY 160~~	~~0.4 Golden Oak Mine~~
~~* Stamper's Branch Road~~		
~~CR 5335~~	~~0.0 KY 7~~	~~0.8 Whitaker Mine~~

~~* Hicks Branch Road~~
~~CR 5338 — 0.0 KY 7 — 0.1 Isom #2 Tipple~~
~~Weight Limit - Bridge over Rockhouse Creek~~
~~TY I = 9 tons, TY II = 9 tons, TY III = 9 tons, TY IV = 9 tons]~~
* Caudill Creek Road
CR 5354 — 0.0 KY 7 — 2.3 Golden Oak Mine
*** Crases Branch Road**
CR 5357 — 0.0 KY 7 — 0.9 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 [~~51~~] 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 [~~54~~] tons
Weight Limit - Bridge over Cumberland River @ milepoint 2.78
TY I = 20 tons, TY II = 26 tons, TY III = 29 tons, TY IV = 38 tons
~~[* KY 453 — 0.5 B R T Dock — 2.8 US 62~~
~~Weight Limit - Bridge over IC RR @ milepoint 1.92~~
~~TY I = 20 tons, TY II = 46 tons, TY III = 47 tons, TY IV = 60 tons]~~

LOGAN COUNTY

	ROAD	FROM	TO
~~[*~~	~~US 68~~	~~11.2 US 79 & KY 100~~	~~26.6 Warren CO LN]~~
*	US 79	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 5.93~~
~~TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 54 tons]~~

LYON COUNTY

	ROAD	FROM	TO
*	Western Kentucky Parkway	3.7 US 62	5.6 Caldwell CO LN
*	US 62	0.0 Livingston CO LN	12.2 Western Kentucky Parkway

McCREARY COUNTY

	ROAD	FROM	TO
*	US 27	**0.0 Tennessee State LN**	
		[~~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 Revelo 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 136**	**18.3 Daviess CO LN**
	Weight Limit - Bridge over Myer Creek @ milepoint 13.68		
	TY I = 20 tons, TY II = 37 tons, TY III = 50 tons, TY IV = 60 tons		
*	**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 = 36 tons, TY III = 40 tons, TY IV = 57 tons		
*	**KY 140**	**0.0 KY 256**	**0.1 KY 1792**
	~~[* 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]~~		
*	**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 = 27 tons, TY III = 32 tons, TY IV = 52 tons		
*	**Cane Run Road**		
	CR 5203	**0.0 KY 256**	**0.2 Mine**

~~[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 [~~50~~] tons		
*	US 460	12.5 MT 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		
	TY I = 20 tons, TY II = 31 [~~33~~] tons, TY III = 36 [~~35~~] tons, TY IV = 58 [~~57~~] tons		
*	KY 30	**1.0 Mine [~~0.0 Breathitt CO LN~~]**	
		[~~4.5 Mine Access RD~~]	8.9 Mountain Parkway [~~(KY 402)~~]
	Weight Limit - Bridge over Middle Fork @ milepoint 7.55		
	TY I = 20 tons, TY II = 36 [~~37~~] tons, TY III = 38 tons, TY IV = 49 [~~48~~] tons		
*	KY 114	0.0 US 460	5.0 Floyd CO LN
*	KY 404	0.0 KY 7	2.7 Floyd CO LN
*	KY 542	0.0 Breathitt CO LN	5.8 KY 7
*	KY 867	4.7 KY 1635 [~~4.0 Mine Access RD~~]	5.7 KY 7
		~~[5.7 KY 7~~	~~7.4 Hickory Tipple]~~
*	KY 1397	1.8 Mine	3.0 KY 30
	~~[* KY 1471~~	~~0.0 Big Half Mountain RD~~	~~4.3 KY 7~~
	~~Weight Limit - Bridge over Licking River @ milepoint 3.96~~		
	~~TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons]~~		
*	KY 1635	0.0 Tiptop-Bettsmann RD	5.7 KY 867
*	Beetree Branch of Oakley Creek RD		
	CR 5223	0.0 KY 1635	0.2 Mine

*	Spruce Pine Fork RD		
	CR 5231	0.0 KY 30	0.5 Mine
[*	~~Brushy Fork Road~~		
	~~CR 5132~~	~~0.0 KY 7~~	~~1.0 Mine~~
*	~~Bull Creek Road~~		
	~~CR 5140~~	~~0.0 KY 7~~	~~0.4 Mine~~
*	~~Jake Wireman Road~~		
	~~CR 5144~~	~~0.0 KY 1502~~	~~1.0 Mines~~
*	~~Beetree Branch Road~~		
	~~CR 5145~~	~~0.0 KY 7~~	~~0.7 Mine~~
*	~~Big Half Mountain Road~~		
	~~CR 5148~~	~~0.0 Mine~~	~~0.5 KY 1471~~
	~~Weight Limit - Bridge over Big Half Mountain Creek~~		
	~~TY I = 5 tons, TY II = 5 tons, TY III = 5 tons, TY IV = 5 tons~~		
*	~~Wright Oakley Creek Road~~		
	~~CR 5221~~	~~0.0 KY 1635~~	~~0.3 Mine~~
	~~Weight Limit - Bridge over Oakley Creek~~		
	~~TY I = 6 tons, TY II = 6 tons, TY III = 6 tons, TY IV = 6 tons~~]		
[*	~~Tiptop Bottemann Branch Road~~		
	~~CR 5225B~~	~~0.0 Breathitt CO LN~~	~~0.7 KY 1635~~]

MARSHALL COUNTY

	ROAD	FROM	TO
*	US 62	11.0 US 641 [~~7.2 KY 95~~]	12.1 Livingston CO LN
	[~~Weight Limit - Bridge over KY 282 @ milepoint 8.67~~		
	~~TY I = 20 tons, TY II = 40 tons, TY III = 39 tons, TY IV = 53 tons~~		
	~~Weight Limit - Bridge over Cypress Drainage Ditch @ milepoint 9.48~~		
	~~TY I = 20 tons, TY II = 40 tons, TY III = 40 tons, TY IV 53 tons~~]		
	Weight Limit - Bridge over Tennessee River Dam Gates @ milepoint 11.94		
	TY I = 20 tons, TY II = 35 tons, TY III = 37 tons, TY IV 48 tons		
[*	~~US 68~~	~~9.7 US 641 (North)~~	~~10.1 US 641 (South)~~
*	~~US 641~~	~~0.0 Calloway CO LN~~	~~12.9 US 68 (Southeast)~~
	~~Weight Limit - Bridge over Town Creek @ milepoint 7.94~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
	~~Weight Limit - Bridge over Town Creek @ milepoint 7.95~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV 40 tons~~		
		~~12.9 US 68 (Northwest)~~	~~19.4 US 62~~
*	~~KY 95~~	~~4.1 US 62~~	~~7.3 KY 1523~~
	~~Weight Limit - Bridge over Cypress Creek @ milepoint 6.32~~		
	~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV 60 tons~~]		

MARTIN COUNTY

	ROAD	FROM	TO
*	KY 3	0.0 Johnson CO LN	10.0 [~~11.6~~] KY 645 [~~(North)~~]
		[~~18.5 Rockcastle BR RD~~	~~23.2 Lawrence CO LN~~]
*	KY 40	[~~5.3 KY 1224~~	~~9.1 KY 645 (West)~~
	~~Weight Limit - Bridge over Rockcastle Fork @ milepoint 6.95~~		
	~~TY I = 20 tons, TY II = 35 tons, TY III = 36 tons, TY IV = 53 tons~~]		
		5.3 KY 1224	**9.1 KY 645**
	Weight Limit - Bridge over Rockhouse Fork @ milepoint 6.945		
	TY I = 20 tons, TY II = 35 tons, TY III = 39 tons, TY IV = 55 tons		
		10.8 KY 645 (East)	20.3 West Virginia ST. LN
*	KY 292	0.0 Pike CO LN	**14.6 Mine** [~~13.2 KY 40~~]
	Weight Limit - Bridge over Wolfe Creek @ milepoint 11.99		
	TY I = 20 tons, TY II = 33 [~~35~~] tons, TY III = 36 tons, TY IV = 45 [~~43~~] tons		
		[~~28.5 Mine~~	~~28.9 KY 3~~]
*	KY 645	0.0 Lawrence CO LN	6.6 KY 3 (North)
		6.6 KY 3 (South)	7.6 KY 40 [~~(East)~~]
[*	~~KY 1224~~	~~1.3 Mine~~	~~5.2 KY 40~~
	~~Weight Limit - Bridge over Rockcastle Fork @ milepoint 4.32~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 39 tons, TY IV = 55 tons~~]		
*	**KY 1224**	**4.7 CR 5343**	**5.2 KY 40**
*	KY 1439	5.1 Middle Fork of Wolf Creek	6.6 Whitecabin BR RD
		10.7 KY 2032 [~~0.0 Pike CO LN~~]	11.2 KY 1714
	[~~Weight Limit - Bridge over Wolfe Creek @ milepoint 1.83~~		
	~~TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 45 tons~~]		
*	KY 1714	5.2 [~~3.6~~] KY 1439	10.8 [~~9.2~~] KY 292

* KY 2032	0.0 KY 1439	4.0 KY 40
* White Cabin Branch RD		
CR 5121	0.0 KY 1439	0.7 Haul Rd
	5.0 CR 5205	**11.7 KY 1439**
[* ~~Emily Branch Road~~		
~~CR 5105~~	~~3.1 Private Haul RD~~	~~3.2 Private Haul RD 1.0 miles SW of Oppy~~
* ~~Emily Long Branch RD~~		
~~CR 5107~~	~~0.9 Private Haul RD~~	~~1.0 Private Haul RD~~
* ~~Laurel Fork Wolf Creek Road~~		
~~CR 5202~~	~~0.0 KY 1439~~	~~7.8 Private Access Road~~]
* Middle Fork of Wolf Creek Road		
CR 5205	**0.0 KY 3**	**4.2 Mine**
	5.0 Haul Road	11.7 KY 1439
	[0.0 ~~Middle Fork of Rockcastle CR RD~~	~~3.7 Mine~~]
[* ~~Middle Fork of Rockcastle Creek Road~~		
~~CR 5206~~	~~0.0 KY 3~~	~~0.2 Mid FK Wolf CK RD~~
* ~~Mudlick Branch Road~~		
~~CR 5210~~	~~0.0 KY 3~~	~~0.8 Mine~~
* ~~Peter Cave Branch Road~~		
~~CR 5315~~	~~0.0 KY 3~~	~~0.5 Mine~~
* ~~Rockcastle Branch Road~~		
~~CR 5317~~	~~0.0 KY 3~~	~~0.5 Mine~~]
* Venters Branch RD		
CR 5212	0.0 KY 3	0.6 Mine
* **Airport Road**		
CR 5223	**0.0 KY 3**	**3.0 Mine**
* **Lower Wolfe Branch Road**		
CR 5343	**0.0 KY 1224**	**0.5 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	~~12.0 KY 11 [9.3 US 62~~]
* Spring Creek Road		
CR 5012	0.0 KY 10	1.8 Cabin Creek PK
Weight Limit - Bridge over Spring Creek 1.2 miles east of Plumville		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
Weight Limit - Bridge over Spring Creek @ Cabin Creek Pike		
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons		
* Cabin Creek Pike		
CR 5013	0.0 Spring Creek RD	0.7 Dravo Lime CO

MERCER COUNTY

ROAD	**FROM**	**TO**
* **Bluegrass PKWY**	**52.3 Anderson CO LN**	**56.3 Anderson CO LN**

[~~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)	**9.5 US 60** [~~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	**10.0 US 460 East**
		10.0 US 460 West	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)]~~
*	**KY 686**	**0.0 US 460 West**	**2.7 KY 11**

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~~		
	~~CR 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 [~~57.9 US 431~~]
	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 [~~41~~] tons, TY III = 44 [~~42~~] tons, TY IV = 60 tons		
	[~~Weight Limit - Bridge over KY 181 @ milepoint 52.52~~		
	~~TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 55 tons~~]		
	Weight Limit - Bridge over IC RR @ milepoint 55.51		
	TY I = 20 tons, TY II = 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 57.58~~		
	~~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
		[~~1.3 Henry Oates RD~~	~~10.5 KY 176~~]
	Weight Limit - Bridge over Branch of Thompson Creek @ milepoint 3.68		
	TY I = 20 tons, TY I = 28 tons, TY III = 31 tons, TY IV = 40 tons		
	Weight Limit - Bridge over I.C. & Gulf R.R. @ milepoint 5.40		
	TY I = 20 tons, TY II = 42 tons, TY III = 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 [~~1~~]		
	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~~	~~25.5 Mine~~]
	[~~Weight limit - Bridge over Pond Creek @ milepoint 12.45~~		
	~~TY I = 20 tons, TY II = 39 tons, TY III = 41 tons, TY IV = 60 tons~~		
	~~Weight Limit - Bridge over Western KY Parkway @ milepoint 17.48~~		
	~~TY I = 20 tons, TY II = 44 tons, TY III = 46 tons, TY IV = 60 tons~~]		
*	KY 70	0.0 Hopkins County Line	15.4 US 431 [~~14.7 KY 189~~]
		[~~(Extended weights shall be available only for TY IV vehicles.)~~]	
		23.6 Barge Dock	23.8 Butler CO LN
	Weight Limit - Bridge over Mud River @ milepoint 23.75		
	TY I = 20 tons, TY II = 39 [~~38~~] tons, TY III = 41 [~~39~~] tons, TY IV = 48 [~~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~~	~~8.8 US 62 (South Junction)~~]
		14.0 US 62	15.3 KY 70 (North Junction)
		[~~(Extended weights shall be available only for TY IV vehicles.)~~]	
*	KY 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 Oates 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
*	US 31E	15.4 KY 245	27.6 Spencer CO LN
*	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 = 34 tons, TY III = 38 tons, TY IV = 54 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 = 32 tons, TY III = 37 tons, TY IV = 60 tons		
*	KY 245	2.3 US 62	3.3 US 31E

[~~NELSON COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~Bluegrass PKWY~~	~~33.3 KY 55~~	~~39.3 Washington CO LN~~
	~~Weight Limit - Bridge over Chaplin River @ milepoint 39.25~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
*	~~US 31E~~	~~15.4 KY 245~~	~~27.6 Spencer CO LN~~
	~~Weight Limit - Bridge over Powell Run @ milepoint 26.99~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
*	~~US 62~~	~~15.9 KY 245~~	~~25.0 KY 55~~
	~~Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 24.96~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
*	~~KY 55~~	~~3.1 Bluegrass Parkway~~	~~3.8 US 62~~
	~~Weight Limit - Bridge over East Fork of Simpson Creek @ milepoint 3.77~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
*	~~KY 245~~	~~0.0 US 62~~	~~1.0 US 31E~~]

NICHOLAS COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Bourbon CO LN	12.2 Robertson CO LN

Weight Limit - Bridge over Stony Creek @ milepoint 9.72
TY I = 20 tons, TY II = 35 [~~36~~] tons, TY III = 37 [~~38~~] tons, TY IV = 60 tons

OHIO COUNTY

	ROAD	FROM	TO
*	Western KY PKWY	65.7 Muhlenberg CO LN [~~74.6 US 231~~]	76.8 Green River Parkway

Weight Limit - Bridge over KY 369 @ milepoint 72.43
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 = 45 [~~43~~] tons, TY III = 47 [~~45~~] tons, TY IV = 60 tons
[~~Weight Limit - Bridge over Arnold Butler Road @ milepoint 85.72~~
~~TY I = 20 tons, TY II = 43 [42] tons, TY III = 46 [44] tons, TY IV = 60 tons~~]

*	Green River PKWY	35.1 Butler CO LN ~~47.8 KY 69~~]	[~~41.3 Western KY PKWY [59.5 Daviess CO LN~~] 59.5 Daviess CO LN

Weight Limit - Bridge over Rough River @ milepoint 49.34
TY I = 20 tons, TY II = 45 [44] tons, TY III = 47 [45] tons, TY IV = 56 [54] tons

*	US 62	0.0 Muhlenberg CO LN	13.2 Mine [~~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 = 28 [32] tons, TY III = 32 tons, TY IV = 40 [57] tons
Weight Limit - Bridge over Branch of Three Lick Fork @ milepoint 11.91
TY I = 20 tons, TY II = 31 [33] tons, TY III = 36 [35] tons, TY IV = 50 [49] tons
Weight Limit - Bridge over Three Lick Fork @ milepoint 12.03
TY I = 20 tons, TY II = 30 [36] tons, TY III = 36 [38] tons, TY IV = 54 [60] tons
Weight Limit - Bridge over Muddy Creek @ milepoint 12.30
TY I = 20 tons, TY II = 30 [37] tons, TY III = 36 [39] tons, TY IV = 52 [59] tons
[~~Weight Limit - Bridge over Elmlick Creek @ milepoint 14.95~~
~~TY I = 20 tons, TY II = 34 [37] tons, TY III = 38 tons, TY IV = 55 [53] tons~~]

*	US 231	5.8 KY 269 [~~0.0 Butler CO LN~~]	13.2 KY 69 [~~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

		20.8 Buford RD [~~10.0 US 62 (North)~~]	24.3 Daviess CO LN

Weight Limit - Bridge over BR of North Fork of Barnett Creek @ milepoint 23.223
TY I = 20 tons, TY II = 38 tons, TY III = 50 tons, TY IV = 60 tons
Weight Limit - Bridge over North Fork of Barnett Creek @ milepoint 23.305
TY I = 20 tons, TY II = 38 tons, TY III = 50 tons, TY IV = 60 tons
[~~Weight Limit - Bridge over North Fork Muddy Creek @ milepoint 12.30~~
~~TY I = 20 tons, TY II = 34 tons, TY III = 36 tons, TY IV = 59 tons~~
~~Weight Limit - Bridge over Barnett Creek @ milepoint 20.30~~
~~TY I = 20 tons, TY II = 42 tons, TY III = 44 tons, TY IV = 60 tons~~]

*	KY 69	**6.7 KY 85 (North)** [~~7.5 [6.9] Mine~~]	7.6 KY 85 (South)
		13.7 US 231 (South)	15.0 Green River PKWY [~~15.4 Country Club Road~~]
*	KY 85	1.0 Landfill Entrance	1.9 Landfill Entrance #2
		7.2 KY 69 (East)	11.3 US 62

Weight Limit - Bridge over Branch West Fork Lewis Creek @ milepoint 9.62
TY I = 20 tons, TY II = 30 [33] tons, TY III = 36 [35] tons, TY IV = 58 [56] tons

*	KY 269	0.8 Schultztown-Cool Springs RD	5.6 US 231
[*	~~KY 1414~~	~~14.0 Sugar Grove RD~~	~~15.7 KY 54~~]
*	KY 1903	0.0 US 62	0.7 [~~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~~
~~1.5 Sunnydale RD 2.0 Mine~~
~~* Horton Mount Pleasant Road~~
~~CR 5125 0.0 US 62 0.1 Southwind Tipple~~
~~Weight Limit - Bridge over Pigeon Creek~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~* Whoopee Hill Road~~
~~CR 5356 0.0 US 231 1.5 Rono RD~~
~~* Rono Road~~
~~CR 5356A 0.0 Whoopee Hill RD 0.5 Mine~~
~~* Maple Lake Road (Old Martin Dodson Cemetery Road)~~
~~CR 5373 0.1 US 231 0.7 Mine]~~

OWSLEY COUNTY

	ROAD	FROM	TO
*	KY 11	0.0 Clay CO LN	17.3 Lee CO LN [~~10.8 KY 1938~~]

Weight Limit - Bridge over Sexton Creek @ milepoint 1.80
TY I = 20 tons, TY II = 39 tons, TY III = 42 [~~40~~] tons, TY IV = 55 [~~53~~] tons
Weight Limit - Bridge over Island Creek @ milepoint 4.02
TY I = 20 tons, TY II = 42 [~~41~~] tons, TY III = 44 [~~42~~] tons, TY IV = 57 [~~56~~] tons
Weight Limit - Bridge over White Oak Creek @ milepoint 6.18
TY I = 20 tons, TY II = 33 [~~34~~] tons, TY III = 34 [~~35~~] tons, TY IV = 47 [~~49~~] tons

*	KY 30	0.0 Jackson CO LN	6.8 KY 399 [~~10.8 KY 847~~]

Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 3.42
TY I = 18 [~~20~~] tons, TY II = 19 [~~39~~] tons, TY III = 22 [~~41~~] tons, TY IV = 37 [~~60~~] tons
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 4.88
TY I = 20 tons, TY II = 37 [~~39~~] tons, TY III = 43 [~~41~~] tons, TY IV = 60 tons
Weight Limit - Bridge over Little Sturgeon Creek @ milepoint 5.15
TY I = 20 tons, TY II = 18 [~~29~~] tons, TY III = 22 [~~30~~] tons, TY IV = 34 [~~49~~] tons

*	KY 399	0.0 KY 30	1.9 Lee CO LN
*	KY 587	0.0 Jackson CO LN	0.5 Lee CO LN
[*	KY 847	4.3 Bowman Branch RD	7.2 KY 30

~~Weight Limit - Bridge over Buck Creek @ milepoint 6.34~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~
~~* Hurricane Branch Road~~
~~CR 5301 0.0 Bowman Branch Road 1.1 Denham & Lewis Mine~~
~~* Bowman Branch Road~~
~~CR 5303 0.0 KY 847 0.3 Hurricane Branch RD]~~

PENDLETON COUNTY

	ROAD	FROM	TO
*	US 27	0.0 Harrison CO LN	19.4 Campbell CO LN

Weight Limit - Bridge over Blanket Creek near Four Oak @ milepoint 4.41
TY I = 20 tons, TY II = 39 [~~40~~] tons, TY III = 46 [~~43~~] tons, TY IV = 60 tons
Weight Limit - Bridge over L&N RR @ milepoint 7.57
TY I = 20 tons, TY II = 29 [~~31~~] tons, TY III = 31 [~~33~~] tons, TY IV = 53 [~~54~~] tons
~~[Weight Limit - Bridge over South Fork of Licking River @ milepoint 8.18~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 60 tons]~~
Weight Limit - Bridge over L&N RR-CR 5011-Kennedy Br. @ milepoint 15.78
TY I = 20 tons, TY II = 39 tons, TY III = 43 [~~40~~] tons, TY IV = 60 tons

*	KY 8	2.2 Black River Lime	2.2 KY 154 [~~4.3 Bracken CO LN~~]
*	KY 154	4.5 KY 546	5.7 KY 8
*	KY 546	0.0 Campbell CO LN	4.3 Bracken CO LN

PERRY COUNTY

	ROAD	FROM	TO
*	Daniel Boone Parkway	51.0 Leslie CO LN	59.1 KY 15
*	KY 7	0.0 KY 15	**13.6 Letcher CO LN** [~~11.4 KY 699~~] [~~13.6 Letcher CO LN~~]

Weight Limit - Bridge over Maces @ milepoint 2.44
TY I = 20 tons, TY II = 38 [~~39~~] tons, TY III = 39 [~~40~~] tons, TY IV = 54 [~~53~~] tons

*	KY 15	0.0 Knott CO LN	25.2 Breathitt CO LN

Weight Limit - Bridge over Main Street, Carr Fork, & L&N RR @ milepoint 0.20
TY I = 20 tons, TY II = 40 tons, TY III = 44 [~~42~~] tons, TY IV = 57 [~~55~~] tons
~~[Weight Limit - Bridge over Carr Fork & L&N RR @ milepoint 3.37~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 48 tons, TY IV = 55 tons~~

~~Weight Limit - Bridge over L&N RR @ milepoint 13.17~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 50 tons, TY IV = 55 tons~~
~~Weight Limit - Bridge over KY 80, N Fork KY River @ milepoint 13.57~~
~~TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 49 tons~~]
Weight Limit - Bridge over First Creek & L&N RR @ milepoint 15.95
TY I = 20 tons, TY II = 41 tons, TY III = 42 tons, TY IV = 58 [~~56~~] 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 = 38 [~~39~~] tons, TY III = 39 [~~41~~] tons, TY IV = 56 [~~60~~] tons

*	KY 80	0.0 Leslie CO LN	7.9 KY 15 Underpass

Weight Limit - Bridge over Right Fork of Big Creek @ milepoint 1.57
TY I = 20 tons, TY II = 24 [~~25~~] tons, TY III = 28 tons, TY IV = 47 [~~46~~] tons
Weight Limit - Bridge over Big Creek @ mile point 5.27
TY I = 20 tons, TY II = 27 tons, TY III = 30 tons, TY IV = 44 tons
Weight Limit - Bridge over L & N R.R. & Kentucky River @ milepoint 7.09
TY I = 20 tons, TY II = 37 tons, TY III = 39 tons, TY IV = 43 tons

		7.9 D Boone Parkway & KY 15	15.9 Knott CO LN
*	KY 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]~~

		9.3 KY 1146	**10.7 Mine**
*	KY 451	[~~16.3 Krypton Napfor RD [5.0 Mine]~~	~~20.0 KY 28~~] [~~7.7 Daniel Boone Parkway~~]
		7.7 Daniel Boone PKWY	7.8 KY 80
		17.2 Lick Branch RD	**20.0 KY 28**
		[~~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~~]
		0.0 KY 15	**22.3 Breathitt CO LN**
		[~~2.9 KY 1088~~	~~18.1 Mine~~]

[~~Weight Limit - Bridge over Jake's Creek @ milepoint 3.65~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]
Weight Limit - Bridge over Troublesome Creek @ milepoint 8.72
TY I = 20 tons, TY II = 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 550**	**2.5 KY 476 @ Darfork**	**3.7 Knott CO LN**

Weight Limit - Bridge over Lotts Creek @ milepoint 2.454
TY I = 20 tons, TY II = 34 tons, TY III = 37 tons, TY IV = 50 tons
Weight Limit - Bridge over Combs Branch @ milepoint 2.523
TY I = 18 tons, TY II = 18 tons, TY III = 22 tons, TY IV = 36 tons
Weight Limit - Bridge over Troublesome Creek @ milepoint 3.155
TY I = 20 tons, TY II = 24 tons, TY III = 26 tons, TY IV = 34 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 [~~57~~] tons

		[~~6.5 Beech Fork RD~~	~~12.5 KY 7~~]

Weight Limit - Bridge over Leatherwood Creek @ milepoint 8.01
TY I = 20 tons, TY II = 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 [~~41~~] tons, TY III = 44 [~~42~~] tons, TY IV = 60 tons

*	**KY 1067**	**0.0 KY 15**	**2.7 KY 2446**
*	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]~~	**2.9 KY 15** ~~[2.5 Bible RD]~~
		~~[Creek RD]~~ ~~[0.4 Emmons Tipple~~	~~2.9 KY 15]~~
	Weight Limit - Bridge over Carr Fork @ milepoint 2.55		
	TY I = 20 ~~[18]~~ tons, TY II = 22 ~~[19]~~ tons, TY III = 22 tons, TY IV = 22 ~~[31]~~ 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	**9.3 KY 267** ~~[4.6 Buckhorn Prep Plant]~~
~~[*~~	~~KY 2021~~	~~1.1 Beech Oak Branch~~	~~3.4 KY 451~~
~~*~~	~~KY 3196~~	~~0.0 Beech Fork RD~~	~~0.1 KY 699~~
	~~Weight Limit - Bridge over Leatherwood Creek @ milepoint 0.01~~		
	~~TY I = 20 tons, TY II = 36 tons, TY III = 38 tons, TY IV = 60 tons~~		
~~*~~	~~KY 3348~~	~~0.1 Little Leatherwood Creek RD~~	~~3.9 KY 699~~
	~~Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 1.44~~		
	~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~		
	~~Weight Limit - Bridge over Little Leatherwood Creek @ milepoint 2.32~~		
	~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons]~~		
*	**KY 2446**	**0.5 Fifteen Mile Creek RD**	3.2 Mine
*	**KY 3348**	**0.0 Begin State Maintenance**	3.9 KY 699
*	Wayne Davidson Road		
	CR 5005	0.3 Cumberland Elk Tipple	0.5 KY 15
*	Dwarf-Engle Fork Road		
	CR 5032	0.0 KY 476	0.1 Highland Coal Mine
*	Coates Branch Road		
	CR 5044	0.0 Ky 476	0.5 Ball Branch Mine
*	Lick Branch Road		
	CR 5045	0.0 KY 1087	0.6 Star Fire Mine
*	Cockrell Fork - Noble Branch RD		
	CR 5050	0.0 KY 476	1.7 Mine
*	Buckhorn Creek Road		
	CR 5070	0.0 KY 476	0.1 Breathitt CO LN
	Weight Limit - Bridge over Troublesome Creek		
	TY I = 16 tons, TY II = 16 tons, TY III = 16 tons, TY IV = 16 tons		
*	Jeff - Knott County LN RD		
	CR 5100	0.0 Old KY 15 Loop #1	1.6 Mine
*	Old KY 15 Loop #1 Road		
	CR 5102	0.0 KY 15	0.2 Kentucky Prince Tipple
*	George Branch RD		
	CR 5115	0.0 KY	0.1 Tipple
*	Bible Avenue (Vicco)		
	CR 5118H	0.0 KY 1095	0.3 KY 15
*	Montgomery Creek RD		
	CR 5120	0.3 Mine	1.5 KY 1095
~~[*~~	~~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]~~
*	**Straight Creek RD**		
	CR 5140	**0.0 KY 3348**	**0.5 Mine**
*	Beech Fork Road		
	CR 5146	0.0 KY 3196	0.5 Tipple ~~[3.0 Lee Mine]~~
*	Old House Branch RD		
	CR 5148	0.0 KY 463	1.6 Mine
*	Jackson Fork Road		
	CR 5152	0.0 KY 463	0.4 Blue Diamond Mine
~~[*~~	~~Beech Oak Branch Road~~		

~~CR 5213~~	~~0.0 KY 2021~~	~~0.9 Mine]~~
* Sam Campbell Branch Road (Old Pigeon Roose-Hull School RD)		
CR 5219 [~~5319~~]	0.0 KY 1096 [~~15~~]	0.7 Mine [~~4.8 Dun Raven Tipple~~]
[~~* Clear Fork Road~~		
~~CR 5320~~	~~0.0 KY 28~~	~~2.3 Sam Campbell BR RD~~]
* **Whitaker Fork Road**		
CR 5319	**2.9 CR 5320**	**4.8 Tipple**
* **Clear Fork Road**		
CR 5320	**0.0 KY 28**	**2.3 CR 5319**
* **Trace Branch-Tenmile Creek Road**		
CR 5326	**0.0 KY 28**	**1.0 Mine**
* 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	**2.2 Mine** [~~1.9 Pine Branch Mine~~]
[~~* Buckhorn-Breathitt County Line Road~~		
~~CR 5349~~	~~0.0 KY 28~~	~~0.4 Mine~~]
* **Napier Branch Road**		
CR 5344	**0.0 KY 451**	**0.8 Mine**

PIKE COUNTY

ROAD	FROM	TO
* US 23	0.0 Letcher CO LN	35.1 [~~39.6~~] Floyd CO LN

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~~]
* US 119	0.0 US 23 (North of Pikeville)	29.7 W. Va. State LN

Weight Limit - Bridge over Raccoon Creek @ milepoint 6.99 [~~6.61~~]
TY I = 18 tons, TY II = 28 [~~20~~] tons, TY III = 37 [~~23~~] tons, TY IV = 40 tons
Weight Limit - Bridge over John's Creek @ milepoint 8.32 [~~7.94~~]
TY I = 20 tons, TY II = 28 [~~21~~] tons, TY III = 37 [~~24~~] tons, TY IV = 40 [~~37~~] tons
Weight Limit - Bridge over Bent Branch @ milepoint 9.99
TY I = 20 tons, TY II = 34 [~~35~~] tons, TY III = 37 tons, TY IV = 60 tons
Weight Limit - Bridge over Bent Branch @ milepoint 10.23
TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons
Weight Limit - Bridge over Bent Branch @ milepoint 10.88
TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons
Weight Limit - Bridge over Bent Branch @ milepoint 11.25
TY I = 20 tons, TY II = 34 [~~35~~] tons, TY III = 37 [~~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 = 14 [~~11~~] tons, TY II = 14 [~~11~~] tons, TY III = 14 [~~11~~] tons, TY IV = 11 tons
Weight Limit - Bridge over Fork of Big Creek @ milepoint 16.41
TY I = 20 tons, TY II = 18 [~~35~~] tons, TY III = 21 [~~36~~] tons, TY IV = 40 [~~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	25.4 [~~24.0~~] Virginia State LN

Weight Limit - Bridge over Levisa Fork @ milepoint 4.26
TY I = 20 tons, TY II = 40 [38] tons, TY III = 40 [39] tons, TY IV = 47 [46] tons

*	KY 80	0.0 US 460	6.6 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 = 42 [41] tons, TY III = 44 [42] tons, TY IV = 58 [57] tons
Weight Limit - Bridge over Russell Fork & Clinchfield R.R. @ milepoint 3.60
TY I = 20 tons, TY II = 33 [37] tons, TY III = 38 [39] tons, TY IV = 58 [57] tons

*	KY 122	2.3 Indian Creek RD	11.9 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 = 34 [36] tons, TY III = 38 [37] tons, TY IV = 54 [53] tons
Weight Limit - Bridge over Bear Fork north of Jones Chapel @ milepoint 8.28
TY I = 20 tons, TY II = 34 [36] tons, TY III = 39 tons, TY IV = 60 tons

*	KY 194	6.1 Sycamore Creek RD	44.4 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 = 27 [28] tons, TY III = 32 [30] tons, TY IV = 52 [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]
	50.0 Tipple [52.4 Prater Branch RD]	**57.5 Mine** [55.7 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]
	67.7 KY 2062 [69.6 KY 2059]	73.2 Virginia State LN
* KY 195	0.0 KY 197	11.6 US 460

Weight Limit - Bridge over Brushy Branch @ milepoint 3.27
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
Weight Limit - Bridge over Wolf Pit Branch @ milepoint 9.93
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons
[Weight Limit - Bridge over Russell Fork @ milepoint 11.44
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons]

*	KY 197	0.0 US 23 [9.8 KY 195]	16.6 KY 80

Weight Limit - Bridge over Sycamore Creek @ milepoint 6.70
TY I = 20 tons, TY II = 32 tons, TY III = 38 tons, TY IV = 46 tons
Weight Limit - Bridge over Elkhorn Creek @ milepoint 13.91
TY I = 20 tons, TY II = 32 [38] tons, TY III = 35 [40] tons, TY IV = 51 [56] tons

*	KY 199	8.2 KY 1056	11.6 US 119

Weight Limit - Bridge over Pond Creek @ milepoint 8.29 [8.29]
TY I = 20 tons, TY II = 39 tons, TY III = 41 [39] tons, TY IV = 59 [58] tons
Weight Limit - Bridge over Pond Creek @ milepoint 8.72
TY I = 20 tons, TY II = 22 [34] tons, TY III = 22 [35] tons, TY IV = 22 [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 = 31 [41] tons, TY III = 32 [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 US 119 [KY 1056 @ Ransom]

[Weight Limit - Bridge over Blackberry Fork North of Hardy
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons]

*	KY 468	0.0 US 119	13.6 KY 292
*	KY 610	**0.0 US 23** [2.7 Burk BR RD] [0.0 US 23]	8.9 KY 122 [2.6 Myra Tipple]

Weight Limit - Bridge over Beefhide Creek @ milepoint 1.60
TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons
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 Beefhide Creek @ Myra @ milepoint 1.60~~
~~TY I = 20 tons, TY II = 38 tons, TY III = 39 tons, TY IV = 60 tons~~

		~~8.1 KY 1460~~	~~8.9 KY 122~~
~~*~~	~~KY 611~~	~~0.0 KY 195~~	~~3.5 Henry Clay Mine~~
		~~4.3 Little Fork Left Fork RD~~	~~6.0 US 23]~~
*	KY 612	0.0 KY 468	3.9 ~~[3.6]~~ Mine
		6.6 Mine	8.4 KY 292
*	KY 632	0.0 KY 194 @ Kimper	14.0 ~~[15.0]~~ KY 194 @ Phelps

Weight Limit - Bridge over Johns Creek @ milepoint 1.19
TY I = 20 tons, TY II = 41 ~~[40]~~ tons, TY III = 43 ~~[42]~~ tons, TY IV = 60 tons
Weight Limit - Bridge over Peter Creek @ milepoint 14.00 ~~[14.96]~~
TY I = 20 tons, TY II = 44 tons, TY III = 47 ~~[46]~~ tons, TY IV = 60 tons

*	KY 881	0.0 US 119	7.7 Mine ~~[3.0 Bruchy 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	**7.5 Frozen CR RD** ~~[8.9 Tipple]~~	10.1 US 119 ~~[3.9 Mine~~
		~~0.0 KY 1789~~	~~4.4 Standard Elkhorn MN]~~

~~[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 = 59 ~~[58]~~ tons

*	**KY 1460**	**0.0 US 460**	**1.5 Upper Chloe Creek Road**
*	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
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	**2.4 Mine** ~~[2.2 Lower Elk Creek RD]~~
			~~[0.3 Private Haul Road]~~

Weight Limit - Bridge **over Knox Creek** @ milepoint 1.10
TY I = 3 tons, TY II = 3 tons, TY III = 3 tons, TY IV = 3 tons

		~~[1.6 Private Haul Road~~	~~2.3 Lower Elk Creek RD]~~
*	KY 2061	0.0 US 23	7.1 KY 194

Weight Limit - Bridge over Cowpen Creek @ milepoint 0.81
TY I = 18 tons, TY II = 18 ~~[19]~~ 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 ~~[@ Jamboree]~~	3.1 KY 194 @ Stopover
*	KY 2167	0.0 US 23	0.3 KY 122
~~[*~~	~~KY 2552~~	~~0.0 US 23~~	~~0.3 Shelbiana RD~~

~~Weight Limit - Bridge over Shelby Creek @ milepoint 0.01~~
~~TY I = 20 tons, TY II = 31 tons, TY III = 32 tons, TY IV = 39 tons]~~

*	KY 3154	0.0 Meathouse Branch RD	2.8 ~~[2.7]~~ US 119

*	KY 3226	0.0 Gardiner Fork RD or Rockhouse Creek-Greasy RD	3.3 US 460
*	KY 3227	0.0 US 23	2.3 Clevingers Branch-Miller Creek RD [~~1.0 Coal Run Tipple~~]
		7.6 Mine	8.0 KY 194
	Weight Limit - Bridge over West End of John's Creek @ milepoint 7.91		
	TY I = 13 tons, TY II = 13 tons, TY III = 13 tons, TY IV = 13 tons		
*	KY 3414	**0.6 Nat's Fork-Sycamore BR RD** [~~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~~]
*	**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 Chloe Creek Dev Mine~~]
	Weight Limit - Bridge over Little Ratliff Creek		
	TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons		
*	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		
	CR 5029	0.0 US 119	0.3 Mine
*	Coburn Branch RD		
	CR 5038	0.0 KY 199	1.2 Mine
*	Scant Branch RD		
	CR 5042	0.0 US 119	0.8 Mine
[~~*~~	~~Peg Branch Road~~		
	~~CR 5043~~	~~0.0 US 119~~	~~0.6 Eastern Coal Mine~~]
*	Goody-Aflex-Burnwell Road		
	CR 5050	0.0 KY 292	0.8 Mine
*	Taylor Fork RD		
	CR 5065	0.0 KY 612	0.4 Noeben Fork RD
*	Nosben Fork RD		
	CR 5067	0.0 Taylor Fork Rd	0.3 Mine
*	Bent Branch Road		
	CR 5074	0.0 KY 468	1.3 [~~1.1~~] Gex Tipple
	Weight Limit - Bridge over Big Creek		
	TY I = 18 tons, TY II = 18 tons, TY III = 20 tons, TY IV = 32 tons		
*	Swinge Camp Branch Road		
	CR 5075	0.0 KY 468	0.4 H Mar/Island Mines
	Weight Limit - Bridge over Big Creek		

TY I = 3 ton, TY II = 3 ton, TY III = 3 ton, TY IV = 3 ton

* Halfway Branch Road		
CR 5077	0.0 KY 468	0.2 Mine [~~0.5 Island Creek Mine~~]
* Rockhouse Fork Road		
CR 5078	0.0 KY 468	0.4 Island Creek Mine

Weight Limit - Bridge over Big Creek
TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons

* King Camp Branch		
CR 5080	0.0 KY 831	0.5 Mine
* Rye Straw Branch RD		
CR 5088	0.0 KY 881	0.4 Mine
* 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~~]
* **Road Fork-Ford Mountain RD**		
CR 5096	**0.0 US 119**	**1.6 Mine**
* Sycamore Creek RD		
CR 5104	0.0 KY 194	0.3 Road Fork Sycamore Creek RD
* Road Fork - Sycamore Creek RD		
CR 5106	0.0 Sycamore Creek RD	0.8 Mine
[~~* Big Branch/Meathouse Creek Road~~		
~~CR 5111~~	~~2.4 Mine~~	~~4.2 Brushy Fork RD~~]
* Brushy Run Johns Creek RD		
CR 5122	0.0 KY 194	0.9 Mine
* **Lick Branch RD**		
CR 5141	**0.0 KY 468**	**0.5 Mine**
* Miller Creek Road		
CR 5123	2.7 Clivergers BR Miller Creek RD	3.0 Mine
	[~~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

	3.9 Tipple	5.1 KY 194
* Clevingers Branch - Miller Creek RD		
CR 5124	0.0 KY 3227	1.7 Miller Creek Cowpen RD
[~~* Lick Branch Road~~		
~~CR 5141~~	~~0.0 KY 468~~	~~0.8 Jox Big Hill Mine~~
~~* Hurricane Creek Road~~		
~~CR 5162~~	~~2.5 Wellmore Mine~~	~~3.7 KY 3418~~]
* Dicks Fork Road		
CR 5163	0.0 KY 194 @ Phyliss	0.6 Big Fist #4 Mine
* Lane Branch Road		
CR 5168	0.0 KY 632	1.2 McCoy Elkhorn Mine
* **Narrows Branch Road**		
CR 5196	**0.0 KY 319**	**0.6 Mine**
* Hatfield Branch Road		
CR 5210	0.0 KY 319	0.8 Blackberry CR Mine
* **Lynntrough Branch RD**		
CR 5233	**0.0 KY 194**	**0.3 Tipple**
* Lower Elk Creek Road		
CR 5241	0.0 KY 2059	0.6 Race Fork Mine
* Prater Branch Road		
CR 5253	0.0 KY 194	0.8 Majestic Mine
* Old Mouth Card-Feds Creek Road		
CR 5282	0.0 US 460	0.3 Flannary Branch RD
* Flannary Branch Road		
CR 5283	0.0 Old Mouth Card-Feds CR RD	0.2 Mouth Card Mines
* Card Creek-Card Knob Road		
CR 5285	0.0 KY 1373	0.7 Clark Elkhorn Mine
	[~~1.6 Wellmore Mine~~	~~4.6 US 460~~]
* Island Creek Road		
CR 5287	0.3 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		
*	Powell Creek RD		
	CR 5328	0.0 US 460	2.2 Mine
*	Miller Fork RD		
	CR 5348	0.0 US 460	0.8 Mine
*	East Main ST (Elkhorn City)		
	CR 5361U	0.0 Ohio Street	0.1 KY 80
*	Clinchfield ST (Elkhorn City)		
	CR 5361V	0.0 East Main ST	0.1 Tipple
[*	~~Daniel Branch Road~~		
	~~CR 5326~~	~~0.0 US 460~~	~~0.4 Mine~~
*	~~Biggs Creek Road~~		
	~~CR 5327~~	~~0.0 US 460~~	~~1.9 Mine~~
*	~~Little Fork of Harlan Creek Road~~		
	~~CR 5329~~	~~0.0 Harlan Creek RD~~	~~1.0 Mine~~
*	~~Harlan Creek Road~~		
	~~CR 5330~~	~~0.0 US 460~~	~~1.5 Wellmore Mine~~
*	~~Jimmie Creek Road~~		
	~~CR 5341~~	~~0.0 US 460~~	~~0.6 Wellmore Mine~~
*	~~Old US 460 Loop #2 Road~~		
	~~CR 5353~~	~~0.3 Potter Coal Mine~~	~~0.8 US 460~~
*	~~Shortridge Fork Road~~		
	~~CR 5355~~	~~0.4 Wellmore Mine~~	~~0.9 Wellmore Private RD~~
*	~~Abes Fork Road~~		
	~~CR 5356~~	~~0.0 Virginia State LN~~	~~0.4 Potter Prep Plant~~
*	~~Ohio Street (Elkhorn City)~~		
	~~CR 5361T~~	~~0.0 KY 80~~	~~0.5 Potter Processing~~
*	~~Old Bridge Street (Elkhorn City)~~		
	~~CR 5361Z~~	~~0.0 KY 80~~	~~0.1 Private Access Road~~]
*	John Moore Branch Road		
	CR 5363	0.0 KY 197	0.9 Federal Tipple
[*	~~Jackson Branch Road~~		
	~~CR 5371~~	~~0.0 KY 197~~	~~1.9 Mine~~
*	~~Brushy Branch Road~~		
	~~CR 5379~~	~~0.0 KY 195~~	~~0.8 Ratliff Elkhorn Mine~~]
*	Marrowbone Creek Road		
	CR 5381	0.0 KY 195	2.5 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		
*	Marrowbone Creek RD		
	CR 5381	0.0 KY 195	2.5 Mine
*	Seng Branch RD		
	CR 5383	0.0 KY 195	1.2 Mine
*	Bowling Fork Road		
	CR 5384	0.0 KY 195	1.7 Nats Fork RD
*	Nats Fork RD		
	CR 5385	0.0 Bowling Fork RD	0.2 Mine
*	Flatwoods Access RD		
	CR 5391A	0.0 US 23	2.0 Mine
*	Big Branch RD		
	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~~	~~0.5 Mine~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~		
* ~~Wolfpit Branch Gardner Fork Road~~		
~~CR 5433~~	~~5.1 Prichard Branch RD~~	~~6.3 KY 3226~~]
* Wolfpen Branch Road		
CR 5444	0.0 KY 80	0.8 Wellmore Mine
[* ~~Shelbiana Road~~		
~~CR 5473~~	~~0.0 KY 2553~~	~~0.5 Coalmac Shelby Tipple~~]
* Old KY 610 Loop		
CR 5447	0.0 US 23	0.2 Mine
	1.2 Mine	1.4 US 23
* **Ivy Fork RD**		
CR 5468	**0.0 CR 5617**	**0.6 Mine**
* 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 #9 Mine~~]
* **Broad Borrom-Mossy Bottom RD**		
CR 5519	**0.0 US 23**	**2.5 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	**0.6 Mine** [~~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 [~~3.3 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	**2.0** [~~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~~		
~~CR 5590~~	~~0.0 US 23~~	~~1.0 Mine~~
~~Weight Limit - Bridge over Caney Creek~~		
~~TY I = 20 tons, TY II = 22 tons, TY III = 22 tons, TY IV = 22 tons~~]		
* **Newsome Branch RD**		
CR 5592	**0.0 US 23**	**0.9 Mine**
* 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
*	**Upper Chloe Creek RD**		
	CR 5617	**0.0 KY 1460**	**1.3 CR 5468**
*	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 [~~45~~] 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 [~~45~~] 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	[~~3.5 KY 11~~	~~4.1 Mountain PKW (KY 402) @ KY 82~~
	~~Weight Limit - Bridge over Mountain Parkway @ milepoint 4.08~~		
	~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons~~]		
		3.5 KY 11 [~~4.1 Mountain Pkwy [(KY 402)] @ KY 82~~]	8.9 Clark CO LN
*	KY 82	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 31.55~~		
	~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 55 tons~~]		
*	KY 80B	0.0 US 27	2.3 KY 80
[*	~~KY 90~~	~~0.0 Wayne CO LN~~	~~4.2 US 27~~
	~~Weight Limit - Bridge over Cumberland River @ milepoint 3.07~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]		
*	KY 192	0.0 KY 80 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		
[*	~~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~~
~~*~~	~~Bolthouse Ridge Road~~		
	~~CR 5017~~	~~0.0 Ano RD~~	~~0.9 Ikerd Bandy Mine~~
~~*~~	~~Ano Road~~		
	~~CR 5018~~	~~0.0 Acorn Lick Creek RD~~	~~1.4 Bolthouse Ridge RD]~~
*	Old Whitley Road		
	CR 5216	0.0 KY 192	3.8 Cumberland River RD
*	Cumberland River Road		
	CR 5225	0.0 Old Whitley RD	0.8 Mine
~~[*~~	~~Bauer Road~~		
	~~CR 5232~~	~~0.0 McCreary CO LN~~	~~0.8 Mine]~~
*	Cooper Power Plant Road		
	CR 5349	0.0 KY 1247	0.6 E KY Power Plant

ROBERTSON COUNTY

	ROAD	FROM	TO
*	US 68	0.0 Nicholas CO LN	1.4 Fleming CO LN

~~[ROCKCASTLE COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
~~*~~	~~US 25~~	~~11.8 I 75~~	~~13.9 US 150~~
~~*~~	~~US 150~~	~~0.0 Lincoln CO LN~~	~~10.5 US 25]~~

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]~~

SPENCER COUNTY

	ROAD	**FROM**	**TO**
*	**US 31E**	**0.0 Nelson CO LN**	**2.4 Bullitt CO LN**

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 = 35 tons, TY IV = 51 tons~~
~~Weight Limit - Bridge over Elk Fork Creek @ milepoint 7.61~~
~~TY I = 20 tons, TY II = 32 tons, TY III = 34 tons, TY IV = 47 tons]~~

UNION COUNTY

	ROAD	FROM	TO
*	US 60	1.4 KY 109	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 ~~[55]~~ 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 ~~[59]~~ 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 I-65]~~	18.2 Butler CO LN

~~[Weight Limit - Bridge over I-65 @ milepoint 0.01~~
~~TY I = 20 tons, TY II = 45 tons, TY III = 46 tons, TY IV = 52 tons]~~
Weight Limit - Bridge over US 31-W @ milepoint 3.57
TY I = 20 tons, TY II = 44 tons, TY III = 45 tons, TY IV = 59 tons

*	US 31W	0.0 Simpson CO LN	9.0 Green River PKWY ~~[Simpson County LN]~~
		~~[Green River PKWY]~~	

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**

~~[WASHINGTON COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~Bluegrass Parkway~~	~~39.3 Nelson CO LN~~	~~44.8 Anderson CO LN~~

~~Weight Limit - Bridge over Chaplin River @ milepoint 42.08~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

~~WAYNE COUNTY~~

	~~ROAD~~	~~FROM~~	~~TO~~
*	~~KY 90~~	~~0.0 Clinton CO LN~~	~~25.2 Pulaski CO LN~~

~~Weight Limit - Bridge over Beaver Creek @ milepoint 8.65~~
~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~

~~Weight Limit - Bridge over Meadow Creek @ milepoint 19.51~~
~~TY I = 20 tons, TY II = 43 tons, TY III = 44 tons, TY IV = 56 tons~~

~~*~~	~~KY 776~~	~~7.5 KY 790~~	~~9.8 Brammer Hill Ridge RD~~
~~*~~	~~KY 790~~	~~1.3 KY 776~~	~~10.5 Pulaski CO LN~~

~~Weight Limit - Bridge over Sinking Creek @ milepoint 2.02~~
~~TY I = 20 tons, TY II = 30 tons, TY III = 31 tons, TY IV = 41 tons~~

~~*~~	~~Brammer Hill Ridge Road~~		
	~~CR 5023~~	~~0.0 KY 776~~	~~4.1 Jonesville Cemetery RD~~
~~*~~	~~Denny Creek Road~~		
	~~CR 5024~~	~~0.0 KY 776~~	~~1.7 Shamrock Mine~~
~~*~~	~~Brammer Hill Delta Road~~		
	~~CR 5030~~	~~0.0 KY 790~~	~~2.2 Brammer Hill Ridge RD~~
~~*~~	~~Jones Cemetery #2 Road~~		
	~~CR 5031~~	~~0.0 Brammer Hill Ridge RD~~	~~2.4 Mine~~
~~*~~	~~Sizemore Road~~		
	~~CR 5155~~	~~0.0 Denny Creek RD~~	~~1.1 Mine~~]

WEBSTER COUNTY

	ROAD	FROM	TO
*	Pennyrile PKWY	55.0 [~~48.0~~] Hopkins CO LN	**65.6 Henderson CO LN** [~~62.6~~ [~~55.6~~] KY 56]
*	US 41	0.0 Hopkins CO LN	2.8 KY 147 [~~12.1 Henderson CO LN~~]
		7.0 KY 494 [~~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 [~~51~~] tons		
	Weight Limit - Bridge over Caney Fork @ milepoint 10.72		
	TY I = 20 tons, TY II = 37 tons, TY III = 38 tons, TY IV = 52 [~~51~~] 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		
		23.6 Mine	**25.9 KY 494**
*	KY 147	0.0 US 41	3.5 Onton-Wrightsburg RD
*	KY 270	8.4 Mine	8.9 Slover Creek RD [~~13.2 US 41A~~]
[~~*~~	~~KY 494~~	~~0.0 KY 132~~	~~2.2 US 41~~]
*	**KY 494**	**0.0 KY 123**	**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 Sebree Dock~~]
[~~*~~	~~Quinns Landing Road~~		
	~~CR 5036~~	~~0.0 Henderson CO LN~~	~~0.2 Big Rivers Plant~~]
*	Bruce RD		
	CR 5254	0.0 Luttontown-Lisman	0.9 Slover Creek RD
*	Luttontown-Lisman RD		
	CR 5255	1.7 Bruce RD	2.5 Bill Dorris RD
*	Bill Dorris RD		
	CR 5256	0.4 Tipple	1.4 Luttontown-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 Tennessee ST LN	**15.9 KY 2987**
		[~~1.7 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
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

		[32.1 KY 26 (North)	32.8 US 25T (South)
*	KY 6	0.8 KY 1064	1.6 Knox CO LN

[Weight Limit - Bridge over Corn Creek @ milepoint 1.64
TY I = 20 tons, TY II = 29 tons, TY III = 30 tons, TY IV = 49 tons]

*	KY 11	0.0 KY 92	2.6 Knox CO LN
*	KY 26	0.0 US 25W (South)	12.3 KY 6 [14.3 US 25W (North)]
*	KY 92	0.0 McCreary CO LN	**29.0 Pearl-Siler RD** [21.3 KY 1064] [11.3 US 25W (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 [58] 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 [51] tons
Weight Limit - Bridge over Cumberland River @ milepoint 22.018
TY I = 15 tons, TY II = 15 tons, TY III = 15 tons, TY IV = 15 tons

		[24.7 KY 11 [11.3 US 25W (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 [50] 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 25W	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 779**	**8.0 Flat Creek RD**	**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 @ Louden

[Weight Limit - Bridge over Cumberland River @ Louden
TY I = 12 tons, TY II = 12 tons, TY III = 12 tons, TY IV = 12 tons
Weight Limit - Bridge over Unnamed Stream 0.79 miles North of Louden
TY I = 10 tons, TY II = 10 tons, TY III = 10 tons, TY IV = 10 tons

		9.3 KY 779	17.1 KY 6
*	KY 1595	3.0 Mine	4.6 KY 92

Weight Limit - Bridge over Poplar Creek @ milepoint 4.49
TY I = 20 tons, TY II = 28 tons, TY III = 30 tons, TY IV = 52 tons

*	KY 1673	0.0 KY 92	0.4 McCreary CO LN
		0.4 McCreary CO LN	1.2 Ball Branch RD]
*	**KY 1064**	**9.3 KY 779**	**11.9 CR 5037**
*	**KY 1595**	**0.7 Bell CO LN**	**4.6 KY 92**

Weight Limit - Bridge over Poplar Creek @ milepoint 4.491
TY I = 20 tons, TY II = 33 tons, TY III = 38 tons, TY IV = 60 tons

*	KY 1804	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		
*	**KY 2987**	**0.0 US 25W**	**0.3 End of State Maintenance**
*	Goldens Creek RD		
	CR 5171	0.0 KY 1809	0.7 Knox CO LN
[~~*~~	~~Mosley Road~~		
	~~CR 5038~~	~~0.0 KY 1064~~	~~0.9 Mine~~
~~*~~	~~McNeil Hollow-Corn Creek Road~~		
	~~CR 5045~~	~~2.4 Brenda Mine~~	~~3.6 KY 1064~~
~~*~~	~~Doc Siler Road~~		
	~~CR 5223~~	~~0.0 Tennessee ST LN~~	~~0.1 Skaggs Branch RD~~
~~*~~	~~Skaggs Branch Road~~		
	~~CR 5224~~	~~0.0 Doc Siler RD~~	~~0.7 Bowlin Mine~~]
*	Keswick-Gatliff Road		
	CR 5227	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~~
~~*~~	~~Konsee 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~~]		
*	**Jellico Creek RD**		
	CR 5333	**0.0 KY 92**	**2.0 Mine**
*	**Ryans Creek RD**		
	CR 5335	**0.0 CR 5333**	**1.0 CR 5336**
*	**Bucks Branch RD**		
	CR 5336	**0.0 Mine**	**1.0 CR 5335**

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	**12.9 Mountain PKWY** [~~10.4 KY 651~~] [~~10.3 KY 651~~]

	~~[Weight Limit - Bridge over Holly Creek @ milepoint 1.79~~		
	~~TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 60 tons~~		
		~~13.4 Mountain PKWY (KY 402)~~	~~14.0 KY 715~~]
*	KY 15S	0.0 KY 15	1.1 Mountain PKWY [~~(KY 402)~~]
	Weight Limit - Bridge over Mountain Parkway @ milepoint 1.05		
	TY I = 20 tons, TY II = 45 tons, TY III = 47 tons, TY IV = 58 tons		
*	**KY 191**	**0.0 KY 15**	**9.7 KY 1010**
	Weight Limit - Bridge over Swift Camp Creek @ milepoint 0.240		
	TY I = 20 tons, TY II = 22 tons, TY III = 24 tons, TY IV = 31 tons		
	Weight Limit - Bridge over Stillwater Creek @ milepoint 4.481		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 42 tons		
	Weight Limit - Bridge over Lacey Creek @ milepoint 9.482		
	TY I = 20 tons, TY II = 28 tons, TY III = 31 tons, TY IV = 31 tons		
*	KY 205	0.0 Breathitt CO LN	**6.4 Mountain PKWY** [~~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~~]
*	**KY 1010**	**6.1 Buchanan Fork RD**	**7.1 KY 191**
*	**KY 1419**	**0.0 Breathitt CO LN**	**1.0 Mine**
*	**KY 1812**	**0.0 Breathitt CO LN**	**6.3 KY 191**
*	**Chapel Branch RD**		
	CR 5002	**0.0 KY 1010**	**0.6 CR 5004**
*	**P&M Haul RD**		
	CR 5004	**0.0 CR 5002**	**0.9 Mine**
*	Sandy Ridge RD		
	CR 5220	0.0 KY 651	3.6 Mine
*	**Cleaton-Green River RD**		
	CR 5022	**0.0 KY 1010**	**1.4 Mine**

WOODFORD COUNTY			
	ROAD	FROM	TO
[*	~~Bluegrass Parkway~~	~~61.9 Anderson CO LN~~	~~71.1 US 60~~]
*	**Bluegrass Parkway**	**61.9 Anderson CO LN**	**71.1 US 60**
*	US 60	0.0 Franklin CO LN	13.0 Fayette CO LN
[*	~~US 60X~~	~~1.0 US 62 in Versailles~~	~~1.8 US 60 East of Versailles~~
*	~~US 62~~	~~0.1 K.U. Tyrone Power Plant~~	~~7.1 US 60X in Versailles~~
	~~Weight Limit - Bridge under Southern R.R. @ Tyrone @ milepoint 0.1~~		
	~~TY I = 20 tons, TY II = 28 tons, TY III = 37 tons, TY IV = 40 tons~~]		

Section 5. Restricted Bridge Use. A [~~No~~] 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 [~~No~~] 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: July 8, 1993
FILED WITH LRC: July 9, 1993 at 9 a.m.

LABOR CABINET
Department of Workplace Standards
Kentucky Occupational Safety and Health
(Amended After Hearing)

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 employers 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**, with the following exceptions:**

(a) [~~. (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**; or in the alternative, a two (2) way communication device shall be used.** The alarm shall continue until the unit is no longer in use.

(b) The requirement that such facilities be tested according to the standard shall be changed from weekly to monthly.

[~~(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: July 14, 1993
FILED WITH LRC: July 14, 1993 at 11 a.m.

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

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 **or a health department director** 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 **seven (7)** [~~six (6)~~] pay periods, when an emergency makes it impractical or impossible to fill the position through standard appointment procedures.

(24) "Excessive absenteeism" means absences from the employee's work station that cause the irregular attendance with or without approval of the agency. Absences may include being tardy, leaving early, abuse in the use of sick leave and annual leave, violation of agency breaks and lunch provisions.

(25) "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.

(26) "Full-time employee" means an employee who is compensated on a salary basis for a standard biweekly pay period.

(27) [~~(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.

(28) [~~(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.

(29) [~~(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.

(30) [~~(28)~~] "Minimum qualifications" means a comprehensive statement setting forth the minimum background required as to education and experience.

(31) [~~(29)~~] "Minimum salary" means the lowest rate of pay in the salary range for a class of positions.

(32) [~~(30)~~] "Nonstatus employee" means a provisional, emergency, temporary, or seasonal employee or an employee who has not completed the initial probationary period.

(33) [~~(31)~~] "Initial probationary period" means the period an employee is required to serve prior to becoming a permanent employee in an agency.

(34) [~~(32)~~] "Outstanding merit payment" means a lump sum payment made to an employee based on an employee's outstanding job performance.

(35) "Part-time employee" means an employee who is compensated on a biweekly basis for hours worked and whose hours worked do not average 100 hours of work per month.

(36) [~~(33)~~] "Part-time 100 hour employee" means an employee **who is compensated on a biweekly basis for hours worked and whose hours worked average** [~~appointed on a part-time basis to work at least~~] 100 hours per month.

(37) [~~(34)~~] "Performance evaluation" means a method of evaluating each employee on the employee's capability of performing the duties and responsibilities of the job.

(38) [~~(35)~~] "Probationary employee" means an employee serving the required initial probationary period following appointment.

(39) [~~(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.

(40) [~~(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.

(41) [~~(38)~~] "Register" means an officially promulgated list of eligibles for a job classification in the order of their final ratings on a merit examination.

(42) [~~(39)~~] "Salary range" means the rate and range of pay established for a class of positions.

(43) [~~(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.~~]

(44) [~~(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.

(45) [~~(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: July 6, 1993
FILED WITH LRC: July 7, 1993 at 10 a.m.

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

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 **Commissioner of the Department for Health Services** [~~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, **and comment on** 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;~~]

(c) [~~(e)~~] Hour and wage exemption status;

(d) [~~(f)~~] Report of personnel actions approved by an agency and department;

(e) [~~(g)~~] Reports of performance evaluations or disciplinary actions given to employee;

(f) [~~(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: July 6, 1993
FILED WITH LRC: July 7, 1993 at 10 a.m.

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

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 **and the local health departments**.

(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 **and the local health departments**. 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 necessary the compensation plan with the advice of the Local Health Personnel Advisory Council **and local health departments**. 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.

(13) [~~(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.

(14) [~~(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 adjustment where working hours cannot be adjusted or other specific circumstances.

(15) [~~(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.

(16) An in-range adjustment shall be calculated by multiplying the percentage amount of the in-range adjustment times the difference between the minimum and maximum of the respective grade of the employee's classification and adding to the employee's salary.

RICE C. LEACH, M.D. Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: July 6, 1993
FILED WITH LRC: July 7, 1993 at 10 a.m.

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

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

(h) [~~(g)~~] All other conditions of competition, including the fact that failure in one (1) part of the examination shall disqualify an applicant**; and**

(i) Other special requirements of federal and state legislation such as the American with Disabilities or Civil Rights Act.

(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 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, **shall** [~~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 **may** [~~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 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: July 6, 1993
FILED WITH LRC: July 7, 1993 at 10 a.m.

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

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 **or other designated supervisory staff,** 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, **or designated supervisory staff,** 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 **fourteen (14) days prior to the expiration of the initial probationary period** as to one (1) of the following actions:

(a) The employee has satisfactorily completed the **initial** probationary period **based on a performance evaluation,** and permanent status has been confirmed; or

(b) The employee has not successfully performed the duties and completed the probationary period **as evidenced by the required performance evaluation,** and shall be dismissed without the right of appeal and hearing**;**

(c) If the initial probationary period will be extended because of absences during the probationary period due to medical reasons which cause the employee to be absent from work for

twenty (20) days or more during the probationary period.

(4) 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.

(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 by 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: July 6, 1993
FILED WITH LRC: July 7, 1993 at 10 a.m.

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

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) **Three (3)** **[~~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) **Six (6)** **[~~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 **three (3)** **[~~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, **with the approval of the appointing authority,** voluntarily requests a demotion **to a position having a lower salary range and less responsibilities and duties** [~~and reduction in salary because of inability to perform job duties, inefficiency, or other 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 **or two (2)** 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) The salary of an employee who voluntarily requests a demotion shall be reduced by three (3) percent for each grade decrease if the demotion is to a classification resulting in a decrease of three (3) or more grades.

(4) [~~(3)~~] Except as provided in subsection **(6)** [~~(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.

(5) [~~(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.

(6) [~~(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.

(7) [~~(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: July 6, 1993
FILED WITH LRC: July 7, 1993 at 10 a.m.

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

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.

(3) The following are situations that may warrant disciplinary action:

(a) Inefficiency or incompetency in the performance of duties;

(b) Negligence in the performance of duties;

(c) Careless, negligent, or improper use of local health department property or equipment;

(d) Failure to maintain satisfactory and harmonious working relationships with the public and coworkers;

(e) Habitual improper use of sick leave and other leave privileges;

(f) Habitual pattern of failure to report for duty at the assigned time and place;

(g) Failure to obtain or maintain a current license or certificate or other qualifications required by law or rule as a condition of continued employment;

(h) Gross misconduct or conduct unbecoming an employee;

(i) Willful abuse or misappropriation of funds, property or equipment;

(j) Conviction of a felony;

(k) Falsification of an official document relating to or affecting employment;

(l) Participation in any action that would in any way seriously disrupt or disturb the normal operation of the agency, or that would interfere with the ability of management to manage;

(m) Damage or destruction of agency property;

(n) Abuse towards patients, coworkers, or the public in the performance of duties;

(o) Refusal to carry out a reasonable and proper assignment from an authorized supervisor (insubordination);

(p) Reporting to work under the influence of alcohol or illegal drugs, or partaking on the job;

(q) Sleeping or failure to remain alert during working hours;

(r) Violation of confidential information policies of the agency;

(s) Prohibited political activity;

(t) Unauthorized absence or absence for any period of working without notifying supervisor.

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 **agency** policy violation; **or** [~~and~~]

2. The specific action or activity on which the intent to demote, suspend, or dismiss is based; and

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 **agency** policy violation; **or** [~~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: July 6, 1993
FILED WITH LRC: July 7, 1993 at 10 a.m.

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

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 **an average of** 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) **The maximum amount of** annual leave earned by full-time employees **that** may be accumulated **and carried forward to the next** [~~during a~~] calendar year **shall** 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) **The maximum amount of** annual leave for a designated part-time 100 hour employee who works **an average of 100 hours per month that** [~~100 hours or more a month~~] may be accumulated **and carried forward to the next** [~~during a~~] calendar year **shall** 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.

(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 **forty-five (45)** [~~seventy-five (75)~~] additional hours of sick leave.

Section 5. Uses of Sick Leave Credit. (1) The appointing authority, upon proper request, **may** [~~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 **provide personal** 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 employees health might jeopardize others; or

(b) The employees 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 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 **without pay**, **may** **[~~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 **full-time** 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.]~~

(3) A full-time [~~(4) An~~] employee shall be in pay status on the work day prior to the holiday in order to receive the holiday benefit.

(4) Full-time [~~(5)~~] employees required to work on a holiday shall accrue compensatory time for the time worked.

Section **16.** [~~15.~~] Earning of Compensatory Time. (1) **A full-time** [~~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 **thirty (30)** [~~seventy-five (75)~~] hours of compensatory time may **be paid for the accumulated leave by the appointing authority upon written** 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 **and in thirty (30) hour increments**.

(3) An agency, with the approval of the department, may elect to compensate employee's at the rate of time and one-half (1/2) for each hour worked in excess of forty (40) hours per week.

(4) [~~(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.

(5) [~~(4)~~] The appointing authority may direct an employee to use accumulated compensatory time to reduce accumulation to an acceptable level.

(6) [~~(5)~~] Upon separation from service or transfer to another agency, unused compensatory time shall be reimbursed in a lump sum payment to the employee.

(7) [~~(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: July 6, 1993
FILED WITH LRC: July 7, 1993 at 10 a.m.

CABINET FOR HUMAN RESOURCES
Department for Mental Health and Mental Retardation Services
(Amended After Hearing)

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 (l) 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, **nursing,** 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 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: July 6, 1993
FILED WITH LRC: July 6, 1993 at 3 p.m.

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, JULY 15, 1993

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY (Proposed Amendment)

11 KAR 10:010. Paul Douglas teacher scholarship program.

RELATES TO: KRS 164.744(2), 164.748(7), (8), 34 CFR Part 653

STATUTORY AUTHORITY: KRS 164.748(4), 164.753(3), 34 CFR Part 653, subparts C, D, E

NECESSITY AND FUNCTION: PL 98-558 established the Carl D. Perkins Scholarship Program, subsequently renamed the Congressional Teacher Scholarship Program and then renamed the Paul Douglas Teacher Scholarship Program, to encourage highly qualified [~~academically talented~~] students to become teachers in a public or private, nonprofit preschool, elementary or secondary school[~~, or education program~~] in any state. Pursuant to Section 523(b)(2) [~~563~~] of the federal act (20 USC §1105b(b)(2) [~~§1119d-2~~]), the governor designated the authority as the agency to administer this program on behalf of the Commonwealth. 34 CFR 653.32(a) authorizes the authority to establish selection criteria. 34 CFR 653.20(b)(5) and 653.21 require the authority to limit the amount of awards, restrict eligibility for awards, and authorizes the authority to establish policies and procedures necessary to administer repayment. This regulation prescribes rules for the administration of the Paul Douglas Teacher Scholarship Program. This amendment is necessary to conform to amendments to the federal Act enacted by PL 102-325. [~~corrects the name of the program and makes other changes to conform with the format requirements of KRS Chapter 13A.~~]

Section 1. Definitions. (1) "Academic year award" means the aggregate amount of scholarship assistance received for one (1) academic year (July 1 through June 30) represented by one or more recipient agreements or promissory notes.

(2) "Academic year" means a period of time during which a full-time student is expected to complete the equivalent of one (1) of the following:

(a) Two (2) semesters.

(b) Two (2) trimesters.

(c) Three (3) quarters.

(3) The definition of "authority" is governed by KRS 164.740(1).

(4) "Course of study" means a first undergraduate program of study at an institution of higher education, which leads to initial teacher certification at the preschool, elementary or secondary school level, but does not include graduate study unless it is required for initial teacher certification.

(5) "Collection costs" mean the costs incurred by the authority or its agents, including the costs of long distance phone calls, certified mail, skiptracing, court costs, and attorney fees, necessary to recover past due payment from the scholar.

(6) The definition of "federal act" is governed by KRS 164.740(9).

(7) "Full-time student" means a student enrolled in an institution of higher education, other than a correspondence school, who is carrying a full-time academic workload as determined by the institution under standards applicable to all students enrolled in that student's program.

(8) "Institution of higher education" means a public or private, nonprofit educational institution approved by the secretary under the federal act for participation in the Paul Douglas Teacher Scholarship program.

(9) [~~"Qualified teaching service" means to teach on a full-time basis in a public or private, nonprofit preschool, elementary, or secondary school or education program, in any state.~~

~~(10)~~] "Scholar" means a Paul Douglas Teacher Scholarship recipient.

(10) [~~(11)~~] The definition of "scholarship" is governed by KRS 164.740(18).

(11) [~~(12)~~] The definition of "secretary" is governed by KRS 164.740(20).

Section 2. The authority shall, to the extent of funds available for such purpose, award Paul Douglas Teacher Scholarships to persons enrolled or accepted for enrollment as a full-time student in a course of study at an institution of higher education, who declare an intention to [~~enter the~~] teach[~~ing profession in a qualified teaching service position~~] and who meet the eligibility requirements set forth in Section 3 of this regulation and are selected pursuant to Section 4 of this regulation.

Section 3. Eligibility Criteria. In order to apply and be considered for a scholarship, an individual must meet the following criteria:

(1)(a) Be a U.S. citizen or national;

(b) Provide evidence from the U.S. Immigration and Naturalization Service that he:

1. Is a permanent resident of the United States; or

2. Is in the United States for other than a temporary purpose with the intention of becoming a citizen or permanent resident; or

(c) Be a permanent resident of the Trust Territory of the Pacific Islands;

(2) Be a legal resident of the Commonwealth of Kentucky, as determined in accordance with the Council on Higher Education's policy on classification for fee assessment purposes at 13 KAR 2:040;

(3)(a) Have graduated or be scheduled to graduate from high school within three (3) months of the date of the award and rank in the top ten (10) percent of high school graduating class; or

(b) Have received a certificate of high school equivalency for successfully completing the tests of General Educational Development (GED) with GED test scores equivalent to ranking in the top ten (10) percent of the high school graduates in Kentucky, or nationally, in the academic year for which the eligibility determination is being made

Section 4. Selection Criteria. A panel (representative of parents, teachers, including preschool and special education, and school administrators) shall select recipients using the following criteria:

(1) Special consideration in the selection of at least seventy-five (75) percent of the scholarship recipients shall be given to individuals who state on their application that they:

(a) Intend to teach or provide related services to students with disabilities;

(b) Intend to teach limited English proficient students;

(c) Intend to teach preschool age children;

(d) Intend to teach in schools servicing inner city or rural or geographically isolated areas (as defined by the U.S. Secretary of Education by regulations consistent with the purposes of this section);

(e) Intend to teach in curricular areas or geographic areas where there are demonstrated shortages of qualified teachers; or

(f) Are from disadvantaged backgrounds, including racial and ethnic minorities and individuals with disabilities, and are underrepresented in the teaching profession or in the curricular areas in which they are preparing to teach.

(2) Applicants given special consideration pursuant to subsection (1) of this section shall be ranked in descending order according to total points accumulated using the following criteria:

(a) Cumulative high school grade point average (forty (40) points); and

(b) American College Test composite standard score (thirty-six

(36) points); and

(c) As rated by a high school counselor, teacher, or principal:

1. Level of communication skills (nine (9) points); and

2. Ability to become an effective teacher (nine (9) points); and

(d) An additional ten (10) points shall be given to those enrolling in college for the first time as a full-time student.

(3) If funds remain, applicants who do not meet the special consideration criteria prescribed in subsection (1) of this section shall be ranked according to the selection criteria prescribed in subsection (2) of this section, and scholarships shall be offered until funds are exhausted. No more than twenty-five (25) percent of new awards will be made to eligible applicants who do not meet any of the special consideration criteria. [~~Recipient selection shall be made on the basis of the following weighted criteria:~~

~~(1) Cumulative high school grade point average (forty (40) percent);~~

~~(2) American College Test composite standard score (thirty (30) percent);~~

~~(3) Enrollment at a Kentucky institution of higher education (ten (10) percent);~~

~~(4) First time enrollment at an institution of higher education as a full time student (ten (10) percent);~~

~~(5) Level of communication skills rated by a high school counselor, teacher, or principal (four (4) percent);~~

~~(6) Ability to become an effective teacher rated by a high school counselor, teacher, or principal (four (4) percent); and~~

~~(7) Intent to teach in a critical shortage area designated by the secretary pursuant to section 428 of the federal act (two (2) percent).~~]

(4) If funds are insufficient to award all applicants, the scholarships shall first be awarded to those qualifying for awards pursuant to Section 5 of this administrative regulation whose renewal applications are received by the authority by April 1 each year. The deadline for receipt of initial scholarship applications shall be April 15 each year. If two (2) or more applicants are equally ranked, selection between the applicants shall be made on the basis of the date the application is received by the authority.

Section 5. Renewal. Additional academic year awards shall be made annually upon application by an eligible scholar for a maximum of three (3) years of undergraduate study. The criteria to maintain eligibility for renewal of scholarships is governed by 34 CFR 653.41.

Section 6. Award Maximums. The maximum academic year award shall be the lesser of $5,000 or the total cost of attendance as determined by the institution of higher education [~~$5,000~~]. The aggregate maximum [~~of Paul Douglas teacher scholarship awards~~] shall not exceed $20,000 [~~per individual. Awards shall not exceed the scholar's total cost of attendance at the institution of higher education less other financial assistance received pursuant to Title IV of the federal act as determined by the institution~~].

Section 7. Disbursements. Payment shall be made at the beginning of each term, and each disbursement shall be evidenced by an agreement or promissory note, required pursuant to Section 9 of this regulation

Section 8. Notifications. Scholars shall notify the authority within thirty (30) days of:

(1) Change in enrollment status;

(2) Cessation of enrollment in a course of study;

(3) Obtaining full-time teaching employment [~~in a qualified teaching service position~~] or cessation of such employment;

(4) Change in deferment status; or

(5) Change of address.

Section 9. Scholarship Agreement. The requirement and content of a scholarship agreement is governed by 34 CFR 653.40, 52 Federal Register 45285, November 25, 1987, as amended at 55 Federal Register 35006, August 27, 1990.

Section 10. Failure to [~~Render Qualified~~] Teach[~~ing Service~~]. The consequences of a scholar's failure to [~~render qualified~~] teach full-time in a public or private nonprofit preschool, elementary, or secondary school, or teach children with disabilities or limited English proficiency in a private nonprofit school [~~ing service~~], including the commencement and rate of repayment and the interest charges, are governed by 34 CFR 653.42(a) through (f), 52 Federal Register 45285, November 25, 1987.

Section 11. Repayment Schedule. Written notification of demand for repayment shall be sent by the authority to the scholar's last known address and shall be effective upon mailing. Repayment shall be made in monthly installments as may be necessary to repay all sums due within the time and in amounts required by the scholar's agreement. The authority may agree, in its sole discretion upon a showing of financial hardship by the scholar, to accept repayment in installments less than those required by the scholar's agreement in accordance with a schedule established by the authority. Payments shall first be applied to the earliest unpaid scholarship. Payments shall be applied first to accrued interest and then to principal.

Section 12. Cancellation. The conditions for cancellation of repayment of scholarships are governed by 34 CFR 653.42(k).

Section 13. Records. A participating institution of higher education shall maintain complete and accurate records pertaining to the eligibility, enrollment and academic progress of scholars, the disbursement of funds and institutional charges as may be necessary to audit the disposition of funds hereunder. Such records shall be maintained for at least five (5) years after the scholar ceases to be enrolled at the institution.

Section 14. Refunds. A participating institution of higher education shall refund to the authority, within forty (40) days of a scholar's last date of attendance, any amount attributable to this program which is determined to be due under the institution's refund policy.

Section 15. Information Dissemination and Recruitment. The authority shall disseminate information through high school guidance offices about this program to potential recipients. Participating institutions of higher education shall provide assurances that program information will be disseminated to students enrolled at that institution. Students from low income, economically disadvantaged and minority population groups shall be actively recruited for participation in this program.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 29, 1993

FILED WITH LRC: July 15, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, August 27, 1993 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, August 23, 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 wishes to be heard will be given an opportunity to comment on this proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director,

Kentucky Higher Education Assistance Authority, 1050 U. S. 127 South, Suite 102, Frankfort, Kentucky 40601, (502) 564-7990.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: It is estimated that 47 students will receive scholarship awards under the Paul Douglas Teacher Scholarship Program in the 1993-94 academic year.

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

1. First year: $219,264 in federal funds has been appropriated for scholarships for the 1993-94 academic year. All of the funds will be awarded as scholarships, and will therefore save that amount of tuition expenditure.

2. Continuing costs or savings: Same as #1 above.

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

(b) Reporting and paperwork requirements: Federal regulations require scholarship recipients to sign an agreement with the state agency, and to provide verification of teaching service. This administration regulation requires recipients to notify the agency of changes of address, enrollment status, and deferment status.

(2) Effects on the promulgating administrative body: Minimal administrative expense.

(a) Direct and indirect costs or savings:

1. First year: There is no direct expenditure by the agency of state funds for scholarship awards. The program is entirely funded by federal funds. Agency receipts are used to defray the administrative expenses for all student aid programs. A small, but unallocated amount of agency receipts will be used to defray the administrative costs.

2. Continuing costs or savings: Same as #1 above.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: Paperwork associated with reviewing applications, executing and storing recipient agreements, receiving and storing notifications of the recipient's enrollment and teaching status, and collection activity on an estimated 47 recipients.

(3) Assessment of anticipated effect on state and local revenues: Adoption of the amendments conforming to changes in the federal law provides the necessary assurances to permit receipt of $219,264 in federal funds in each year of the biennium.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There were no adequate alternatives to adoption of terminology and selection criteria conforming to changes in the federal law.

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

(a) Necessity of proposed regulation if in conflict: N/A

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

(6) Any additional information or comments: None

Tiering: Was tiering applied? No. The administrative regulation is intended to provide equal opportunity to participate within parameters prescribed by the federal act, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities or address a particular problem to which certain regulated entities do not contribute. Disparate treatment of any person or entity affected by this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution." The regulation provides equal treatment and opportunity for all scholarship applicants and recipients.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Cite the federal statute or regulation constituting the federal mandate. 20 USC §1105d; 34 CFR Part 653, subparts C, D, and E.

2. State in sufficient detail the state compliance standards: This regulation establishes student eligibility and selection criteria that are consistent with federal requirements and have previously been approved by the U.S. Department of Education. The criteria include high school grades, college entrance exam scores and assessment of communication and teaching skills; with special consideration given to those who intend to enter certain teaching fields or who come from disadvantaged backgrounds.

3. State in sufficient detail the minimum or uniform standards contained in the federal mandate. The minimum federal eligibility standards include state residency and U.S. citizenship, high school graduation or its equivalent, and ranking in the top 10% of the high school class. 20 USC §1105b(c) and (d) require special consideration for those who intend to enter certain teaching fields or who come from disadvantaged backgrounds.

4. In detail, state whether this administrative regulation will impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate. If the promulgating administrative body is permitted to select from within a range, state the reasons for the specific selection. Discuss each state requirement that is stricter than the federal mandate in a separate paragraph. The regulation imposes requirements that have previously been approved by the U.S. Department of Education and adopts specific federal regulatory requirements where applicable. No stricter, additional, or different requirements are imposed.

5. For each state requirement that is stricter than the federal mandate, state the justification for the imposition of the stricter standard, or additional or different responsibilities or requirements: N/A

KENTUCKY HIGHER EDUCATION ASISTANCE AUTHORITY
(Proposed Amendment)

11 KAR 10:020. Deferment and reduction of repayment.

RELATES TO: KRS 164.744(2), 164.748(7), (8), 34 CFR 653.21, 653.42

STATUTORY AUTHORITY: KRS 164.748(4), 164.753(3), 34 CFR 653.21, 653.42

NECESSITY AND FUNCTION: Public Law 98-558 established the Carl D. Perkins Scholarship Program, subsequently renamed the Congressional Teacher Scholarship Program and then subsequently renamed the Paul Douglas Teacher Scholarship Program. The Kentucky Higher Education Assistance Authority (authority) administers the program on behalf of the Commonwealth of Kentucky. That law, at 20 USC §1104g [~~1119d-7~~], and federal regulation 34 CFR 653.42(g), (i) and (j), authorize certain exceptions to repayment. 34 CFR 653.42(h) authorizes the authority to prescribe documentation necessary to obtain a deferment. 34 CFR 653.42(d)(2)(ii) authorizes the authority to reduce the required payments upon a showing of inability to repay. 34 CFR 653.21(a)(4) requires the authority to establish and implement policies and procedures necessary to administer repayment under 653.42. This administrative regulation defines "deferment" and establishes conditions under which specified types of deferments may be approved by the authority. This amendment is necessary to conform to amendments to the federal Act enacted by PL 102-325. [~~corrects the name of the program and makes other changes necessary to conform to the format requirements of KRS Chapter 13A.~~]

Section 1. Definitions. (1) The definition of "authority" is governed by KRS 164.740(1).

(2) "Deferment" means a temporary waiver of the obligation of a scholar to make payments to the authority, pursuant to one (1) or

more agreements or promissory notes executed between the scholar and the authority, which is granted by the authority, for a specified period of time, upon a showing of cause by the scholar.

(3) The definition of "federal act" is governed by KRS 164.740(9).

(4) "Institution of higher education" means a public or private, nonprofit educational institution approved by the secretary under the federal act for participation in the Paul Douglas Scholarship program.

~~[(5) "Qualified teaching service" means to teach on a full-time basis in a public or private, nonprofit preschool, elementary, or secondary school or education program in any state.]~~

(5) [~~(6)~~] The definition of "secretary" is governed by KRS 164.740(20).

(6) [~~(7)~~] "Scholar" means a Paul Douglas Scholarship recipient.

(7) [~~(8)~~] The definition of "scholarship" is governed by KRS 164.740(18).

Section 2. Request for Deferment. The scholar shall request a deferment in writing by submitting complete and accurate information on a form provided by the authority. The scholar's submission of a request for deferment shall constitute authorization for the authority to request and receive verification of facts represented by the scholar as may be deemed necessary by the authority. The scholar shall provide to the authority, at least annually:

(1) For purposes of an enrollment deferment, evidence of enrollment certified by an authorized representative of an institution of higher education;

(2) For purposes of a disability deferment, an affidavit from a licensed physician certifying that the scholar or spouse is temporarily totally disabled;

(3) For purposes of an unemployment deferment, a signed statement that sets forth:

(a) The scholar's current address;

(b)1. The names of school districts to which the scholar has applied for full-time [qualified] teaching [service] employment; or

2. The names and addresses of each public or private employment agency, if one is accessible, where the scholar has registered; and

(c) The scholar's agreement to notify the authority within thirty (30) days of the date upon which he obtains either full-time teaching employment [~~in a qualified teaching service position~~] or other full-time employment; or

(4) For purposes of a military deferment, a statement, signed by an authorized representative of the armed forces, evidencing the active duty status and period of enlistment of the scholar.

If, during the period of deferment, a change occurs in the scholar's circumstances that served as the basis for the deferment approved pursuant to this section, then that deferment shall immediately terminate.

Section 3. Effect on Repayment. The consequences of a deferment upon the obligation of a scholar to repay is governed by 34 CFR 653.42(i) and (j), 52 Federal Register 45285, November 25, 1987.

Section 4. Types of Deferments. The circumstances that qualify for deferment are governed by 34 CFR 653.42(g), 52 Federal Register 45285, November 25, 1987.

Section 5. Financial Incapacity. The authority may temporarily reduce the installments required for repayment of a scholarship, at its sole discretion, upon a demonstration that the scholar, due to lack of income or other financial circumstances beyond the scholar's control, is temporarily unable to repay the scholarship in accordance with the regular repayment schedule. The scholar shall request this reduced repayment schedule by submitting a statement, signed by the scholar, on a form provided by the authority, delineating all of the income, expenses, and other financial circumstances of the scholar constituting the asserted financial incapacity.

WAYNE STRATTON, Chairman

APPROVED BY AGENCY: June 29, 1993

FILED WITH LRC: July 15, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Friday, August 27, 1993 at 9 a.m. at 1050 U.S. 127 South, Suite 102, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, August 23, 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 wishes to be heard will be given an opportunity to comment on this proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to: Mr. Paul P. Borden, Executive Director, Kentucky Higher Education Assistance Authority, 1050 U. S. 127 South, Suite 102, Frankfort, Kentucky 40601, (502) 564-7990.

REGULATORY IMPACT ANALYSIS

Agency Contact: Paul P. Borden

(1) Type and number of entities affected: The number of recipients who will seek deferment cannot be determined with certainty because of the unforseeability of various circumstances (i.e. enrollment, unemployment, disability, etc.). Currently, 161 students have received scholarships, and 5 who completed program requirements but were unable to find a qualified teaching position have been granted unemployment deferments.

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

1. First year: The nature of a deferment under this program postpones payments and temporarily stops the accrual of interest. As mentioned above, the number of recipients who will seek and qualify for deferment cannot be precisely predicted. However, during the past academic year, deferments for 5 recipients postponed payments and stopped interest accrual on $93,881 in scholarships.

2. Continuing costs or savings: See #1 above.

3. Additional factors increasing or decreasing costs (note any effects upon competition): The regulation permits recipients to demonstrate financial hardship and arrange payments of less than $1200 per year; Currently, no recipients are making reduced payments under those conditions.

(b) Reporting and paperwork requirements: Recipients are required to submit documentation verifying their circumstances (i.e. enrollment, unemployment, disability, financial hardship, etc.) when seeking deferment or reduced payments.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: Cost to the agency involves the insubstantial administrative cost associated with reviewing and storing the documentation for deferment or reduced payments.

2. Continuing costs or savings: See #1 above.

3. Additional factors increasing or decreasing costs: There is no loss of interest income to the agency during a deferment, because the funds being repaid are entirely federal restricted funds.

(b) Reporting and paperwork requirements: Request for deferment or reduced payments would necessitate review of documentation verifying the recipient's circumstances.

(3) Assessment of anticipated effect on state and local revenues: None. See (2)(a)3 above.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The regulation prescribes the minimum information necessary to permit the agency to verify the recipient's circumstanc-

es.

(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:

Tiering: Was tiering applied? No. The administrative regulation is intended to provide equal opportunity to participate within parameters prescribed by the federal act, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities or address a particular problem to which certain regulated entities do not contribute. Disparate treatment of any person or entity affected by this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution." The regulation provides equal treatment and opportunity for all scholarship applicants and recipients. The conditions that qualify for a deferment are specified in federal regulations. The information required to be submitted by the recipient is the minimum necessary to verify the circumstances. Therefore, uniform application of the requirements for submission of information is essential for fair and equitable treatment of all scholarship recipients.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Cite the federal statute or regulation constituting the federal mandate. 34 CFR §653.42(d)(2)(ii) and §653.42(h).

2. State in sufficient detail the state compliance standards: The regulation requires a scholarship recipient seeking a deferment to submit, for the pertinent type of deferment, a certification of enrollment from a college representative, a certified statement of disability from a physician, a certified statement of enlistment from a military representative, or the names and addresses of prospective employers and employment agencies in the event of unemployment. In the case of financial incapacity, the recipient must submit details of income, expenses and other financial circumstances.

3. State in sufficient detail the minimum or uniform standards contained in the federal mandate. The federal regulation requires that a scholarship recipient seeking reduced payments because of financial circumstances must demonstrate to the agency's satisfaction that the recipient is financially unable to pay the full monthly payment, and recipients seeking deferment must submit a written claim with supporting documentation required by the state agency.

4. In detail, state whether this administrative regulation will impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate. If the promulgating administrative body is permitted to select from within a range, state the reasons for the specific selection. Discuss each state requirement that is stricter than the federal mandate in a separate paragraph. This regulation does not impose stricter, additional or different requirements than the federal mandate.

5. For each state requirement that is stricter than the federal mandate, state the justification for the imposition of the stricter standard, or additional or different responsibilities or requirements: N/A

GENERAL GOVERNMENT CABINET
Kentucky Board of Nursing
(Proposed Amendment)

201 KAR 20:390. Nursing incentive scholarship fund.

RELATES TO: KRS 314.025, 314.026, 314.027
STATUTORY AUTHORITY: KRS 314.131

NECESSITY AND FUNCTION: The nursing incentive scholarship fund program was created by the General Assembly. This regulation implements the administration of the program.

Section 1. Definitions. (1) "Academic year" means, for a registered nursing program, a minimum of two (2) semesters; and for a practical nursing program, the completion of the required program.

(2) "Health facility" as used in this regulation shall have the same meaning as "health facility" as defined at KRS 216B.015(12).

(3) "Resident" as used in this regulation shall be determined pursuant to 13 KAR 2:040.

(4) "Rural area" means a county with less than 50,000 population or a county which is not part of a federally designated metropolitan statistical area.

(5) "Board" means the Kentucky Board of Nursing.

(6) "Committee" means the Nursing Incentive Scholarship Fund Committee.

(7) "Successful academic progression" means the completion of a minimum of eight (8) credit hours per semester of published requirements for the program of nursing and maintenance of a minimum grade point average which would allow admission or continuation in a program of nursing.

Section 2. Application. (1) To be eligible for a nursing incentive scholarship, an applicant shall be a Kentucky resident, shall have applied for admission to an educational institution with an approved program of nursing in Kentucky, shall have declared nursing as the major course of study and shall have obtained a Kentucky health facility as a sponsor.

(2) An applicant shall complete an application, on a form provided by the board. The application shall be received by the board between January 1 and June 1.

(3) The applicant shall send or cause to be sent to the board by June 1 an official high school transcript or equivalent (GED) or [~~and~~] official transcripts showing postsecondary work completed, whichever is most recent.

(4) The applicant shall attach to the application a copy of the Student Aid Report from [~~either~~] the Free Application for Federal Student Aid (FAFSA) [~~Kentucky Financial Aid Form (KFAF) or the Application for Student Aid (AFSA)~~] for the current year.

Section 3. The Committee. (1) Members of the committee shall serve for one (1) year and may be reappointed.

(2) The committee shall meet at least annually by July 15 and more often if necessary to decide on scholarships for the upcoming academic year.

(3) The committee shall serve without compensation but may be reimbursed for actual and necessary expenses related to serving on the committee.

Section 4. Criteria for Awards. The committee may consider the following criteria in evaluating applicants:

(1) Prior health care work experience or education;

(2) Previous academic achievement as indicated by transcripts;

(3) Current acceptance as a declared nursing major in an educational institution with an approved program of nursing;

(4) Current admission or enrollment in an approved program of nursing.

Section 5. Amount of Award. (1) The committee shall be notified as to the current fund balance prior to making awards.

(2) The committee shall defer awarding a portion of the amount collected in odd-numbered fiscal years to the following fiscal year. The amount of the deferred portion shall be determined as follows: add the number of licensed RNs renewing as of the current year to the number of licensed LPNs who renewed in the previous year. Divide by two (2). Multiply by five (5). Subtract that figure from the

amount collected, less administrative costs.

(3) The committee shall first make awards to those recipients who received awards in the previous year and remain eligible to receive awards pursuant to Section 7 of this regulation in the current year.

(4) The committee shall divide the remaining funds among the remaining applicants based on KRS 314.025(2), 314.026(3), 314.027(2) and on the criteria considered in Section 4 of this regulation. If insufficient applications are received from LPNs, those funds earmarked pursuant to KRS 314.027(2) and unexpended shall be used for other applicants.

(5) The maximum award granted each year shall be the highest tuition charged per academic year for a full-time student in a program of nursing in a public institution at Kentucky enrolled in a comparable program. By June 1 of each year, the committee shall determine the highest annual tuition rate charged by a practical nursing program in a public institution in Kentucky, the highest annual tuition rate charged by an associate degree registered nursing program in a public institution in Kentucky, and the highest annual tuition rate charged by a prelicensure baccalaureate degree registered nursing program in a public institution in Kentucky. For students who will not be enrolled for an entire academic year, the award shall be one-half (1/2) the maximum. Upon request of the recipient and the sponsor, the committee may award less than the maximum.

Section 6. Procedure for Disbursement of Awards. (1) [~~Prior to actual disbursement of any funds, the educational institution must certify enrollment by the recipient.~~

~~(2)~~] Disbursement of funds shall be made directly to the school by the board on behalf of the recipient.

(2) Disbursement shall be made by semester. Disbursement of the second semester's payment shall be contingent on successful academic progression during the first semester upon verification by the educational institution on a form supplied by the board.

(3) Each educational institution shall certify to the board that the recipient has enrolled in school. The educational institution shall send the certification to the board. [~~All recipients of awards who are enrolled in registered nursing programs shall take a minimum of eight (8) credit hours per semester.~~]

Section 7. Continuing Eligibility Criteria. (1) A [~~registered nursing student~~] recipient of a nursing incentive scholarship shall be eligible to continue to receive an award provided successful academic progression through the program is maintained and there is continued maintenance of any preference categories. The recipient shall submit to the board by June, [~~as evidenced by~~] the following:

(a) [~~The completion of a minimum of eight (8) credit hours per semester;~~

~~(b) A cumulative grade point average of 2.0 on a 4.0 scale; and~~

~~(c)~~] Verification of successful academic progression from the academic advisor of record on a form supplied by the board;

(b) A request for continuation;

(c) Grade reports, verified by an official transcript for the preceding academic year when available, and within thirty (30) days after the recipient has enrolled each semester. The educational institution shall immediately notify the board of any change in a recipient's enrollment status;

(d) A student aid report for the current year.

(2) The amount of the award shall be determined pursuant to Section 5(5) of this administrative regulation.

(3) Award recipients in practical nursing programs are not eligible for continued awards while enrolled in such programs. [~~In order to be eligible to receive a continuing award, the recipient must provide the board by June 1 with the following: a request for continuation, an official transcript for the preceding academic year and a Student Aid Report for the current year.~~]

(4) Award recipients in practical nursing programs are not eligible for continued awards while enrolled in such programs.

Section 8. Disbursement Contract. Prior to disbursement of funds for a particular year, the recipient shall sign a written contract and a promissory note in a form prescribed by the board.

Section 9. Repayment and Deferral. (1) If a recipient fails to complete the nursing program in which he is enrolled within the time specified by the program of nursing or if he fails to complete the required employment with the sponsor as specified in the contract, he shall immediately become liable to the board to pay the sum of all scholarships received and accrued interest thereon.

(2) Written notification of demand for repayment shall be sent by the board to the scholarship recipient's last known address and shall be effective upon mailing. The board may agree, in its sole discretion, to accept repayment in installments in accordance with a schedule established by the board. Payments shall first be applied to interest and then to principal on the earliest unpaid contracts.

(3) Repayment may be deferred in the case of disability, major illness or accident which prevents a recipient from completing an approved program of nursing or being employed by the sponsor.

(4) In the case of prenursing students, repayment may be deferred if the recipient fails to obtain acceptance to a program of nursing. This deferral shall only apply for two (2) consecutive academic years. If the recipient fails to obtain acceptance to a program of nursing after that time, repayment shall be due. If the recipient obtains acceptance to a program of nursing within the allotted time, he may apply for a continuation award pursuant to Section 7 of this administrative regulation.

(5) In the case of students enrolled in a program of nursing, repayment may be deferred if the student fails to achieve successful academic progression. This deferral shall only apply for two (2) consecutive academic years. If the student fails to achieve successful academic progression after that time, repayment shall be due. If the student achieves successful academic progression within the allotted time, he may apply for a continuation award pursuant to Section 7 of this administrative regulation.

(6) In any situation where a deferral is requested, the recipient shall submit the request in writing to the committee on a form supplied by the board.

Section 10. Miscellaneous. (1) Verification of employment with the health facility shall be submitted by the sponsor to the board when the recipient's employment commitment begins and when it is completed. Any termination of employment prior to completion shall be reported to the board within thirty (30) days.

(2) [~~If a recipient fails to complete the nursing program in which he is enrolled within the time specified by the program of nursing or if he fails to complete the required employment with the sponsor as specified in the contract, he shall immediately become liable to the board to pay the sum of all scholarships received and accrued interest thereon. Repayment may be deferred in the case of disability, major illness, or accident which prevents a recipient from completing an approved program of nursing, or being employed by the sponsor.~~

~~(3)~~] Recipients shall notify the board immediately of any change of name or address or enrollment status in school.

[~~(4) Written notification of demand for repayment shall be sent by the board to the scholarship recipient's last known address and shall be effective upon mailing. The board may agree, in its sole discretion, to accept repayment in installments in accordance with a schedule established by the board. Payments shall first be applied to interest and then to principal on the earliest unpaid contracts.~~]

(3) [~~(5)~~] The forms required by this administrative regulation are included by reference as if fully incorporated herein and shall be on file in the Office of the Board of Nursing, 312 Whittington Parkway, Suite 300, [~~4010 Dupont Circle, Suite 430,~~] Louisville, Kentucky 40222 [~~40207~~], and shall be available for public inspection during regular business hours [~~between 8 a.m. and 4:30 p.m. Monday through Friday~~].

(4) [~~(6)~~] Recipients shall be required to pass the licensure examination within two (2) years of graduation. Failure to pass the examination within this period shall cause the sum of all nursing incentive scholarships received and accrued interest thereon to become due and payable.

(5) Applicants may apply for scholarship funds for prenursing courses only to the extent of the published prerequisites of the college or university in which the applicant is enrolled.

ROBERTA G. SCHERER, President

APPROVED BY AGENCY: July 13, 1993

FILED WITH LRC: July 14, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation shall be held on August 26, 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 August 21, 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 wishes to be heard will be given an opportunity to comment on this 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: 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: This regulation affects recipients and applicants for the nursing incentive scholarship. Presently there are 140 recipients. The number of future applicants is impossible to know.

(a) Direct and indirect costs or savings to those affected: No additional costs or savings.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: There are additional reporting requirements pertaining to eligibility.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: No additional costs or savings.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: There are additional reporting requirements which will be sent to the board.

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered.

(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: Is tiering applied? Tiering is not applicable.

GENERAL GOVERNMENT CABINET
Kentucky State Board of Podiatry
(Proposed Amendment)

201 KAR 25:031. Continuing education.

RELATES TO: KRS 311.450

STATUTORY AUTHORITY: KRS 311.410

NECESSITY AND FUNCTION: Sets forth those requirements concerning annual courses of study of subjects relating to the practice of podiatry for compliance with the continuing education requirement for relicensure.

Section 1. (1) Each podiatrist licensed by the [~~this~~] board shall be required to annually complete fifteen (15) [~~twelve (12)~~] hours of continuing education [~~study of courses in subjects~~] relating to the practice of podiatry.

(2) The fifteen (15) [~~twelve (12)~~] hours required pursuant to subsection (1) of this section shall be taken from those programs approved [~~conducted~~] or sponsored by the board [~~Kentucky State Board of Podiatry~~].

(3) Two (2) of the fifteen (15) hours required pursuant to subsection (1) of this section shall include a course on acquired immunodeficiency syndrome.

Section 2. (1) Continuing education hours for credit other than those earned pursuant to Section 1 of this regulation may be compiled in the following areas:

(a) Cassette and audio-visual presentation;

(b) Professional seminars;

(c) Accredited school of podiatry continuing education programs;

(d) Correspondence courses;

(e) Continuing education television series;

(f) Other programs as approved by the board.

(2) Prior approval shall [~~must~~] be secured from the board for certification of all programs other than those in Section 1 of this regulation.

(3) Licensees requesting approval of continuing education programs shall submit an application containing such information as the board may require on forms provided by the board.

[~~(4) Licensees who have been determined to be in noncompliance with this regulation may appeal to the board.~~]

Section 3. (1) Licensees shall [~~must~~] keep valid records, receipts, and certifications of continuing education programs completed. The period during which continuing education courses shall be completed shall be from July 1 of each year until June 30 of the following year.

(2) Each licensee shall submit, with the annual renewal, a list of all accredited continuing education programs completed by the licensee during the previous license year. Failure to do so shall result in suspension or revocation [~~nonrenewal~~] of the license.

JOSEPH P. LEONE, President

APPROVED BY AGENCY: July 10, 1993

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

PUBLIC HEARING: A public hearing on this administrative regulation shall be held the 26th day of August, 1993, at 9 a.m. in Room 327, State Capitol, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by the 21st day of August, 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 wishes to be heard will be given an opportunity to comment on this 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: Bill Pettus, Assistant Attorney General, Office of the Attorney General, Capitol Building, Frankfort, Kentucky 40601, (502) 564-7600.

REGULATORY IMPACT ANALYSIS

Contact Person: Bill Pettus

(1) Type and number of entities affected: Approximately 80-90 podiatrists licensed in Kentucky.

(a) Direct and indirect costs or savings to those affected: There will be no additional direct or indirect costs or savings since this regulation replaces a regulation that has existed since 1984.

1. First year: There will be no additional direct or indirect costs or savings since this regulation replaces a regulation that has existed since 1984.

2. Continuing costs or savings: There will be no additional direct or indirect costs or savings since this regulation replaces a regulation that has existed since 1984.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors.

(b) Reporting and paperwork requirements: There will be no additional reporting or paperwork requirements since this regulation replaces a regulation that has existed since 1984.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There will be no additional direct or indirect costs or savings since this regulation replaces a regulation that has existed since 1984.

1. First year: There will be no additional direct or indirect costs or savings since this regulation replaces a regulation that has existed since 1984.

2. Continuing costs or savings: There will be no additional direct or indirect costs or savings since this regulation replaces a regulation that has existed since 1984.

3. Additional factors increasing or decreasing costs: There are no additional factors.

(b) Reporting and paperwork requirements: There will be no additional direct or indirect costs or savings since this regulation replaces a regulation that has existed since 1984.

(3) Assessment of anticipated effect on state and local revenues: There is no anticipated effect on state or local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This regulation replaces an existing regulation which establishes continuing education requirements for licensed podiatrists. Since a regulation has existed since 1984, it was decided to continue the guidelines in regulation form.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no such statute or regulation.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Is tiering applied? Tiering was not applied because all podiatrists required to obtain continuing education are treated uniformly under the law.

DEPARTMENT OF CORRECTIONS
(Proposed Amendment)

501 KAR 6:020. Corrections policies and procedures.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorizes 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 July [~~June~~] 15, 1993, are incorporated by reference and shall be referred to as Corrections Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Kentucky 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.

1.1	Legal Assistance for Corrections Staff
1.2	News Media
01-04-01	The operation of Contracted Adult Correctional Facilities
1.6	Extraordinary Occurrence Reports
1.9	Institutional Duty Officer
1.11	Population Counts and Reporting Procedures
1.12	Operation of Motor Vehicles by Department of Corrections Employees
2.1	Inmate Canteen
2.2	Warden's Fund
2.10	Surplus Property
3.12	Institutional Staff Housing
4.2	Staff Training and Development
4.3	Firearms and Chemical Agents Training
6.1	Open Records Law
7.2	Asbestos Abatement
8.1	Occupational Exposure to Bloodborne Pathogens
8.4	Emergency Preparedness
9.1	Use of Force
9.4	Transportation of Inmates to Funerals or Bedside Visits
9.6	Contraband
9.7	Storage, Issue and Use of Weapons Including Chemical Agents
9.8	Search Policy (Amended July 15, 1993)
9.9	Transportation of Inmates
9.10	Security Inspections
9.11	Tool Control
9.18	Informants
9.19	Found Lost or Abandoned Property
10.2	Special Management Inmates
10.3	Safekeepers
10.4	Special Needs Inmates
11.2	Nutritional Adequacy of the Diet for Inmates
11.3	Special Diet Procedures
13.1	Pharmacy Policy and Formulary
13.2	Health Maintenance Services
13.3	Medical Alert System
13.4	Health Program Audits
13.5	Acquired Immune Deficiency Syndrome
13.6	Sex Offender Treatment Program
13.9	Dental Services
14.2	Personal Hygiene Items
14.3	Marriage of Inmates
14-04-01	Legal Services Program
14.6	Inmate Grievance Procedures
15.1	Hair and Grooming Standards
15.2	Offenses and Penalties
15.3	Meritorious Good Time
15-05-01	Restoration of Forfeited Good Time

15.6 Adjustment Procedures and Programs
15.7 Inmate Account Restriction
16.1 Inmate Visits
16.2 Inmate Correspondence
16.3 Telephone Calls
16.4 Inmate Packages
17-01-01 Inmate Personal Property
17.2 Assessment Center Operations
17.3 Controlled Intake of Inmates
18.4 Classification of the Inmate
18.5 Custody/Security Guidelines
18.6 Classification Document
18.7 Transfers
18.8 Guidelines for Transfers Between Institutions
18.9 Out-of-state Transfers
18-10-01 Preparole Progress Reports
18.11 Kentucky Correctional Psychiatric Center Transfer Procedures
18.12 Referral Procedure for Inmates Adjudicated Guilty But Mentally Ill
18.13 Population Categories
18.15 Protective Custody
19.1 Government Services Projects
19.2 Community Services Projects
19.3 Inmate Wage Program [~~(Amended 6/15/93)~~]
20.1 Educational Programs and Educational Good Time
22.1 Privilege Trips
25.1 Gratuities
25.2 Public Official Notification of Release of an Inmate
25.3 Prerelease Program
25.4 Inmate Furloughs
25.6 Community Center Program
25.7 Expedient Release
25.8 Extended Furloughs
25.10 Administrative Release of Inmates
27-01-01 Probation and Parole Procedures
27-02-01 Duties of Probation and Parole Officers
27-03-01 Workload Formula Supervisor/Staff Ratio
27-05-01 Testimony, Court Demeanor and Availability of Legal Services
27-06-01 Availability of Supervision Services
27-06-02 Equal Access to Services
27-07-01 Cooperation with Law Enforcement Agencies
27-08-01 Use of Force
27-09-01 Kentucky Community Resources Directory
27-10-01 Advanced Supervision
27-11-01 Intensive Supervision
27-12-01 Supervision: Case Classification
27-12-02 Risk/Needs Assessment
27-12-03 Initial Interview
27-12-04 Conditions of Regular Supervision/Request for Modification
27-12-05 Releasee's Report
27-12-06 Grievance Procedures for Offenders
27-12-07 Employment, Education/Vocational Referral
27-12-08 Supervision Plan
27-12-09 Casebook
27-12-10 Guidelines for Monitoring Supervision Fee
27-12-11 Guidelines for Monitoring Financial Obligations Ordered by the Releasing Authority
27-12-12 Other Financial Obligations (Not Ordered by Releasing Authority)
27-12-13 Community Service Work
27-12-14 Client Travel Restrictions
27-13-01 Drug and Alcohol Testing of Offenders [~~(Added 6/15/93)~~]
27-13-02 Alcohol Detection
27-14-01 Interstate Compact Transfers
27-14-02 Interstate Compact Out-of-state Probation and Parole Violation
27-15-01 Supervision Report; Violations, Unusual Incidents
27-16-01 Search; Seizure; Chain of Custody; Disposal of Evidence
27-17-01 Absconder Procedures
27-18-01 Probation and Parole Issuance of Detainer/Warrant
27-19-01 Preliminary Revocation Hearing
27-20-01 Division of Probation and Parole Controlled Intake Program
27-20-02 Prisoner Intake Notification
27-20-03 Prisoner Status Change
27-21-01 Apprehension and Transportation of Probation and Parole Violators
27-22-01 Fugitive Unit - Apprehensions
27-22-02 Fugitive Unit - Transportation of Fugitives
27-23-01 In-state Transfer
27-24-01 Closing Supervision Report
27-24-02 Reinstatement of Clients to Active Supervision
27-25-01 Application for Final Discharge from Parole
27-26-01 Assistance to Former Clients and Dischargees
27-27-01 Restoration of Civil Rights
27-28-01 Firearms/Explosives: Application for Relief from Disability
27-29-01 Parole Review Dates Modification
28-01-01 Probation and Parole Investigation Reports (Introduction, Definitions, Confidentiality, Timing, and General Comments)
28-01-02 Probation and Parole Investigation Reports (Administrative Responsibilities)
28-01-03 Probation and Parole Investigation Reports (Presentence/Postsentence Investigation Interview Procedure)
28-01-04 Probation and Parole Investigation Reports (Presentence/Postsentence Verification, Composition, Case Material and Submission Schedules)
28-01-05 Probation and Parole Investigation Reports (Computation of Jail Custody Credit)
28-01-06 Probation and Parole Investigation Reports (Misdemeanant Presentence Investigation Reports for the Circuit and District Courts)
28-01-07 Probation and Parole Investigation Reports (Supplemental Postsentence Investigation Report, Case Material, and Submission Schedule)
28-01-08 Probation Parole Investigation Reports (Partial Investigation Reports and Submission Schedule)
28-01-09 Release of Information of Factual Content on Presentence/Postsentence Investigation Reports
28-02-01 Expedient Release Program
28-03-01 Parole Plans/Halfway Houses/Extended Fur+lough/Sponsorship/Gradual Release
28-04-01 Furlough Verifications
28-05-01 Out-of-state Investigations.

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: July 15, 1993
FILED WITH LRC: July 15, 1993 at 9 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 23, 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, Kentucky Department of Corrections, Office of General Counsel, 2nd Floor, State Office Building, Frankfort, Kentucky 40601 or Louis Smith, Office of Adult Institutions, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron
(1) Type and number of entities affected: 2,948 employees of the Department of Corrections, 8,729 inmates, 14,211 parolees and

probationers, and all visitors to state correctional institutions.

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

1. First year: None

2. Continuing costs or savings: None

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

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

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

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

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

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

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

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. All policies are administered in a uniform manner and because the regulation applies equally to all employees, inmates, parolees and visitors. Disparate treatment of any of these classes may produce complaints by that class and 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 violated as well as Sections 2 and 3 of the Kentucky Constitution which prohibit unequal or arbitrary treatment of persons.

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 July [~~June~~] 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 (Amended 7/15/93)
KSR 02-00-11	Inmate Personal Accounts
KSR 02-00-12	Institutional Funds and Issuance of Checks (Amended 7/15/93)
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
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy
KSR 09-00-21	Crime Scene Camera
KSR 09-00-22	Collection, Preservation, and Identification of Physical Evidence
KSR 09-00-23	Drug Abuse Testing
KSR 09-00-25	Inmate Motor Vehicle Operator's License
KSR 09-00-26	Contraband Outside Institutional Perimeter
KSR 09-00-27	Construction Crew Entry/Exit
KSR 09-00-28	Restricted Areas
KSR 09-00-29	Transportation of Inmates
KSR 09-00-30	Parole Board
KSR 09-00-31	Forced Cell Move in Medium or Maximum Area
KSR 10-00-10	Unit D - and Unit E - Special Management Inmate Legal Access
KSR 10-00-11	Unit D - Behavior Problem Control
KSR 10-00-13	Unit D - Property Room Access
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 10-01-02	Unit D - General Operational Procedures
KSR 10-01-03	Unit D - Inmate Tracking System and Records System
KSR 10-01-04	Unit D - Administrative Segregation
KSR 10-01-05	Unit D - Disciplinary Segregation
KSR 10-01-06	Unit D - Protective Custody
KSR 10-01-07	Unit D - Geriatrics
KSR 10-01-08	Unit D - Safekeepers
KSR 10-01-09	Unit D - Hold Ticket Residents
KSR 10-02-01	Mental Health Staffing Pattern
KSR 10-02-02	Unit E Designated Staff Visits
KSR 10-02-03	Unit E-1 Convalescent Care
KRS 10-02-04	Unit E-General Operating Procedures

KSR 11-00-01	Meal Planning for the General Population [~~(Amended 6/15/93)~~]
KSR 11-00-02	Special Diets
KSR 11-00-03	Food Service Inspections
KSR 11-00-04	Dining Room Rules and Dress Code for Inmates
KSR 11-00-06	Health Standards/Regulations for Food Service Employees [~~(Amended 6/15/93)~~]
KSR 11-00-07	Early Chow Line Passes for Medically Designated Inmates
KSR 12-00-01	Inmate Summer Dress Regulations
KSR 12-00-03	State Items Issued to Inmates
KSR 12-00-07	Regulations for Inmate Barbershop
KSR 12-00-09	Treatment of Inmates with Body Lice
KSR 13-00-02	Hospital Operations, Rules and Regulations
KSR 13-00-03	Medication for Inmates Leaving Institution Grounds
KSR 13-00-04	Medical and Dental Care
KSR 13-00-05	Medical Records
KSR 13-00-08	Institutional Laboratory Procedures
KSR 13-00-09	Institutional Pharmacy Procedures
KSR 13-00-10	Requirements for Medical Personnel
KSR 13-00-11	Health Evaluation
KSR 13-00-12	Vision Care/Optometry Services
KSR 13-00-14	Periodic Health Examinations for Inmates
KSR 13-00-15	Medical Alert System
KSR 13-00-16	Suicide Prevention and Intervention Program
KSR 13-00-17	Special Care
KSR 13-02-01	Mental Health Services
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)
KSR 15-00-05	Differential Status for SU (QUIT) Inmates
KSR 15-00-06	Inmate I.D. Cards
KSR 15-00-07	Inmate Rules and Discipline - Adjustment Committee Procedures
KSR 15-00-08	Firehouse Living Area
KSR 15-00-09	Smoking and No Smoking Areas for Inmates and Staff
KSR 15-00-10	Program Services for Special Housing Placement
KSR 15-01-01	Operational Procedures and Rules and Regulations for Unit A, B & C: Functions of Assigned Personnel
KSR 15-01-02	Operational Procedures and Rules and Regulations for Unit A, B, & C: Staff Operational Procedures
KSR 15-01-03	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Rules and Regulations
KSR 15-01-04	Institutional Medical and Fire Safety Service: Unit Application
KSR 15-01-05	Operational Procedures Rules and Regulations for Unit A, B, & C: Institutional Inmate Services
KSR 15-01-06	Operational Procedures and Rules and Regulations for Unit A, B & C: Inmate Honor Housing Criteria and Regulations
KSR 16-00-02	Inmate Correspondence and Mailroom Operations
KSR 16-00-03	Inmate Access to Telephones
KSR 16-01-01	Visiting Regulations
KSR 16-01-02	Lawn Visit Regulations
KSR 16-01-03	Night Visit Regulations
KSR 17-00-05	Dormitory 10 Operations
KSR 17-00-06	Identification Department Admission and Discharge Procedures
KSR 17-00-07	Inmate Personal Property
KSR 17-00-08	Repair of Inmate Owned Appliances by Outside Dealers
KSR 18-00-04	Returns from Other Institutions
KSR 18-00-05	Transfer of Residents to Kentucky Correctional Psychiatric Center, and Referral Procedure for Residents Adjudicated Guilty but Mentally Ill
KSR 18-00-06	Classification and Special Notice Form
KSR 18-00-07	Kentucky State Reformatory Placement Committee
KSR 19-00-01	Inmate Work Incentives
KSR 19-00-02	On-the-job Training Program
KSR 19-00-03	Safety Inspections of Inmate Work Assignment Locations
KSR 19-00-05	Food Service On-The-Job Training and Workers Rules
KSR 20-00-01	Technical and Adult Basic Level Learning Center Programs
KSR 20-00-04	Criteria for Participation in A College Program
KSR 21-00-01	Legal Aide Office and Inmate Law Library Services and Supervision
KSR 21-00-02	Inmate Library Services
KSR 21-00-03	Library Services for Unit D
KSR 22-00-03	Inmate Organizations
KSR 22-00-07	Inmate Magazine
KSR 23-00-02	Chaplain's Responsibility and Inmate Access to Religious Representatives
KSR 23-00-03	Religious Programming
KSR 25-00-01	Discharge of Inmates to Hospital or Nursing Home
KSR 25-00-02	Violations of Law or Code of Conduct by Inmates on Parole Furlough
KSR 25-00-03	Preparole Progress Report

JACK C. LEWIS, Commissioner

APPROVED BY AGENCY: July 15, 1993

FILED WITH LRC: July 15, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 23, 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: 527 employees of the Kentucky State Reformatory, 1399 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 6:060. Northpoint Training Center.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the 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 July [~~March~~] 15, 1993, are incorporated by reference and shall be referred to as Northpoint Training Center 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.

NTC 01-05-01 Extraordinary Occurrence Reports
NTC 01-10-01 Legal Assistance for Staff
NTC 01-11-01 Political Activities of Merit Employees
NTC 01-15-01 Establishment of the Warden as Chief Executive Officer
NTC 01-17-01 Relationships with Public, Media and Other Agencies
NTC 02-02-02 Warden's Participation in the Agency Budgeting Process
NTC 02-03-01 Fiscal Management: Audits
NTC 02-04-01 Internal Control and Monitoring of Accounting Procedures
NTC 02-07-02 Chapel Fund
NTC 02-08-01 Inmate Canteen
NTC 02-10-01 Insurance Coverage
NTC 02-12-01 Inmate Accounts
NTC 04-01-01 Training and Staff Development
NTC 04-04-01 Firearms and Chemical Agents Training [~~(Amended 3/15/93)~~]
NTC 06-01-01 Offender Records
NTC 06-01-02 Records - Release of Information
NTC 06-01-03 Taking Offender Record Folders onto the Yard
NTC 08-05-01 The Fire and Safety Officer
NTC 08-05-02 Fire Procedures (Amended 7/15/93)
NTC 08-05-03 Fire Prevention
NTC 08-05-04 Storage of Flammables and Dangerous Chemicals and Their Use
NTC 08-07-01 Safety Standards
NTC 10-01-01 Special Management Unit
NTC 10-02-01 Protective Custody Unit
NTC 10-03-01 Protective Custody
NTC 11-03-01 Food Services: General Guidelines
NTC 11-04-01 Food Service: Meals
NTC 11-04-02 Menu, Nutrition and Special Diets
NTC 11-05-02 Health Standards and Regulations for Food Service Employees
NTC 11-06-01 Inspection and Sanitation
NTC 11-07-01 Purchasing and Storage of Food Products
NTC 12-01-01 Institutional Inspection
NTC 12-02-01 Personal Hygiene for Inmates; Clothing and Linens
NTC 12-02-02 Issuance of Personal Hygiene Products
NTC 13-01-01 Emergency Medical Care Plan
NTC 13-01-02 Emergency and Specialized Health Services
NTC 13-02-01 Administration and Authority for Health Services
NTC 13-03-01 Sick Call and Pill Call
NTC 13-04-01 Utilization of Pharmaceutical Products
NTC 13-05-01 Dental Services
NTC 13-05-02 Health Maintenance Dental Services
NTC 13-05-03 Dental Radiation Levels
NTC 13-05-04 Attest Steam Incubator
NTC 13-06-01 Licensure and Training Standards
NTC 13-07-01 Provisions for Health Care Delivery
NTC 13-08-01 Medical and Dental Records
NTC 13-09-01 Special Diets
NTC 13-11-01 Inmate Health Screening and Evaluation
NTC 13-12-01 Special Health Care Programs
NTC 13-17-01 Inmates Assigned to Health Services
NTC 13-19-01 Mental Health Care Program
NTC 13-19-03 Suicide Prevention and Intervention Program
NTC 13-20-01 Infectious Disease
NTC 13-20-02 Infection Control
NTC 13-20-03 Disposal of Biohazard Waste
NTC 13-21-01 Vision Care and Optometry Services
NTC 13-22-01 Informed Consent
NTC 13-23-01 Special Needs Inmates
NTC 14-01-01 Legal Services Program
NTC 14-01-02 Receiving, Viewing, Handling and Storage of Video Tapes
NTC 14-02-01 Inmate Grievance Procedure [~~(Amended 3/15/93)~~]
NTC 14-03-01 Inmate Rights and Responsibilities
NTC 14-03-02 Board of Claims
NTC 15-01-01 Restoration of Forfeited Good Time
NTC 15-02-01 Due Process/Disciplinary Procedures
NTC 15-02-02 Extra Duty Assignments
NTC 15-02-03 Hearing Officer
NTC 15-03-01 Rules for Inmates Assigned to Outside Detail
NTC 15-03-02 Rules and Regulations for General Population Dormitories
NTC 15-04-01 Inmate Identification
NTC 16-01-01 Mail Regulations [~~(Amended 3/15/93)~~]
NTC 16-02-01 Visiting [~~(Amended 3/15/93)~~]
NTC 16-02-02 Extended and Special Visits
NTC 16-02-03 Honor Dorm Visiting (Amended 7/15/93)
NTC 16-03-01 Inmate Furloughs
NTC 16-05-01 Telephone Use and Control
NTC 17-01-01 Personal Property Control
NTC 17-01-02 Authorized Inmate Personal Property
NTC 17-01-03 Unauthorized Inmate Property
NTC 17-01-04 Disposition of Unauthorized Property
NTC 17-01-05 State Issue and Required Inmate Clothing
NTC 17-03-01 Assessment/Orientation
NTC 18-01-01 Preparole Progress Report
NTC 18-02-01 Classification
NTC 18-02-02 Classification - 48 Hour Notification
NTC 18-03-01 Special Notice Form
NTC 18-05-01 Transfers of Inmates
NTC 18-05-02 Transfer of Inmates to Kentucky Correctional Psychiatric Center

NTC 19-01-01	Inmate Work Program
NTC 19-01-03	Temporary Leave from Job Assignment
NTC 19-02-01	Correctional Industries
NTC 19-02-02	Guidelines for Correctional Industries
NTC 20-01-01	Educational Programs
NTC 20-02-02	Live Work Projects in Vocational School Classes
NTC 21-01-01	Library Services
NTC 22-03-01	Conducting Inmate Organizational Meetings and Programs
NTC 23-01-01	Religious Services
NTC 23-03-01	Marriage of Inmates
NTC 24-04-01	Honor Status
NTC 24-05-01	Unit Management
NTC 25-01-01	Release Preparation Program
NTC 25-01-02	Temporary Release/Community Center Release
NTC 25-01-03	Graduated Release
NTC 25-02-01	Funeral Trips and Bedside Visits
NTC 25-03-01	Inmate Release Procedure [~~(Amended 3/15/93)~~]
NTC 26-01-01	Citizen Involvement and Volunteer Services Program

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: July 15, 1993
FILED WITH LRC: July 15, 1993 at 9 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 23, 1993, at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack T. 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: 272 employees of the Northpoint Training Center, 938 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 6:150. Eastern Kentucky 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 authorizes 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 of the American Correctional Association. These regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Department of Corrections [~~Cabinet~~] the following policies and procedures, revised July 15, 1993 [~~March 5, 1992~~], are incorporated by reference and shall be referred to as the Eastern Kentucky Correctional Complex Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Department of 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.

EKCC 01-01-01	Institutional Legal Assistance [~~(Revised 3/5/92)~~]
EKCC 01-02-01	Public Information and News Media Access [~~(Revised 3/5/92)~~]
EKCC 01-06-01	Inmate Death [~~(Revised 3/5/92)~~]
EKCC 01-06-02	Crime Scene Camera [~~(Revised 3/5/92)~~]
EKCC 01-07-01	Institutional Tours of EKCC [~~(Revised 3/5/92)~~]
EKCC 01-07-02	EKCC Cooperation with Outside Bodies Including Courts, Governmental, Legislative, Executive, and Community Agencies [~~(Revised 3/5/92)~~]
EKCC 01-07-03	Outside Consultation and Research [~~(Revised 3/5/92)~~]
EKCC 01-08-01	Monthly Reports [~~(Revised 3/5/92)~~]
EKCC 01-09-01	Duty Officer Responsibilities [~~(Revised 3/5/92)~~]
EKCC 01-10-01	Annual Planning Document and Conference [~~(Revised 3/5/92)~~]
EKCC 01-10-02	Organization and Assignment of Responsibility [~~(Revised 3/5/92)~~]
EKCC 01-10-03	Institutional Planning [~~(Revised 3/5/92)~~]
EKCC 01-13-01	Organization of Operations Manual [~~(Revised 3/5/92)~~]
EKCC 01-13-02	Monitoring of Operations, Policies and Procedures [~~(Revised 3/5/92)~~]
EKCC 01-13-03	Formulation and Revision of EKCC Operating Procedures [~~(Revised 3/5/92)~~]
EKCC 01-13-04	Meetings Conducted and Their Purpose [~~(Revised 3/5/92)~~]
EKCC 02-01-02	Inmate Canteen [~~(Revised 3/5/92)~~]
EKCC 02-02-01	Fiscal Management: Agency Funds [~~(Revised 3/5/92)~~]
EKCC 02-05-01	Fiscal Management: Budget [~~(Revised 3/5/92)~~]
EKCC 02-08-01	Property Inventory [~~(Revised 3/5/92)~~]
EKCC 02-08-02	Warehouse Operation and Inventory Control [~~(Revised 3/5/92)~~]
EKCC 02-08-03	Inventory Control, Nonexpendable Items [~~(Revised 3/5/92)~~]
EKCC 02-08-04	Warehouse Policy and Procedure [~~(Revised 3/5/92)~~]

EKCC 02-11-01 Purchase and Supply Requisition [~~(Revised 3/5/92)~~]
EKCC 02-12-01 Fiscal Management: Audits [~~(Revised 3/5/92)~~]
EKCC 02-13-01 Fiscal Management: Accounting Procedures [~~(Revised 3/5/92)~~]
EKCC 02-14-01 Screening Disbursements from Inmate Personal Accounts [~~(Revised 3/5/92)~~]
EKCC 04-01-01 Staff Participation in Professional Organizations and Conferences; Provision for Leave and Reimbursement for Expenses [~~(Revised 3/5/92)~~]
EKCC 04-02-01 Emergency Preparedness Training [~~(Revised 3/5/92)~~]
EKCC 04-02-02 Advisory Training Committee [~~(Added 3-5-92)~~]
EKCC 05-01-01 Inmate Participation in Authorized Research [~~(Revised 3/5/92)~~]
EKCC 05-02-01 Information System [~~(Revised 3/5/92)~~]
EKCC 06-01-01 Confidentiality of Information, Roles and Services of Consultants, Contract Personnel and Volunteers [~~(Revised 3/5/92)~~]
EKCC 06-03-01 Case Record Management [~~(Revised 3/5/92)~~]
EKCC 10-02-01 Special Management Unit: Operating Procedures and Living Conditions [~~(Revised 3/5/92)~~]
EKCC 10-02-02 Special Management Inmates: Assignment, Classification, Reviews and Release [~~(Revised 3/5/92)~~]
EKCC 10-02-03 Grooming Standards for Special Management [~~(Revised 3/5/92)~~]
EKCC 11-02-01 Meal Planning for General Population [~~(Revised 3/5/92)~~]
EKCC 11-02-02 Food Service: Purchasing, Storage and Farm Products [~~(Revised 3/5/92)~~]
EKCC 11-03-01 Food Service: Menu, Nutrition and Special Diets [~~(Revised 3/5/92)~~]
EKCC 11-04-01 Food Service: Inspections and Sanitation [~~(Revised 3/5/92)~~]
EKCC 11-04-02 Medical Screening of Food Handlers [~~(Revised 3/5/92)~~]
EKCC 11-05-01 Food Service: Security [~~(Revised 3/5/92)~~]
EKCC 11-06-01 Food Service: Kitchen and Dining Room Inmate Worker Responsibilities [~~(Revised 3/5/92)~~]
EKCC 11-07-01 Dining Room Guidelines [~~(Revised 3/5/92)~~]
EKCC 11-08-01 OJT Food Service Training Placement [~~(Revised 3/5/92)~~]
EKCC 12-01-01 Vermin and Insect Control [~~(Revised 3/5/92)~~]
EKCC 12-02-01 Inmate Dress and Use of Access Areas [~~(Revised 3/5/92)~~]
EKCC 13-01-01 Pharmacy Policy [~~(Revised 3/5/92)~~]
EKCC 13-02-01 Emergency Medical Procedure [~~(Revised 3/5/92)~~]
EKCC 13-02-02 Disaster and Mass Casualty Plan [~~(Revised 3/5/92)~~]
EKCC 13-02-03 Consultations [~~(Revised 3/5/92)~~]
EKCC 13-02-04 Medical Services [~~(Revised 3/5/92)~~]
EKCC 13-01-05 Health Evaluations [~~(Revised 3/5/92)~~]
EKCC 13-02-06 Sick Call [~~(Revised 3/5/92)~~]
EKCC 13-02-07 First Aid Kits [~~(Revised 3/5/92)~~]
EKCC 13-02-08 Transportation of Injured or Ill Staff [~~(Revised 3/5/92)~~]
EKCC 13-02-09 Emergency Dental Care [~~(Revised 3/5/92)~~]
EKCC 13-02-10 Dental Services for Special Management Units [~~(Revised 3/5/92)~~]
EKCC 13-02-11 Suicide Prevention and Intervention Program [~~(Revised 3/5/92)~~]
EKCC 13-05-01 Aids and Hepatitis B [~~(Revised 3/5/92)~~]
EKCC 13-07-01 Serious Illness, Major Injuries, Death [~~(Revised 3/5/92)~~]
EKCC 13-08-01 Psychiatric and Psychological Services [~~(Revised 3/5/92)~~]
EKCC 13-08-02 Psychiatric and Psychological Services Team [~~(Revised 3/5/92)~~]
EKCC 13-09-01 Optometric Services [~~(Revised 3/5/92)~~]
EKCC 13-10-01 Detoxification [~~(Revised 3/5/92)~~]
EKCC 13-11-01 Therapeutic Diets [~~(Revised 3/5/92)~~]
EKCC 13-12-02 Resident Transfer/Medical Profiles [~~(Revised 3/5/92)~~]
EKCC 13-13-01 Syringes, Needles and Sharps Control [~~(Revised 3/5/92)~~]
EKCC 13-14-01 Fire and Emergency Evacuation Plan [~~(Revised 3/5/92)~~]
EKCC 13-15-01 Medical Department - General Housekeeping, Sanitation and Protection Standards and Requirements [~~(Revised 3/5/92)~~]
EKCC 13-16-01 Medical Records [~~(Added 3/5/92)~~]
EKCC 14-02-01 Personal Hygiene Items: Issuance and Replacement Schedule [~~(Revised 3/5/92)~~]
EKCC 14-04-01 Inmate Legal Services [~~(Revised 3/5/92)~~]
EKCC 14-06-01 Inmate Grievance Procedure [~~(Revised 3/5/92)~~]
EKCC 14-07-01 Inmate Rights and Responsibilities [~~(Added 3/5/92)~~]
EKCC 15-01-01 Hair and Grooming Standards: Inmate Barber Shop [~~(Added 3/5/92)~~]
EKCC 15-05-01 Restoration of Forfeited Good Time [~~(Revised 3/5/92)~~]
EKCC 15-06-01 Due Process/Disciplinary Procedure [~~(Revised 3/5/92)~~]
EKCC 16-01-01 Inmate Visiting [~~(Revised 3/5/92)~~]
EKCC 16-02-01 Inmate Correspondence [~~(Revised 3/5/92)~~]
EKCC 16-03-01 Inmate Telephone Procedures [~~(Added 3/5/92)~~]
EKCC 16-05-01 Inmate Access to and Communication with EKCC Staff [~~(Revised 3/5/92)~~]
EKCC 16-05-02 Unit Bulletin Boards [~~(Revised 3/5/92)~~]
EKCC 17-01-01 Authorized Inmate Personal Property [~~(Revised 3/5/92)~~]
EKCC 17-01-02 Personal Property Control [~~(Revised 3/5/92)~~]
EKCC 17-02-01 Assessment/Orientation [~~(Revised 3/5/92)~~]
EKCC 17-04-01 Inmate Reception Process at the EKCC [~~(Revised 3/5/92)~~]
EKCC 18-01-01 Inmate Classification [~~(Revised 3/5/92)~~]
EKCC 18-10-01 Preparole Progress Report [~~(Revised 3/5/92)~~]
EKCC 18-13-01 Meritorious Housing [~~(Added 3/5/92)~~]
EKCC 18-13-03 Enhanced Supervision Unit (Added 7/15/93)
EKCC 19-04-01 Inmate Work Program [~~(Revised 3/5/92)~~]
EKCC 20-01-01 Educational Program [~~(Added 3/5/92)~~]
EKCC 21-01-01 Library Services [~~(Revised 3/5/92)~~]
EKCC 22-02-01 Recreation and Inmate Activities [~~(Added 3/5/92)~~]
EKCC 23-01-01 Religious Services [~~(Revised 3/5/92)~~]
EKCC 23-01-02 Muslim Services - Ramadan [~~(Revised 3/5/92)~~]
EKCC 24-01-01 Social Services and Counseling Program [~~(Revised 3/5/92)~~]
EKCC 25-02-01 Inmate Discharge Procedure [~~(Revised 3/5/92)~~]
EKCC 25-03-01 Prerelease Preparation [~~(Revised 3/5/92)~~]
EKCC 25-04-01 Inmate Furloughs [~~(Revised 3/5/92)~~]
EKCC 25-06-01 Community Center Program [~~(Revised 3/5/92)~~]
EKCC 26-01-01 Citizens Involvement and Volunteers [~~(Revised 3/5/92)~~]

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: July 15, 1993
FILED WITH LRC: July 15, 1993 at 9 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for August 23, 1993, at 9 a.m., in the State Office Building Auditorium. Those interested in attending this hearing shall notify in writing: Jack Damron or William Seabold, Office of General Counsel, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron
(1) Type and number of entities affected: 373 employees of the

Eastern Kentucky Correctional Complex, 1493 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.

TRANSPORTATION CABINET
Office of Aeronautics
Department of Highways
Division of Right-of-Way
(Proposed Amendment)

600 KAR 3:010. Relocation assistance payments of the Transportation Cabinet.

RELATES TO: KRS 56.610 to 56.760, 49 CFR Part 24

STATUTORY AUTHORITY: KRS 56.690, 174.080, 183.024, 49 CFR Part 24

NECESSITY AND FUNCTION: The Transportation Cabinet is required to adopt administrative regulations and procedures to implement the provisions of KRS 56.610 to 56.760 with regard to providing for uniform relocation assistance services and compensation to persons displaced by the land acquisition programs of the Transportation Cabinet.

Section 1. Definitions. (1) "Average annual net earnings" means one-half (1/2) of the net earnings of the business or farm operation before federal, state, and local income taxes during the two (2) taxable years immediately prior to the taxable year in which it was displaced. If the business or farm operation was not in operation for the full two (2) taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two (2) taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when it is determined by the Transportation Cabinet to be more equitable.

(2) "Business" means any lawful activity, except a farm operation, conducted:

(a) Primarily for the purchase, sale, lease, or rental of personal or real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or

(b) Primarily for the sale of services to the public; or

(c) Primarily for outdoor advertising display purposes, when the display is required to be moved as a result of the project; or

(d) By a nonprofit organization.

(3) "Comparable replacement dwelling" means a dwelling which is:

(a) Decent, safe and sanitary;

(b) Functionally equivalent to the displacement dwelling;

(c) Adequate in size to accommodate the occupants;

(d) In an area not subject to unreasonable adverse environmental conditions, and is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities and reasonably accessible to the person's place of employment;

(e) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, or greenhouses;

(f) Currently available to the displaced person on the private market; and

(g) Within the financial means of the displaced person.

(4) "Contributes materially" means that during the two (2) taxable years prior to the taxable year in which displacement occurs the business or farm operation:

(a) Had average annual gross receipts of not less than $5,000; or

(b) Had average annual net earnings of not less than $1,000; or

(c) Contributed at least one-third (1/3) of the owner's or operator's average annual gross income from all sources.

(5) "Control of the property" means that the Transportation Cabinet has paid the owner for the property to be acquired or if acquisition is by condemnation, the Transportation Cabinet has posted the purchase price of the property with the circuit court.

(6) "Decent, safe and sanitary dwelling" means a dwelling which meets local housing and occupancy codes, but at a minimum shall:

(a) Be structurally sound, weathertight and in good repair;

(b) Contain a safe, electrical wiring system adequate for lights and other electrical devices;

(c) Contain a heating system capable of sustaining a healthful temperature of approximately seventy (70) degrees for a displaced person;

(d) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink and a toilet, all in good working order and properly connected to a source of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system and adequate space and utility service connections for a stove and refrigerator;

(e) Contain unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor shall have at least two (2) means of egress; and

(f) If the displaced person is an individual with a disability be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by the displaced person.

(7) "Displaced person" means a person who moves from the real property or moves his personal property from the real property, including a person who occupies the real property prior to its acquisition but who does not meet the length of occupancy requirements:

(a) As a direct result of a written notice of intent of the Transportation Cabinet to acquire, or the initiation of negotiations for, or the acquisition of, the real property in whole or in part; or

(b) As a direct result of a written notice of intent of the Transportation Cabinet to acquire, or the acquisition of, in whole or in part, other real property on which the person conducts a business or farm operation. However, eligibility under this subsection applies only for the purpose of obtaining relocation assistance advisory services and moving expenses.

(8) "Dwelling" means the place of permanent or customary and usual residence of a person including a single-family house; a single-family unit in a two (2) family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other residential unit.

(9) "Fair market value" means the amount at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts.

(10) "Family" means two (2) or more individuals living together in a single-family dwelling unit who:

(a) Are related by blood, adoption, marriage, or legal guardianship who live together as a family unit, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit; or

(b) Are not related by blood or legal ties but live together by mutual consent.

(11) "Farm operation" means any activity conducted solely or primarily for the production of one (1) or more agricultural products or commodities, including timber, for sale or home use, and customarily producing the products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(12) "Furnished dwelling unit" means a unit in which the furnishings are owned by someone other than the displaced person.

(13) "An individual with a disability" means a person who has a physical or mental impairment that substantially limits one (1) or more major life activities, has a record of an impairment or is regarded as having an impairment.

(14) "Initiation of negotiations" means the delivery of the initial written offer of compensation to purchase the real property by the Transportation Cabinet to the owner or the owner's representative. If the Transportation Cabinet issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the date of "initiation of negotiations" is the date of the actual move of the person from the property.

(15) "Mortgage" means the classes of liens that are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the Commonwealth of Kentucky together with the credit instrument, if applicable.

(16) "Net earnings" means any compensation obtained from the business or farm operation by its owner or the owner's spouse the owner's [~~and~~] dependents.

(17) "No duplication of payment" means that no person shall receive any payment under this administrative regulation if that person receives a payment under federal, state or local law which is determined to have the same purpose and effect as the payment under this administrative regulation.

(18) "Nonprofit organization" means an organization incorporated in the Commonwealth of Kentucky as a nonprofit organization under the provisions of KRS Chapter 273 and which is exempt from paying federal income taxes under the Internal Revenue Code (26 USC 501).

(19) "Notice of intent to acquire" or "notice of eligibility for relocation assistance" means written notice furnished to a person who is to be displaced, which establishes eligibility for relocation benefits prior to initiation of negotiations.

(20) "Owner of a dwelling" means a person who has purchased or holds any of the following interest in the real property:

(a) Fee title, a life estate, a ninety-nine (99) year lease, or a lease including any options, for extension with at least fifty (50) years to run from the date of acquisition; or

(b) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(c) A contract to purchase any of the interests or estates described in paragraph (a) or (b) of this subsection; or

(d) Any other interest, including a partial interest, which warrants consideration as ownership.

(21) "Person" means any individual, family, partnership, corporation, or association.

(22) "Persons not displaced" means but is not limited to the following:

(a) One who moves before the initiation of negotiations, unless the Transportation Cabinet determines that the person was displaced as a direct result of the project; or

(b) One who initially occupies the property after the date of its acquisition by the Transportation Cabinet; or

(c) One who occupies the property for the purpose of obtaining assistance under this administrative regulation; or

(d) One who the Transportation Cabinet determines is not displaced as a direct result of partial acquisition of the property; or

(e) An owner-occupant who voluntarily conveys his property, after being informed in writing that if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Transportation Cabinet does not intend to acquire the property. In these cases, however, any resulting displacement of a tenant is subject to the provisions of this administrative regulation; or

(f) A person who is determined to be in unlawful occupancy prior to the initiation of negotiations, or a person who has been evicted for cause, under applicable law; or

(g) A person determined by the Transportation Cabinet to not be displaced because of another special condition.

(23) "Purchases a dwelling" means, in addition to actually buying a dwelling, the following:

(a) Purchases and rehabilitates a substandard dwelling; or

(b) Relocates a dwelling which he owns or purchases; or

(c) Constructs a dwelling on a site he owns or purchases; or

(d) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or

(e) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.

(24) "Real property" means land, and generally whatever is erected or growing upon or affixed to land.

(25) "Salvage value" means the probable sale price of an item if offered for sale on the condition that it is to be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which the item is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

(26) "Small business" means a business having [~~at least one (1) but~~] not more than 500 employees working at the site being acquired or displaced by the project where the site is the location of economic activity.

(27) "Subsequent occupant" means any person who did not occupy the property at the time negotiations began for acquisition of the property and who is in occupancy at the time the property is acquired and who subsequently moves from the real property. Relocation assistance payments made to a subsequent occupant shall be through the provisions of Last Resort Housing in Section 29 of this regulation.

(28) "Tenant" means a person who has the temporary use and occupancy of real property owned by another.

(29) "Uneconomic remnant" means a parcel of real property in which the owner is left with an interest after the partial acquisition of

the owner's property, and which the Transportation Cabinet has determined has little or no value or utility to the owner.

(30) "Unlawful occupancy" means that a person has been ordered to move by a court of competent jurisdiction prior to the initiation of negotiations or is determined by the Transportation Cabinet to be a squatter who is occupying the real property without the permission of the owner and otherwise has no legal right to occupy the property. The Transportation Cabinet may, at its discretion, consider a squatter to be in lawful occupancy.

(31) "Utility costs" means expenses for heat, light, water, and sewer.

Section 2. Applicability. (1) The payments and services set forth in this administrative regulation which involve a Transportation Cabinet project in which a person, business, farm operation or nonprofit organization is required to relocate or discontinue operation shall be made regardless of whether federal funds are used or not used in the project.

(2) If the Transportation Cabinet acquires real property on behalf of another agency that agency may authorize the cabinet to follow the provisions of this administrative regulation.

Section 3. Relocation Notices - General. (1) Each relocation notice provided by the Transportation Cabinet shall be personally delivered or sent by certified or registered mail, return receipt requested.

(2) As soon as feasible, a person scheduled to be displaced shall be notified of the possibility of his displacement. He shall also be furnished with a general written description of the relocation program which gives at least the following information:

(a) Informs the person that he may be displaced because of the project and generally describes any relocation payment for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment;

(b) Indicates that any person displaced shall be given reasonable relocation advisory services to help the person relocate successfully including housing referrals, help in filing payment claims and other necessary assistance;

(c) Informs any displaced person lawfully occupying the property that he shall not be required to move without at least ninety (90) days advance notice except under the most unusual of circumstances;

(d) Describes the person's right to appeal the determination of eligibility for, or the amount of, any relocation payment for which the person may be eligible;

(e) Informs the person that in order to be eligible for benefits he is required to occupy the property at the time of initiation of negotiations and includes a definition of initiation of negotiations; and

(f) Informs the displaced person that he cannot be required to move permanently unless at least one (1) comparable replacement dwelling has been made available.

(3) Eligibility for relocation assistance shall begin on the date of initiation of negotiations for acquisition of the occupied property. At this time the Transportation Cabinet shall notify each occupant or family to be displaced in writing of his eligibility for relocation assistance.

(4) No lawful occupant shall be required to move unless he has received at least ninety (90) days advance written notice of the earliest date by which he may be required to move. Only in unusual circumstances, such as a substantial danger to the person's health or safety, shall an occupant be required to vacate the property on less than ninety (90) days advance written notice.

(5)(a) At the initiation of negotiations the Transportation Cabinet shall give the displaced person a ninety (90) day notice.

(b) The notice shall be either:

1. A specific date which is the earliest date by which he shall be required to move; or

2. A statement that before the displaced person is required to move from the property, he shall be given a thirty (30) day written notice specifying the date by which the property shall be vacated.

(6)(a) The Transportation Cabinet may issue a notice to a displaced person specifying the date by which he is required to vacate the acquired property, if:

1. The Transportation Cabinet has gained control of the property to be acquired;

2. Sixty (60) or more days have passed since the issuance of a ninety (90) day notice; and

3. Comparable replacement housing has been made available to the displaced person.

(b) The required vacation date shall be at least thirty (30) days after the notice is issued.

Section 4. Notice at Initiation of Negotiations. (1) The Transportation Cabinet shall furnish an owner-occupant of 180 days or more no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The maximum amount of replacement housing computation and eligibility requirements to receive the payment;

(b) The address of comparable housing used to compute the replacement housing payment;

(c) The possibility of his eligibility to receive an increased interest payment, or payment of incidental expenses incurred in the purchase of replacement housing;

(d) His option to rent rather than purchase replacement housing;

(e) The availability of relocation assistance advisory services and how they may be obtained;

(f) A ninety (90) day notice; and

(g) His right to appeal.

(2) The Transportation Cabinet shall furnish an owner-occupant of less than 180 days no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The maximum amount of a rental replacement housing payment and the maximum amount of a down payment for the purchase of replacement housing, as well as the requirements to receive these payments;

(b) The address of comparable housing used to compute the replacement housing payment;

(c) The requirements to receive reimbursement for incidental expenses;

(d) The availability of relocation assistance advisory services and how they may be obtained;

(e) A ninety (90) day notice; and

(f) His right to appeal.

(3) The Transportation Cabinet shall furnish a tenant-occupant of ninety (90) days or more no later than seven (7) working days after the fair market value offer for the property, the following written information:

(a) The amount of rental and purchase replacement housing payments and the eligibility requirements to receive these payments;

(b) The address of the comparable housing used to compute the rental and replacement housing payments;

(c) The requirements to receive reimbursement for incidental expenses;

(d) The availability of relocation assistance advisory services and how they may be obtained;

(e) A ninety (90) day notice;

(f) His right to appeal; and

(g) The date of the initiation of negotiations for the property.

(4) The Transportation Cabinet shall furnish in writing to a subsequent tenant-occupant within seven (7) working days from the date the cabinet acquires the property the following information:

(a) His eligibility to receive moving expense payments;

(b) The availability of relocation advisory services and how they may be obtained;

(c) Assurance that comparable replacement housing is available within his financial means; and

(d) The ninety (90) day notice to vacate. This notice shall specify the date by which the property shall be vacated, and shall not be issued until comparable housing is available.

Section 5. Alternate Notices. (1) The Transportation Cabinet may specify an alternative notification procedure to those established in Sections 3 and 4 of this administrative regulation if there are insufficient rental units available for the tenant-occupants of the acquired property.

(2) If the Transportation Cabinet determines that an alternative notification procedures will be used, it shall not be required to make the replacement housing payment offer to the displaced tenants within the seven (7) working days specified in Section 4(3) of this administrative regulation.

(3) The alternate notification procedure used by the Transportation Cabinet shall be as follows:

(a) Contact the owner and make the fair market value offer for the property;

(b) Within seven (7) working days, contact the tenants and give each a written statement which shall include:

1. The date of initiation of negotiations for the parcel; and

2. An explanation of the eligibility requirements to receive a rental replacement housing payment, or a down payment.

(c) At the time the replacement housing payment is computed and the written statement required in paragraph (b) of this subsection is given the tenant, the ninety (90) day notice shall be included. The cabinet shall use the procedure in issuing the thirty (30) day vacation written notice as specified in Section 4 of this administrative regulation.

(d) The thirty (30) day notice to vacate shall not be required if an occupant moves of his own volition prior to the date the Transportation Cabinet would have issued the notice.

(4) A notice of intent to acquire the property shall be furnished to an owner or tenant only if it becomes necessary to establish eligibility requirements prior to negotiations on the parcel. This notice shall not be issued until acquisition has been authorized for the project. The notice of intent to acquire the property shall contain the following:

(a) Statement of eligibility and any restrictions on eligibility;

(b) The anticipated date of the initiation of negotiations for acquisition of the property; and

(c) How additional information regarding relocation payments and services can be obtained.

(5) If a notice of intent to acquire the property is given to an owner, the tenant shall be issued the notice within fifteen (15) days. The owner shall be given a copy of the notice issued to the tenant.

(6)(a) When the Transportation Cabinet acquiring property results in a property being landlocked, the occupant of the landlocked property shall be considered displaced. The displaced occupant shall:

1. Be eligible for relocation assistance; and

2. Have one (1) year to obtain an occupied decent, safe and sanitary replacement housing.

(b) The vacation date shall begin to run from either the date the Transportation Cabinet:

1. Makes a payment for damages to the nonresident owner of the property; or

2. Posts payment for damages in court.

Section 6. Availability of Comparable Replacement Dwelling Prior to Displacement. (1) No person to be displaced shall be required to move from his dwelling unless at least one (1) comparable replacement dwelling has been made available to the person. When possible, three (3) or more comparable replacement dwellings shall be made available. A comparable replacement dwelling shall be considered to have been made available to a person if:

(a) The person is informed of its location;

(b) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(c) The person is assured of receiving the relocation assistance and acquisition compensation, subject to reasonable safeguards, to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(2) The requirements of subsection (1) of this section may be waived if the displaced person is required to move in case of an emergency situation which shall include:

(a) A major disaster as described in Section 102(c) of the National Disaster Relief Act of 1974;

(b) A presidentially declared national emergency;

(c) Highway slides or floods; or

(d) When continued occupancy would constitute a substantial danger to the health or safety or the occupants or the public.

(3) If a person is required by the Transportation Cabinet to relocate for a temporary period due to an emergency, the Transportation Cabinet shall do the following:

(a) Take the necessary steps to assure the person is temporarily relocated to decent, safe and sanitary housing;

(b) Pay actual reasonable out-of-pocket moving expenses and any reasonable increases in rent and utility costs incurred in connection with the temporary relocation; and

(c) Make available to the displaced person as soon as feasible at least one (1) comparable replacement dwelling.

(d) In the case of an emergency relocation, the date of displacement shall be the date the person moves from the temporarily-occupied dwelling. This date shall be used in:

1. Filing a claim for relocation assistance; and

2. Determining eligibility requirements for a relocation payment.

Section 7. Relocation Advisory Services. (1) The Transportation Cabinet Advisory Services Program shall include the measures, facilities, and services that may be necessary or appropriate in order to:

(a) Personally interview each family or person to be displaced to:

1. Determine the person's relocation needs and preferences;

2. Explain the relocation payments; and

3. Explain other assistance for which the person may be eligible, including requirements for obtaining the assistance;

(b) Provide current and continuing information on the availability, price and rental cost of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one (1) comparable replacement dwelling is made available;

(c) In order that the displaced person is made aware of the amount of the replacement housing payment to which he may be entitled, inform the displaced person, in writing, of:

1. The specific comparable replacement dwelling;

2. The price and rent used as a basis for establishing the upper limit of the replacement housing payment; and

3. The basis for the determination;

(d) If feasible, inspect the comparable housing prior to its being made available to assure that it is decent, safe and sanitary;

(e) It shall be the policy of the Transportation Cabinet to provide a minority displaced person an opportunity to elect relocation to a replacement dwelling which is located outside an area of minority concentration if:

1. It would not require the Transportation Cabinet to pay a larger relocation payment than is required by this administrative regulation; and

2. It is within the financial means of the minority displaced person;

(f) Offer the displaced person transportation to inspect housing to which he is referred;

(g) Provide current and continuing information on the availability, location purchase price, and rental cost of comparable and suitable commercial and farm properties. Assist any person displaced from a business, farm operation, or nonprofit organization to obtain and

become established in a suitable replacement location;

(h) Minimize hardships to persons in adjusting to relocation by providing counseling, advice about other sources of assistance that may be available, and other help that may be appropriate;

(i) Supply persons to be displaced with information concerning federal and state housing programs, disaster loans and other programs administered by the Small Business Administration, and other federal and state programs offering assistance to persons to be displaced;

(j) Advise a displaced person that no payments received under the relocation assistance program shall be considered as income for the purposes of:

1. The federal Internal Revenue Code; or

2. Determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal or state law; and

(k) Maintain contact with other governmental agencies to determine the extent of other programs which might affect the Transportation Cabinet relocation program and the availability of housing resources.

(2) The amount and extent of the relocation advisory services rendered shall be determined by the needs of the displaced person.

(3) The Transportation Cabinet may offer relocation advisory services to a person occupying property adjacent to the real property acquired if that person is caused substantial economic injury because of the cabinet's acquisition of the real property.

(4) The Transportation Cabinet shall coordinate relocation activities with project work and other displacement-causing activities to ensure that persons displaced receive consistent treatment and duplication of functions is minimized.

Section 8. Claims for Relocation Assistance Payments. (1)(a) Any claim for relocation assistance payment shall be accompanied by documentation to support expenses incurred.

(b) A displaced person shall be provided reasonable assistance in completing and filing a claim for payment.

(c) The Transportation Cabinet shall review claims in an expeditious manner and promptly notify the claimant if additional documentation is required.

(d) Payment for a relocation assistance claim shall ordinarily be made only after:

1. The displaced person has moved or after closing; and

2. As soon as feasible following receipt of sufficient documentation to support the claim.

(e) The payment for a claim may be processed in advance of a move or closing but shall not be made until it can be reasonably expected that the objective of the payment has been or is to be accomplished.

(2) All claims for a relocation payment shall be filed based on the following unless the time limits have been waived for good cause by the Transportation Cabinet:

(a) For tenants, within eighteen (18) months after the date of displacement; or

(b) For owners, within eighteen (18) months of the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

(3) If two (2) or more occupants of one (1) household of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a prorated share of all relocation payments that would have been made if the occupants had moved together to a comparable replacement dwelling. However, if it is determined that two (2) or more occupants maintained separate households within the same dwelling, the occupants shall have separate entitlements to relocation payments.

(4) If a person to be displaced owes rent to the Transportation Cabinet, the amount owed may be deducted from his relocation assistance payment unless the deduction would prevent the displaced person from obtaining comparable replacement housing. The Transportation Cabinet shall not withhold any part of a relocation assistance payment to a displaced person to satisfy an obligation to any other creditor.

(5) By written agreement between the displaced person, the mover and the Transportation Cabinet, the displaced person may present an unpaid moving bill to the Transportation Cabinet for direct payment to the mover. The displaced person shall initially make this request on forms prescribed and furnished by the Transportation Cabinet.

(6) If the Transportation Cabinet denies a claim of eligibility for or the amount of a payment, the claimant shall be promptly notified in writing of the reason for denying the claim and his right to appeal.

Section 9. Moving and Related Expense Payments-General. Moving and related expense payments are types of relocation assistance payments. Any eligible individual, family, business, farm operation or nonprofit organization displaced by a Transportation Cabinet project and who qualifies as a displaced person is entitled to payment of his actual moving and related expenses as the Transportation Cabinet determines to be reasonable and necessary.

(1) To be eligible for moving and related expense payments the displaced person shall:

(a) Be in legal occupancy at the initiation of negotiations for the real property or at the time the property is acquired, in whole or in part by the Transportation Cabinet or at the time he is given a written notice by the Transportation Cabinet of intent to acquire the real property; and

(b) Move from the real property, or move his personal property from the real property subsequent to the dates established in paragraph (a) of this subsection.

(2) If the acquisition of real property used for a business, farm operation, or nonprofit organization causes a person to vacate a dwelling or other real property not acquired by the Transportation Cabinet, the additional moving cost shall be eligible for reimbursement. Also, if it is necessary to move personal property that is legally located within the acquired property, the cost shall be eligible for reimbursement.

(3) A second move for a displaced person shall not be automatically authorized, nor generally eligible for payment. However, under exceptional circumstances, a second moving payment may be made. Prior to authorizing a second move, the Transportation Cabinet shall consider all special circumstances.

(4) The displaced person shall be informed in writing as soon as possible after the initiation of negotiations of the following requirements:

(a) The displaced person shall provide the Transportation Cabinet reasonable advance notice of the approximate date of the start of the move or disposition of his personal property and a list of the items to be moved; and

(b) The displaced person shall allow the Transportation Cabinet to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and allow the cabinet to monitor the move.

Section 10. Moving and Related Expense Payments for Residential Moves. (1) A displaced person, owner-occupant or tenant of a dwelling who qualifies as a displaced person:

(a) Is entitled to receive payment for the actual, reasonable and necessary moving expenses of his personal property, himself, and his family.

(b) Has the option to receive reimbursement on the basis of actual, reasonable expenses, or from the fixed-rate schedule listed in subsection (5) of this section which is based on the number of rooms of personal property.

(2) An owner-occupant of a multiple-family dwelling may be entitled to a moving payment for a residential move for himself and

moving payments for his personal property located in other units.

(3) In order to determine that more than one (1) household exists in a single dwelling unit, each family unit shall have separate baths, kitchen areas and bedrooms.

(a) Two (2) or more families occupying the same dwelling unit, who are required to relocate into separate dwelling units because a single comparable dwelling unit is not available, may elect to be reimbursed either on an actual cost basis or from the fixed-rate schedule.

(b) Two (2) or more families occupying the same dwelling unit, who relocate into separate dwelling units on a voluntary basis when a single comparable dwelling unit is available, may elect to be reimbursed either on an actual cost basis or from the fixed-rate schedule. A fixed-rate schedule move payment shall be based on the number of rooms actually occupied by each family, plus community rooms utilized by each family.

(c) Two (2) or more individuals who occupy the same dwelling unit are considered to be a single family and payments shall be made accordingly.

(4) When an owner retains his dwelling, the cost of moving it onto a different site is not eligible for reimbursement as a part of the cost of moving personal property. However, if he chooses to use his dwelling as a means of moving personal property, the cost of moving the personal property may be considered eligible for reimbursement. Payments in these cases shall be from the fixed-rate schedule.

(5) If the displaced person elects to move on an actual cost basis, the following expenses are eligible for payment:

(a) Transportation of the displaced person and personal property. Transportation costs for a distance beyond fifty (50) miles are not eligible, unless it is determined by the Transportation Cabinet that relocation beyond fifty (50) miles is justified;

(b) Packing, crating, unpacking, and uncrating of the personal property;

(c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated household appliances and other personal property;

(d) Storage of the personal property for a period not to exceed twelve (12) months, unless it is determined by the Transportation Cabinet that a longer period of time is necessary. For the storage costs to be eligible the Transportation Cabinet shall determine that storage is reasonable and necessary and that the personal property is not stored on property being acquired or property owned or leased by the displaced person;

(e) Insurance for the replacement value of the property in connection with the move and necessary storage;

(f) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available; and

(g) Other moving related expenses not listed as ineligible in Section 13 of this regulation but which are determined by the Transportation Cabinet to be reasonable and necessary.

(6)(a) The displaced person may elect to move by the use of a licensed commercial mover and receive reimbursement for the actual, reasonable expenses. These expenses shall be supported by receipted bills.

(b) The Transportation Cabinet may furnish the displaced person a list of licensed movers in the area.

(c) The displaced person shall select one (1) mover and the Transportation Cabinet shall select one (1) mover.

(d) The Transportation Cabinet shall:

1. Obtain from both of the selected movers an estimate of the moving costs including any necessary utility service connections.

2. Base payment on the lower estimate.

(e) The displaced person may hire either company.

(5) The displaced person, including a person displaced from a seasonal residence, may elect to move his personal property according to the fixed-rate schedule. The separate items authorized under commercial and self moves have been included in establishing the fixed-rate schedule and no additional moving payments shall be authorized. The room count of furniture shall be based on the actual number of furnished rooms, plus basements, attics, garages and out buildings if such spaces contain sufficient personality as to constitute a room. Payment shall be based on the following schedule:

1 Room = $250	5 Rooms = $ 750
2 Rooms = $400	6 Rooms = $ 850
3 Rooms = $550	7 Rooms = $ 950
4 Rooms = $650	8 Rooms = $1050
	Each Additional Room = $100

(6) If the displaced person lives in a furnished dwelling unit, he shall be paid moving costs for moving his personal property according to the following schedule:

First Room = $225

Each Additional Room = $35

(7) The moving expenses of a person with minimal personal possessions who occupies a dormitory style room shared by two (2) or more other unrelated persons or a person whose residential move is performed by an agency at no cost to the person shall be limited to fifty (50) dollars.

Section 11. Moving and Related Expense Payments for Business, Farm Operations or Nonprofit Organizations. The owner of a displaced business, farm operation or nonprofit organization is entitled to receive a payment for moving and related expenses.

(1) Any business, farm operation or nonprofit organization which qualifies as a displaced person is entitled to payment for the actual moving and related expenses as the Transportation Cabinet determines to be reasonable and necessary, including expenses for the following:

(a) Transportation of personal property. Transportation costs for a distance beyond fifty (50) miles are ineligible, unless it is determined by the Transportation Cabinet that the relocation beyond fifty (50) miles is justified;

(b) Packing, crating, unpacking and uncrating of the personal property;

(c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated machinery, equipment and other personal property including substitute personal property and including connection to utilities available nearby. Also, included are modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded);

(d) Storage of the personal property for a period not to exceed twelve (12) months unless it is determined by the Transportation Cabinet that a longer period of time is necessary. For the storage costs to be eligible the Transportation Cabinet shall determine that storage is reasonable and necessary and that the personal property is not stored on property being acquired or property owned or leased by the displaced person;

(e) Insurance for the replacement value of the personal property in connection with the move and necessary storage;

(f) Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be prorated, based on the remaining useful life of the existing license, permit or certification;

(g) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his agent, or employee), where insurance covering the loss, theft, or damage is not reasonably available; and

(h) Professional services necessary for planning the move of the personal property; moving the personal property; and installing the relocated personal property at the replacement location.

(2) The owner of a business, farm operation or nonprofit organization, may be paid the actual reasonable cost of moving his personal property as determined to be reasonable and necessary by using a qualified commercial mover. These expenses shall be supported by receipted bills. Prior to authorizing the move, the Transportation Cabinet shall:

(a) Obtain a certified inventory of the personal property to be moved. The displaced person shall certify that the items are to actually be moved to the replacement site. If there is any significant deviation from the list of items actually relocated the amount to be paid shall be revised accordingly. If the business, farm operation or nonprofit organization has a fluctuating inventory, the cabinet may require a reinventory just prior to authorizing the move; and

(b) Obtain two (2) bids from qualified movers when a replacement property has been found. The payment of moving expenses shall be authorized only on the basis of the lower of the bids.

(3) The owner of the business, farm operation or nonprofit organization, may elect to move himself. Under this circumstance the Transportation Cabinet shall:

(a) Obtain a certified inventory of the personal property to be moved. The displaced person shall certify that the items actually are to be moved to the replacement site. If there is any significant deviation from the list of items actually relocated the amount to be paid shall be revised accordingly. If the business, farm operation or nonprofit organization has a fluctuating inventory, the cabinet may require a reinventory just prior to authorizing the move; and

(b) Obtain two (2) bids from qualified movers after a replacement property has been found. The move may be authorized only on the basis of the lower of the bids. The Transportation Cabinet shall pay to the displaced person the amount of the lower bid once it is determined that all property was moved to the new location.

(4) If the cost of the move is not likely to exceed $5,000, a single estimate may be prepared by a qualified staff employee of the Transportation Cabinet other than the person preparing the claim.

(5) When the Transportation Cabinet obtains bids for a business, farm operation or nonprofit organization move, the bidder shall be instructed in writing that the amount of his bid shall be the property of the Transportation Cabinet and shall be considered confidential information. The bidder shall state in his letter transmitting his bid to the cabinet that he shall not divulge the amount of his bid to any other person, including the displaced person. Any bidder who does not adhere to these requirements shall not be permitted to submit future bids.

(6) If it is necessary to reprint available stationery because the business, farm operation or nonprofit organization, has been relocated, the Transportation Cabinet shall pay the actual cost for reprinting the number and type of item to be replaced. Payment shall be made for only the number of each item approved in advance of the reprinting by the Transportation Cabinet. The claim for payment shall be documented by receipted bills from the provider.

(7) If it is necessary to reletter a sign that has been made obsolete as a result of the move, if possible, only that portion of the sign which changes shall be eligible to be relettered. However, if necessary, the cost of relettering the complete sign shall be an eligible expense. The payment request shall be documented by receipted bills from the provider. Approval of the relettering shall be obtained from the Transportation Cabinet in advance of work being performed.

(8)(a) The Transportation Cabinet shall reimburse the displaced business, farm operation, or nonprofit organization actual and reasonable expenses in searching for a new location.

(b) Payment shall be limited to $1,000.

(c) The items for which an invoice may be submitted include:

1. Transportation;

2. Lodging and meals away from home;

3. Time spent in searching, based on reasonable salary or earnings, of the person conducting the search; and

4. Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.

(d) The claim for payment shall be documented by receipted bills for meals and lodging when away from home and an affidavit shall be required for mileage and time. The affidavit shall show:

1. Persons contacted;

2. Places visited;

3. Activity involved; and

4. Basis for the hourly rate charged for time.

(9)(a) Payment of actual direct losses of tangible personal property may be made when the business, farm operation or nonprofit organization owner moves or discontinues his operation. Payment for actual direct losses of tangible personal property may be made only after a bona fide effort has been made by the owner to sell the items involved. The payment shall consist of the lesser of:

1. The fair market value of the item for continued use at the displacement site less the proceeds from its sale.

a. The claimant shall make a good faith effort to sell the personal property, unless the Transportation Cabinet determines that the effort is not necessary.

b. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price; or

2. The estimated cost of moving the item, with no allowance for storage. If the business, farm operation, or nonprofit organization is discontinued, the estimate shall be based on a move of fifty (50) miles;

(b) The prompt purchase of substitute personal property to replace an item not to be moved in a business, farm operation or nonprofit organization move, yet which performs a comparable function at the replacement site. Payment shall be the lesser of:

1. The cost of the substitute item, including installation costs at the replacement site, less any proceeds from the sale or trade-in of the replaced item; or

2. The estimated cost of moving and reinstalling the replaced item, with no allowance for storage. If the estimated cost for the move is $5,000 or less, the estimated cost may be based on a single estimate prepared by a qualified Transportation Cabinet employee.

(c) If no offers are received for the property at the sale and the property is abandoned, payment for the actual direct loss of that item shall not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item fifty (50) miles, whichever is less, plus the reasonable costs of the attempted sale, irrespective of the cost to the Transportation Cabinet of removing the item.

(d) If personal property is abandoned with no effort made by the owner to dispose of the property by sale, the owner shall not be entitled to moving expenses, or losses, for the item involved.

(e) The cost of removal by the Transportation Cabinet of personal property shall not be considered as an offsetting charge against other payments to the displaced person.

(f) The sale price, if any, and the actual reasonable costs of advertising and conducting the sale shall be supported by a copy of the bill of sale or similar documents, and by copies of any advertisements, offers to sell, auction records, and other data which support the sale.

(g) The direct loss payment for an advertising sign which is personal property shall be the lesser of the depreciated reproduction cost of the sign less the proceeds from its sale; or the estimated cost of moving the sign as determined by the Transportation Cabinet but with no allowance for storage.

(10) An owner of a discontinued or relocated business otherwise eligible for payment of moving expenses may choose to receive a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses.

(a) The amount of the fixed payment shall equal the average

annual net earnings for the business as long as the amount is not [~~be~~] less than $1,000 and not [~~nor~~] more than $20,000.

(b) For an owner of a business to be entitled to this payment, it shall be determined that:

1. The business owns or rents personal property which has to be moved in connection with the displacement and for which an expense would be incurred in the move and the business vacates or relocates from the displacement site;

2. The business cannot be relocated without a substantial loss of patronage (clientele or net earnings). A business is assumed to meet this test unless it is determined by the Transportation Cabinet that it will not suffer a substantial loss of its existing patronage;

3. The business is not part of a commercial enterprise having more than three (3) other entitles which are not being acquired, and which are under the same ownership and engaged in the same or similar business activities;

4. The business is not operated at a displacement dwelling solely for the purpose of renting the dwelling to others; and

5. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement. The displaced person shall furnish the Transportation Cabinet copies of his income tax returns and other proof of net earnings.

(c) In determining whether two (2) or more displaced legal entitles constitute a single business which is entitled to only one (1) fixed payment, all pertinent factors shall be considered, including the extent to which:

1. The same premises and equipment are shared;

2. Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

3. The entities are held out to the public, to those customarily dealing with them, as one (1) business; and

4. The same person or closely related persons own, control, or manage the affairs of the entities.

(11) An owner of a displaced farm operation may choose to apply for a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses.

(a) The amount of the fixed payment shall equal the average annual net earnings for the farm operation as long as the amount is [~~This payment shall~~] not [~~be~~] less than $1,000 and not [~~nor~~] more than $20,000.

(b) In the case of partial acquisition of land which was a farm operation before the acquisition, a fixed payment may be made only if the Transportation Cabinet determines that:

1. [~~(a)~~] The farm operation contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement;

2. [~~(b)~~] Acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

3. [~~(c)~~] The partial acquisition caused a substantial change in the nature of the farm operation.

(12)(a) A displaced nonprofit organization may choose to apply for a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses.

(b) The payment shall not be less than $1,000 nor more than $20,000.

(c) Any request for payment in excess of $1,000 shall be supported with financial statements for the two (2) twelve (12) month periods prior to the acquisition.

(d) The amount to be used in determining the payment is the average of two (2) years annual gross revenues less administrative expenses.

(e) Gross revenues may include membership fees, class fees, cash donations, tithes, receipts from sales or other fund raising activities.

(f) Administrative expenses include rent, utilities, salaries, advertising and fund raising expenses. Operating expenses for carrying out the purpose of the nonprofit organization are not included in administrative expenses.

(g) Monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

Section 12. Miscellaneous Moves. There are entities to be relocated that meet none of the definitions of a business, a farm operation or a nonprofit organization. The moving expenses in these instances shall usually be paid as a self-move. Examples of moves of this type are:

(1) Partial taking of a farm or residential lot on which only a shed, barn or garage contains personal property;

(2) Acquisition of a tenant-occupied residence if the owner has some personal property in the building; or

(3) Acquisition of a tenant-occupied service station where the owner or distributor has personal property to be moved.

Section 13. Ineligible Moving and Related Expenses. A displaced person shall not be entitled to payment for the following:

(1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership;

(2) Interest on a loan to cover moving expenses;

(3) Loss of good will;

(4) Loss of profits;

(5) Loss of trained employees;

(6) Any additional operating expenses of a business or farm operation incurred because of operating in a new location (except as provided for under reestablishment expenses);

(7) Personal injury;

(8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Transportation Cabinet;

(9) Expenses for searching for a replacement dwelling;

(10) Physical changes to the real property at the replacement location of a business, farm, or nonprofit organization except as provided for under actual reasonable moving expenses and reestablishment expenses; or

(11) Costs for storage of personal property on real property already owned or leased by the displaced person.

Section 14. Reestablishment Expenses of Businesses, Farm Operations or Nonprofit Organizations. A small business, farm operation or nonprofit organization may be eligible to receive a payment not to exceed $10,000 for expenses actually incurred in relocating and reestablishing the small business, farm operation or nonprofit organization at the replacement site. Eligibility for this payment shall be contingent upon the following:

(1) Eligible expenses shall be reasonable and necessary as determined by the Transportation Cabinet and may include:

(a) Repairs or improvements to the replacement real property as required by federal, state, or local law, code, regulation or ordinance;

(b) Modification to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;

(c) Construction and installation costs [~~not to exceed $1,500~~] for exterior signing to advertise the business;

(d) Provision of utilities from the right-of-way to improvements on the replacement site;

(e) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting;

(f) Licenses, fees and permits when not paid as a part of moving expenses;

(g) Feasibility surveys, soil testing and marketing studies;

(h) Advertisement of the replacement location [~~not to exceed $1,500~~];

(i) Professional services in connection with the purchase or lease of a replacement site;

(j) Increased cost of operation during the first two (2) years at the replacement site [~~not to exceed $5,000~~] for items such as lease or rental charges, personal or real property taxes, insurance premiums, and utility charges, excluding impact fees;

(k) Impact fees or one (1) time assessments for anticipated heavy utility usage; and

(l) Other items determined by the Transportation Cabinet to be essential to the reestablishment of the business.

(2) Expenses in excess of the maximums set forth in subsection (1)(c), (h) and (j) of this section may be considered eligible if large and legitimate disparities exist between the cost of operation at the displacement site and cost of operation at an otherwise similar replacement site. In these cases, the limitations for reimbursement of the cost may be waived by the Transportation Cabinet, but in no case shall the total costs payable for reestablishment expenses exceed the $10,000 maximum.

(3) A representative of the Transportation Cabinet and the displaced person shall meet at the replacement site prior to any work being done in order to determine what repair or changes are necessary. After the move has been completed, the displaced person shall submit to the Transportation Cabinet the itemized paid receipts for those reestablishment expenses he has incurred.

(4) The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(a) Purchase of capital assets, such as, office furniture, filing cabinets, machinery or trade fixtures;

(b) Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operations;

(c) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in subsection (1)(e) of this section;

(d) Interest on money borrowed to make the move or purchase the replacement property;

(e) Payment to a part-time business in the home which does not contribute materially to the household income.

(5) Sites occupied solely by outdoor advertising signs, devices or displays shall not qualify as a business for reestablishment expenses under the provisions of this section.

Section 15. Replacement Housing Payments - General. (1) It shall be the policy of the Transportation Cabinet to consistently apply the provisions of this administrative regulation relating to eligibility for replacement housing payments to housing situations not specifically provided for in this administrative regulation. Displaced persons may include individuals or families displaced from condominiums or cooperative apartments.

(2) The displaced individual or family shall not be required to relocate to the same occupancy (owner or tenant) status in order to receive the replacement housing payment, but has other options based on his ownership status and tenure of occupancy.

(3)(a) The Transportation Cabinet shall not participate in more than one (1) replacement housing payment for each dwelling unit, except in the case of multifamily occupancy of a single family dwelling as described in Section 17 of this regulation.

(b) The claim for payment shall be filed with the cabinet no more than eighteen (18) months after the date of displacement for tenants.

(c) For owners, the claim for payment shall be filed no more than eighteen (18) months after the date of:

1. Displacement; or

2. The final payment for the acquisition of real property, whichever is later.

(d) Before the payment is made to the displaced person, the Transportation Cabinet shall determine that the replacement dwelling is decent, safe and sanitary.

(4)(a) If a displaced person qualifies for a replacement housing payment, but has not yet purchased or occupied a suitable replacement dwelling, provided he purchases and occupies the inspected dwelling within the one (1) year time limit, the Transportation Cabinet shall provide a written or oral certification that the displaced person is eligible for the payment of a specific amount

(b) The Transportation Cabinet shall release this certification only:

1. Upon the request of the displaced person who is purchasing the dwelling;

2. After inspecting the proposed dwelling; and

3. Upon finding that the dwelling is decent, safe and sanitary.

(c) The certification shall include the address of the property inspected and the amount of money the displaced person is required to spend for the replacement property in order to receive the full amount of his replacement housing payment.

(5)(a) Replacement housing payments may be made directly:

1. To the relocated individual or family; or

2. Upon written instructions from the displaced person:

a. Directly to the lessor for rent; or

b. Directly to the seller for use toward the purchase of a dwelling.

(b) This written instruction from the displaced person shall be submitted with the application for payment.

(c) The Transportation Cabinet shall make the replacement housing payment into an escrow account if:

1. The displaced person has made a specific request in the application; and

2. The applicant otherwise qualifies for a replacement housing payment.

(6)(a) The Transportation Cabinet shall determine the probable selling price of a comparable dwelling by analyzing at least three (3) comparable dwellings representative of the dwelling unit to be acquired which are available on the private market.

(b) Less than three (3) comparable dwellings may only be used for this determination when sufficient comparable dwellings are not available.

(c) Selection of comparable dwellings and computation of payment shall be made by a qualified Transportation Cabinet employee other than the appraiser or review appraiser on the parcel involved.

(d) The selected comparable dwellings shall be the most nearly comparable available and equal to or better than the subject property.

(7)(a) If the lapse of time between obtaining a listing of an available dwelling which is used to compute a replacement housing payment and the offer of the replacement housing payment amount to the displaced person exceeds thirty (30) days, the Transportation Cabinet shall determine that the property is still on the market.

(b) If a check of the market reveals the comparable dwelling relied upon is not available, a new comparable dwelling shall be selected and a new replacement housing payment computed.

(8) An adjustment shall be made to the asking price of the selected comparable dwelling only when the market reflects a difference of more than five (5) percent in the asking price and the sale price of comparable housing in the area. To determine whether an adjustment to the asking price is needed the Transportation Cabinet may contact realtors or use multiple listings books for recent sales.

(9)(a) If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (for example, the site is significantly smaller or does not contain a swimming pool), the value of the attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

(b) If an uneconomic remnant of land remains after the Transportation Cabinet acquired only a portion of a tract of property and the owner of the remaining property refuses to sell it to the Transportation Cabinet, the fair market value of the uneconomic remnant shall be deducted from the before value of the displacement dwelling for purposes of computing the replacement housing payment.

(10) To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

(11) A person who occupies a property for less than ninety (90) days before initiation of negotiations or who occupies the property subsequent to the initiation of negotiations but before the property is acquired is entitled to moving expenses and advisory services. Any replacement housing payment if applicable shall be made under the provisions of Section 29 of this regulation.

(12) A person shall not be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this administrative regulation for a reason beyond his control, such as:

(a) A disaster;

(b) An emergency; or

(c) An imminent threat to the public health or welfare as determined by:

1. The President;

2. The federal agency funding the project; or

3. The Transportation Cabinet; or

(d) A delay in the construction of the replacement dwelling;

(e) Military reserve duty; or

(f) A hospital stay.

(13)(a) A displaced tenant who initially rents a replacement dwelling and receives a rental assistance payment is eligible to receive a purchase or down payment assistance payment if he meets the eligibility criteria for the payments, including purchase and occupancy within the prescribed one (1) year period.

(b) Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment.

(c) A displaced owner-occupant who originally rents a replacement dwelling and receives a rent supplement payment is eligible to receive a replacement housing payment, if he purchases and occupies a dwelling within the prescribed one (1) year.

(14)(a) A replacement housing payment is personal to the displaced person and upon his death, the undisbursed portion of any payment shall not be paid to the heirs or assigns, except that the amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.

(b) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family members continue to occupy a decent, safe and sanitary replacement dwelling.

(c) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

(15) In order to avoid duplicate compensation, the amount of any insurance proceeds received by a displaced person in connection with a loss to the displacement dwelling shall be included in the acquisition cost of the displacement dwelling when the Transportation Cabinet computes the replacement housing payment.

Section 16. Replacement Housing Payments - Partial Tract Acquisition. (1)(a) If the acquired dwelling is located on a tract typical in size for residential use in the area and if only a portion of the tract is acquired by the Transportation Cabinet, the maximum replacement housing payment shall be the probable selling price of a comparable replacement dwelling on a tract typical in size for the area, less the difference in the before and after values of the residential property.

(b) This difference represents the acquisition price and shall include any damages to the portion of the tract not acquired by the Transportation Cabinet.

(2) If the acquired dwelling is located on a tract larger in size than typical for residential use in the area and if only a portion of the tract is acquired by the Transportation Cabinet, the cabinet shall only consider that portion of the tract which is a typical size for computation of the maximum replacement housing payment. The maximum housing payment shall be the probable selling price of a comparable replacement dwelling and tract typical in size for residential use in the area, less the difference in the before and after value of the typical size residential property which was carved out of the total tract.

(3)(a) If the acquired dwelling is located on a farm and if only a portion of the farm is acquired by the Transportation Cabinet, the cabinet shall only consider that portion of the farm which is a typical size tract for a residential property in the area for computation of the maximum replacement housing payment.

(b) The maximum replacement housing payment shall be the probable selling price of a comparable replacement dwelling and tract typical in size for residential use in the area, less the difference in the before and after value of the typical size residential property which was carved out of the total farm.

(4) If an outbuilding is located on the tract to be acquired and if the outbuilding is used for nonresidential purposes such as corncribs or implement storage, its value shall not be included in the computation of the replacement housing payment.

(5) If the acquired dwelling is located on a tract where the fair market value is established on a use higher and better than residential and if only a portion of the tract is acquired by the Transportation Cabinet, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical in size for residential use in the area, less the difference in the before and after value of the typical size homesite using the value indicated by the higher and better use, or if larger than typical, the difference in the value before and after a portion is carved out. This difference shall represent the acquisition price.

Section 17. Replacement Housing Payments - Multiple Occupancy of Same Dwelling Unit. (1)(a) If two (2) or more eligible families occupy the same single-family dwelling unit, and a comparable replacement dwelling is available, the occupants are entitled to only one (1) replacement housing or rent supplement payment.

(b) If a comparable replacement dwelling is not available, a replacement housing or rent supplement payment for each family shall be based on housing which is comparable to the quarters privately occupied by each family plus community rooms which have been shared with other occupants.

(c) For owner-occupants the acquisition price to be used as the basis for replacement housing payment computations is that amount each owner received from the total payment for the property to be acquired.

(2)(a) If two (2) or more eligible individuals occupy the same single-family dwelling unit, they are considered one (1) family for replacement housing payment or rent supplement purposes.

(b) If all individuals do not relocate to decent, safe and sanitary housing, the Transportation Cabinet shall determine and pay those individuals who do relocate into decent, safe and sanitary housing a proportional share of the payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

(3) If a displaced individual or family occupies living quarters on the same premises as a displaced business, farm or nonprofit organization, the individual or family is a separate displaced person for purposes of determining entitlement to relocation payments. The Transportation Cabinet shall compute the replacement housing payment for joint residential and business use properties as follows:

(a) If the owner occupies living quarters in the building the replacement housing payment shall be determined by establishing the difference in the before and after value of the land using the appraised value (if acquiring the entire tract the cabinet shall use the total land value) adding the value of the living quarters portion of the building and then subtracting the total from the most comparable property to the living quarters available for sale on the market.

(b) If a tenant occupies living quarters in the building to be

acquired, the replacement housing payment shall be determined by subtracting the base monthly rent of the displaced tenant in the acquired dwelling as determined in Section 23(2) of this regulation from the amount the displaced person actually pays per month for a rental replacement dwelling including the estimated average monthly utilities or, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities. That amount shall be multiplied by forty-two (42) to establish the replacement housing payment.

(c) A displaced person eligible for a rental replacement housing payment under Section 23(1) of this regulation may receive a down payment assistance payment not to exceed $5,250. In order to receive this payment, the full amount of the payment shall be applied toward the purchase price of the replacement dwelling and related incidental expenses.

(4) The procedure for computing replacement housing payment amounts to an owner of a multifamily dwelling who occupies one (1) unit is as follows:

(a) The comparable dwellings considered in the computation shall be the same as that acquired, that is, if the property is a triplex, then the comparable dwellings shall be triplexes. If comparable dwellings are not available, structures of the next lowest density shall be used. If there are not any available comparable multifamily structures to be found, the comparison of the owner's living unit shall be to a single-family residence. A higher density structure shall never be used as a comparable structure.

(b)1. The value of the owner's unit shall be used as the basis for the replacement housing payment determination, not the entire fair market value of the property being acquired. The replacement housing payment determination is that difference, if any, between the value of the owner's living unit and the value of a living unit on the most comparable available property.

2. If the comparable housing is a triplex:

a. The replacement housing payment is based on the value of only one (1) of the three (3) units;

b. A duplex, the payment is based on the value of only one (1) of the two (2) units;

c. A single-family dwelling, the payment is based on the entire value of the dwelling.

3. The other living units of a multifamily dwelling shall not be included in the value of a comparable unit because these are considered as income producing and not part of the owner's personal living area.

Section 18. Replacement Housing Payments - Owner-Occupants of 180 Days or More. (1) A displaced owner-occupant may receive replacement housing payments if the displaced person has actually owned and occupied the displacement dwelling for 180 days or more immediately prior to the initiation of negotiations and if he purchases and occupies a decent, safe and sanitary replacement dwelling within a one (1) year period, beginning on the later of the following dates:

(a) The date the person receives final payment from the Transportation Cabinet for the displacement dwelling; or

(b) In the case of condemnation, the date the full amount of the estimate of just compensation is deposited in court; or

(c) The date the person is advised by the Transportation Cabinet of the availability of comparable housing.

(2) The owner-occupant is eligible for a replacement housing payment when:

(a) He is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or part;

(b) He is in occupancy at the time he is given a written notice by the Transportation Cabinet of intent to acquire the property by a given date;

(c) His occupancy of the property has been for at least 180 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier; and

(d) He purchased and occupied a decent, safe and sanitary dwelling within the time period specified in subsection (1) of this section;

(3) The combined total of the replacement housing payments for an owner-occupant of 180 days shall not exceed $22,500 for the additional costs necessary to purchase replacement housing; for compensation to the owner for the loss of favorable financing on his existing mortgage in the financing of replacement housing; and to reimburse the owner for expenses incidental to the purchase of replacement housing which are incurred.

(4)(a) The amount of the replacement housing payment for the sole owner of a dwelling is the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his dwelling, equals the actual cost which the owner is required to pay for a decent, safe and sanitary replacement dwelling, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable dwelling, whichever is less.

(b) When the displaced person obtains his decent, safe and sanitary replacement dwelling (not necessarily comparable to the dwelling from which he was displaced), his replacement housing payment shall be based on the amount spent for the replacement dwelling.

(c) If the replacement dwelling is not decent, safe and sanitary, he may be paid to correct the deficiencies if he maintains documented receipts.

(d) Any payment to correct a decent, safe and sanitary deficiency shall be counted toward the actual cost that the owner is required to pay for decent, safe and sanitary replacement dwelling.

(5) If a single-family dwelling is owned by several persons, and occupied by only part of the owners, the replacement housing payment shall be the lesser of:

(a) The difference between the owner-occupants' share of the acquisition cost of the acquired dwelling and the actual cost of the replacement dwelling; or

(b) The difference between the total acquisition cost of the acquired dwelling and the amount determined by the Transportation Cabinet as necessary to purchase a comparable dwelling.

(6) If the displaced owner-occupant of 180 days or more does not purchase and occupy a decent, safe and sanitary dwelling, he shall be entitled to receive a rent supplement payment if he rents and occupies a decent, safe and sanitary dwelling.

(7) It shall be the Transportation Cabinet's responsibility to make available a comparable replacement dwelling unit and to relocate the displaced person to his original ownership status if this is his desire. If the displaced owner-occupant desires to rent, the Transportation Cabinet shall make a reasonable effort to accomplish the request.

(8)(a) When an owner-occupant of 180 days or more retains and moves his dwelling to another location, the Transportation Cabinet shall determine if he is eligible for a replacement housing payment.

(b) If the dwelling meets the decent, safe and sanitary standards, improvements such as room additions or remodeling shall not be allowed in determining the amount of the replacement housing payment.

(c) If the dwelling retained and moved is not decent, safe and sanitary, the cost to improve it so that it complies with adequate standards shall be allowed if documented receipts are maintained.

(d) Any payment to correct a decent, safe and sanitary deficiency shall be counted toward the actual cost that the owner is required to pay for a decent, safe and sanitary replacement dwelling.

(9) If an owner-occupant of 180 days or more has received a rental replacement housing payment and subsequently chooses to purchase a replacement dwelling, the amount of the rental replacement housing payment shall be deducted from the amount he would have been entitled to receive if he had purchased a replacement dwelling immediately. The combined payments shall not exceed $22,500.

(10) If the owner is allowed the option of retaining his dwelling,

the replacement housing payment shall be computed in accordance with the appropriate paragraph below. The payments computed under paragraphs (a) through (c) of this subsection shall not exceed the amount the displaced person would have received if he had purchased a replacement dwelling.

(a) If the dwelling is decent, safe and sanitary, the payment, if any, shall be the amount by which the cost to relocate the retained dwelling exceeds the acquisition price of the dwelling and homesite. The cost to relocate may include the reasonable costs of acquiring a new site and other expenses incidental to retaining and moving the dwelling, and restoring it to a condition comparable to that before the move. Payment shall not exceed $22,500;

(b) If the owner chooses to move his dwelling to a part of the tract not acquired by the Transportation Cabinet, the current fair market value for purchase of a residential site, not to exceed a typical size homesite, may be included as a cost to relocate the dwelling; or

(c) If the retained dwelling is not decent, safe and sanitary, the payment shall be computed as shown above, except the costs to correct deficiencies shall be included in the costs to relocate.

(11)(a) An owner-occupant of 180 days or more eligible for a purchase replacement housing payment who elects to rent a replacement dwelling is eligible for a rental replacement housing payment which shall not exceed $5,250 unless the conditions of subsection (12) of this section exist.

(b) To compute the eligible payment, from the amount the displaced person actually pays for a rental replacement dwelling, including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the fair market rent including monthly utilities of the acquired dwelling as determined by the cabinet, then multiply that amount by forty-two (42).

(12) The rental payment authorized by subsection (11) of this section may only exceed $5,250 if the payment to purchase for an owner-occupant of 180 days could have been authorized as a last resort housing payment under Section 29 of this regulation and therefore, could have exceeded $22,500.

Section 19. Replacement Housing Payments - Owner-Occupants of Less Than 180 Days. (1)(a) A displaced owner-occupant who has owned and occupied the dwelling for less than 180 days and who elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed $5,250.

(b) To compute the rental payment, from the amount the displaced person actually pays for a rental replacement dwelling including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the monthly fair market rent of the acquired dwelling as determined by the cabinet, then multiply that amount by forty-two (42).

(2) A displaced owner-occupant who has owned and occupied the dwelling for less than 180 days, may elect to receive an amount to enable him to make a down payment on the purchase of a replacement dwelling including the actual expenses incidental to the purchase, not to exceed $5,250, or for additional costs to relocate his retained dwelling in accordance with the following:

(a) The full amount of the payment shall be applied toward the purchase of the replacement dwelling and related incidental expenses and the displaced person shall purchase and occupy the dwelling within the time frame specified in Section 23(1) of this regulation;

(b) The displaced person may be eligible for the entire $5,250 for a down payment including incidental expenses, when the amount of the rental replacement housing computation is less than $5,250 or is zero, except either payment shall not exceed the amount the displaced person would receive if he were an owner-occupant of 180 days or more.

(3)(a) If an owner-occupant of less than 180 days retains his dwelling, then the replacement housing payment, if any, shall be determined in accordance with the provisions of Section 18 (10) of this regulation, but the payment shall not exceed $5,250.

(b) If an owner-occupant of less than 180 days has received a rental replacement housing payment, the amount of the rental payment shall be deducted from the amount to which he is entitled.

(c) The combined payments shall not exceed $5,250.

Section 20. Revisions to Replacement Housing Payment. (1) If the comparable housing used in the Transportation Cabinet's computation is not available at the time of the relocation offer, a new replacement housing payment shall be computed cased on available housing which is equal to or better than the dwelling acquired and meets the other comparable criteria. However, the new replacement housing payment amount shall not be less than the original computed amount.

(2) When an adjustment is made in the fair market value offer to the owner-occupant because of an administrative settlement, an appeal from the commissioners' award, jury award or similar reason the replacement housing payment shall be recomputed based on the new acquisition price.

Section 21. Replacement Housing Payments - Increased Interest Payments. Increased interest payments are provided to compensate a displaced person for the increased interest costs he is required to pay for financing a replacement dwelling.

(1)(a) The increased interest payment shall be allowed only when the dwelling acquired by the Transportation Cabinet was encumbered by a mortgage which was made in good faith without fraud or deceit and which was a valid lien on the dwelling for not less than 180 days prior to initiation of negotiations for the acquisition of the real property, in whole or in part, or at the time a written notice is given of the Transportation Cabinet's intent to acquire the property and the displaced person obtains a mortgage on his replacement dwelling at a higher interest rate than the mortgage rate on the dwelling acquired by the Transportation Cabinet.

(b) All mortgages on the dwelling acquired by the Transportation Cabinet shall be considered in computing the increased interest cost portion of the replacement housing payment.

(c) In the case of a home equity loan, the unpaid balance shall be that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.

(2) In determining the amount of the increased interest payment, the computation shall be based on the monthly payment of the old mortgage, the remaining term of the old mortgage or term of new mortgage, whichever is shorter, and the old and new interest rates. Most increased interest payments shall also be based on the unpaid mortgage balance on the displacement dwelling. However, if the new mortgage amount is less, the payment shall be reduced accordingly.

(3) Documentation of the terms, amount and interest rate for the existing and new mortgages shall be submitted on a form prescribed and furnished by the Transportation Cabinet. This form shall be completed for the existing and new mortgages and signed by a representative of the lending agency. When a loan is included in a land contract, a copy of the contract may be used for documentation.

(4) Payment for purchaser's points, loan origination fees or assumption fees but not seller's points, shall be paid to the extent that:

(a) They are not paid as incidental expenses;

(b) They do not exceed rates normal to real estate transactions in the area; and

(c) They are determined to be necessary; and

(d) The points and fees are based on the unpaid mortgage balance on the displacement dwelling, less the amount of the mortgage payment computed in this section.

(5) To document these charges in subsection (4) of this section,

the Transportation Cabinet shall be provided a copy of the lending agency's closing statement.

(6) The interest rate on the mortgage for the replacement dwelling to be used in the computation shall be the actual interest rate but shall not exceed the prevailing fixed interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(7) Increased interest payments normally shall be made directly to the displaced person. However, upon written request from the displaced person the payment may be made directly to the mortgagee of the replacement dwelling or may be paid into escrow prior to the displaced person's moving.

(8)(a) If the dwelling acquired is located on a tract normal for residential use in the area and only a portion of the tract is acquired by the Transportation Cabinet, the mortgage balance shall be reduced by the percentage ratio the acquisition price bears to the before value of the total tract. The reduction shall not apply when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.

(b) If a dwelling is located on a tract larger than normal for residential use in the area and only a portion of the tract is acquired by the Transportation Cabinet, the total mortgage balance shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.

(9) The interest payment on multiuse properties shall be reduced to the percentage ratio the residential value of the multiuse property bears to the before value.

(10)(a) If a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as shown in subsection (7)(b) of this section.

(b) If the mortgage interest rate is obviously based on the higher use, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value of the parcel.

Section 22. Replacement Housing Payments- Incidental Relocation Expenses. The incidental expenses which may be paid are those necessary and reasonable costs actually incurred by the displaced person incidental to the purchase of a replacement dwelling and customarily paid by the buyer.

(1) The type of incidental expenses eligible for payment shall include:

(a) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats and recording fees;

(b) Lender, Federal Housing Administration, or Veteran's Administration application and apprising fees;

(c) Loan origination or assumption fees that do not represent prepaid interest;

(d) Certification of structural soundness and termite inspection when required;

(e) Credit report;

(f) Owner's and mortgagee's evidence of title, e.g., title insurance, not to exceed the costs for preparation of title insurance of a comparable replacement dwelling;

(g) Escrow agent's fee;

(h) State revenue or documentary stamps, sales on transfer taxes (not to exceed the costs for a comparable replacement dwelling); and

(i) Other costs as determined by the Transportation Cabinet to be incidental to the purchase.

(2)(a) An owner-occupant of 180 days or more who has a mortgage on the dwelling acquired and who places a mortgage on his replacement dwelling shall be reimbursed for the necessary and reasonable incidental expenses incurred when obtaining a mortgage on his replacement dwelling.

(b) An owner-occupant of 180 days or more who has no mortgage on the acquired dwelling, but who places a mortgage on his replacement dwelling shall not be reimbursed for the incidental expenses of obtaining his loan.

(c) An owner-occupant of less than 180 days, or a tenant-occupant of more than ninety (90) days who chooses to purchase a replacement dwelling may be reimbursed for eligible incidental expenses if they are included in the down payment. However, the total of the down payment and incidental expenses is limited to a maximum of $5,250.

Section 23. Replacement Housing Payments - Rental Payments. (1) A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed $5,250 for rental assistance, if the displaced person:

(a) Actually and lawfully occupied the displacement dwelling for at least ninety (90) days immediately prior to the initiation of negotiations; and

(b) Has rented or purchased and occupied a decent, safe and sanitary replacement dwelling within one (1) year after the date he moves from the displacement dwelling if he is a tenant; or

(c) In the case of an owner-occupant, has rented or purchased and occupied decent, safe and sanitary dwelling within one (1) year of the later of the date he received final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or the date he moved from the displacement dwelling.

(2) The base monthly rental for the displacement dwelling shall be the least of the three (3) computations below:

(a) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement using either actual or fair market rent. For a tenant who paid little or no rent for the displacement dwelling, fair market rent shall be used unless it would result in a hardship due to his personal income or other circumstances; or

(b) Thirty (30) percent of the person's average monthly gross household income. If a person refuses to provide evidence of income or is a dependent, the base monthly rent shall be the average monthly cost for rent or utilities. A full-time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise; or

(c) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amount for shelter and utilities. The base monthly rental shall include any rent supplement supplied by others unless the supplement is to be discontinued upon vacation of the property.

(3)(a) To compute the rental assistance payment, from the amount the displaced person actually pays for a rental replacement dwelling including the estimated average monthly utilities or, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable dwelling including the estimated average monthly utilities the Transportation Cabinet shall subtract the base monthly rent of the acquired dwelling as determined in subsection (2) of this section.

(b) Then the cabinet shall multiply that amount by forty-two (42) to determine the actual payment.

(c) For owner-occupants the cabinet shall use the actual or fair market rent instead of the base monthly rent when computing the payment amount.

(d) In determining the amount necessary to rent a comparable dwelling the Transportation Cabinet shall examine, if available, three (3) comparable rental properties.

(e) Only when the local housing market does not contain three (3) comparable rental properties may the Transportation Cabinet determine the payment based on less than three (3).

(4) The disbursement of rental replacement housing payments may be in a lump sum payment, or in installments. The full amount

vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

Section 24. Replacement Housing Payments - Down Payment Assistance. (1) Down payment assistance may be given to a tenant-occupant of ninety (90) days or more who purchases a replacement dwelling.

(2)(a) A displaced person eligible for rental replacement housing payment under Section 23 of this regulation may receive a down payment assistance payment not to exceed $5,250.

(b) In order to receive this payment, the full amount of the payment shall be applied toward the purchase price of the replacement dwelling and related incidental expenses.

(c) If the rental assistance payment computed under Section 23 of this regulation would be zero dollars, the displaced person is entitled to receive the $5,250 for a down payment.

(3) A displaced person eligible to receive a replacement housing payment as a 180 or more day owner-occupant is not eligible for this payment.

Section 25. Replacement Housing Payment - Sleeping Room Tenant. A displaced person who has occupied a sleeping room for ninety (90) days or more and who is eligible to receive a replacement housing payment, may receive an amount not to exceed $5,250 as a rent supplement, or to enable him to make a down payment on a replacement dwelling. The provisions of Sections 23 or 24 of this regulation shall be followed.

Section 26. Mobile Homes - General. (1) The general provisions for moving expense payments to owners and tenants of conventional dwellings shall be applicable to owners or tenants of mobile homes.

(2) If it is determined that a sufficient portion of a mobile home park is taken that the remainder is not sufficient to continue the operation, and a mobile home in the remaining part of the park is required to be moved as a result of the project, the owner and any tenant shall each be considered a displaced person. A mobile home may be considered a replacement dwelling provided it is substantially a decent, safe and sanitary dwelling.

(3) The ownership or tenancy of the mobile home (not the land on which it is located) shall determine the occupant's status as an owner or a tenant. The length of ownership and occupancy of the mobile home or the mobile home site shall determine the occupant's status as a 180 day or ninety (90) day owner or tenant. The mobile home shall have been occupied on the same site (or in the same mobile home park) for the requisite 180 days or ninety (90) days to make the occupant eligible for a replacement housing payment or rent supplement.

(4) A nonoccupant-owner of a mobile home is eligible for an actual cost moving expense payment.

(5) If the person is displaced from a mobile home park, a nonreturnable mobile home park entrance fee is reimbursable provided it does not exceed the fee at a comparable park or if the Transportation Cabinet determines that it is necessary to pay the fee to effect relocation.

(6) There is no limit to the distance of the move of the displaced person. However, a relocation assistance moving expense payment shall be computed on a move of a distance of no more than fifty (50) miles, except when it is determined that the relocation cannot be accomplished within a fifty (50) mile radius. Beyond the fifty (50) mile radius, approval for a distance payment shall be limited to the nearest available mobile home site.

(7)(a) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a comparable conventional dwelling.

(b) If it is determined that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the cost of a comparable replacement dwelling shall be assumed to be:

1. The sum of the value of the mobile home;
2. The cost of any necessary repairs or modifications; and
3. The estimated cost of moving the mobile home to a replacement site.

(c) If a mobile home is not actually acquired, but the occupant is considered displaced under this administrative regulation, the initiation of negotiations shall be the date of the initiation of negotiations to acquire the land, or, if the land is not acquired, the date the occupant is notified in writing that he is a displaced person for the purpose of these procedures.

(d) If the owner is reimbursed for the cost of moving the mobile home under this administrative regulation, he is not eligible for a replacement housing payment to assist in purchasing or renting a replacement mobile home. The person may, however, be eligible for assistance in purchasing or renting a replacement site.

(8) There may be other combinations of ownership of occupancy relating to mobile homes not covered in these procedures. In these cases, the Transportation Cabinet shall make every effort to treat the displaced person in a manner consistent with the other provisions of this section.

Section 27. Mobile Home Moving Expense Payments. (1)(a) The general provisions for moving expense payments to owners and tenants of conventional dwellings shall also be applicable to owners and tenants of mobile homes.

(b) Displaced individuals or families occupying a mobile home may receive payment for the actual, reasonable expense of moving their personal property.

(c) If an owner-occupied mobile home is considered personal property, the cost of moving the mobile home is reimbursable.

(d) If the owner chooses to move the mobile home, it shall be moved by a commercial mobile home carrier licensed by the Department of Vehicle Regulation.

(e) The owner may choose the mover, and receive reimbursement for the actual, reasonable expenses. Request for payment of moving expenses shall be supported by receipted bills.

(f) Prior to authorizing a move of a mobile home, the Transportation Cabinet shall determine:

1. The items of personal property to be moved, including the mobile home and any items stored in accessory buildings; and
2. Determine that the mobile home mover is a licensed commercial mobile home carrier and obtain from him an estimate of the moving costs.

a. This estimate shall include any necessary utility service connections.

b. If this estimate is not reasonable, the cabinet may approach another mobile home mover or renegotiate the price.

(2) If the mobile home is not acquired, but the mobile home owner-occupant obtains a replacement housing payment under one (1) of the circumstances described in Section 28 (2)(c) of this regulation, the owner shall not be eligible for payment for moving the mobile home, but may be eligible for payment for moving personal property from the mobile home.

(3) However, the following expenses shall be eligible for an actual cost moving expense payment:

(a) The reasonable cost of disassembling, moving, and reassembling any attached appurtenance, such as a porch, deck, skirting, or awning; anchoring of the unit; and utility hookup charges; and

(b) The reasonable cost of repairs or modifications if a mobile home requires repairs or modifications so that it can be moved or made decent, safe and sanitary, and it is determined that it would be economically feasible to incur the additional expense.

(3) Arrangements may be made between the Transportation Cabinet, the displaced person, and the mover so that the displaced person may present an unpaid moving bill to the Transportation Cabinet for direct payment to the mover.

(4) An application for moving expense payments may be submitted in advance of the move so that payment is made available immediately upon completion of the move. In some unusual circumstances, and with prior approval of the Transportation Cabinet, moving expense payments may be made prior to the actual move.

(5) If a mobile home is considered real property, acquired by the Transportation Cabinet and included in the appraised value of the site, and if the owner repurchases the mobile home from the Transportation Cabinet, the cost of moving the mobile home shall not be eligible for moving expense payments.

(6) If the landowner occupies the mobile home and the mobile home is acquired by the Transportation Cabinet or if a tenant-occupant of a mobile home is displaced, the displaced person shall move his personal property from his mobile home by one (1) of the following methods:

(a) The displaced person may elect to move his personal belongings by the use of a commercial mover as prescribed in Section 10(4) of this regulation.

(b) The displaced person may elect to move his personal property from the mobile home according to the fixed-rate schedule set out in Section 10(5) of this regulation. The room count of furniture shall be based on the actual number of furnished rooms. A small detached shed or building used to store such things as lawn mowers, lawn chairs, hoses, etc., shall be considered as an additional room, if the shed or building contains sufficient personality as to constitute a room.

Section 28. Mobile Home Replacement Housing and Rent Supplement Payments. (1) The replacement housing or rent supplement payment for a mobile home shall be computed in two (2) parts:

(a) The replacement housing or rent supplement payment for the mobile home shall be computed in accordance with the procedures set forth in Sections 15 and 18 through 25 of this regulation.

(b) The replacement housing or rent supplement payment for the mobile home site shall be computed based on comparable sites, but the total payment shall be limited to the maximums established in this administrative regulation according to the displaced person's ownership or tenancy of the land.

(c) The sum of these two (2) parts cannot exceed the $5,250 or $22,500 limit set for rent supplement or replacement housing payments. The total of these two (2) parts cannot exceed $22,500.

(2) A mobile home owner-occupant who has owned and occupied the mobile home for 180 days or more shall be eligible for a replacement housing payment not to exceed $22,500 provided:

(a) The displaced person owns the displacement mobile home and occupied it on the displacement site at least 180 days immediately prior to the initiation of negotiations;

(b) The displaced person meets the other basic eligibility requirements in Section 18 of this regulation; and

(c) The Transportation Cabinet acquired the mobile home as real property, or the mobile home is not acquired by the Transportation Cabinet but the owner is displaced because it is determined that the mobile home:

1. Is not and cannot economically be made decent, safe and sanitary; or

2. Cannot be relocated without substantial damage or unreasonable cost; or

3. Cannot be moved because there is no available comparable replacement site; or

4. Cannot be relocated because it does not meet mobile home park entrance requirements.

(d) If the mobile home is not actually acquired, the acquisition cost of the displacement dwelling used for the purpose of computing the price differential amount, shall include the salvage value or trade-in value of the mobile home, whichever is higher.

(3) A displaced owner-occupant of 180 days or more of a mobile home and site who meets the provisions of subsection (2) of this section:

(a) Shall be eligible for replacement housing payments for the following specific items:

1. The additional costs necessary to purchase replacement housing in accordance with Section 18 of this regulation;

2. The amount necessary to compensate him for the loss of favorable financing on his existing mortgage in the financing of replacement housing under the provisions of Section 21 of this regulation; and

3. An amount to reimburse the owner for incidental expenses incurred in the purchase of replacement housing in accordance with Section 22 of this regulation.

(b) Who is eligible for a replacement housing payment and who elects to rent is eligible for a rental replacement housing payment, not to exceed $5,250.

(4) If the Transportation Cabinet acquires both the mobile home and site from the owner-occupant of 180 days described in subsection (2) of this section, the replacement housing payment shall be computed as follows:

(a) If the owner purchases replacement housing the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his mobile home and site equals the lesser of the amount the owner is required to pay for a decent, safe and sanitary replacement mobile home and site, or if a mobile home and site are not available, the cost of a conventional dwelling, and the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home and site or conventional dwelling in accordance with the provisions of Section 18 of this regulation.

(b) If the owner elects to rent, the Transportation Cabinet shall compute the rental replacement housing payment by subtracting the fair market rent, including utilities as determined by the Transportation Cabinet from the amount the displaced person actually pays for a rental replacement dwelling, including estimated average monthly utilities, if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and mobile home site or conventional dwelling, including the estimated average monthly utilities multiplied by forty-two (42).

(5) If the Transportation Cabinet from the owner-occupant of 180 days or more described in subsection (2) of this section acquires the site, but not the mobile home situated upon the site, and the mobile home is required to be moved, the replacement housing payment shall be computed as follows:

(a) If the owner purchases a replacement site, the amount, if any, which when added to the amount for which the Transportation Cabinet acquired his mobile home site equals the lesser of the amount the owner is required to pay for a comparable site, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home site;

(b) If the owner elects to rent a replacement site, the rental replacement housing payment shall be computed by subtracting the fair market rent including utilities as determined by the Transportation Cabinet from the amount the displaced person actually pays for a rental site, including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home site, including the estimated average monthly utilities. To compute the actual payment the cabinet shall multiply that amount by forty-two (42).

(6) If an owner-occupied mobile home situated on a rental site is acquired from the owner-occupant of 180 days described in subsection (2) of this section, the replacement housing payment shall be computed as follows:

(a) If the owner purchases a replacement mobile home, the amount, if any, which when added to the amount for which the Transportation Cabinet acquired the mobile home equals the lesser of the actual amount the owner is required to pay for a replacement dwelling, or the amount determined by the Transportation Cabinet as necessary to purchase a comparable mobile home, plus a site rental

payment computed by subtracting the actual or fair market rent, including utilities as determined by the Transportation Cabinet from the amount the owner pays for a rental site including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home site, including the estimated average monthly utilities. To determine the actual payment the Transportation Cabinet shall multiply that amount by forty-two (42). The owner of the mobile home may choose to purchase a comparable mobile home site as an alternative to renting a site. If so, to receive the replacement housing payment, the full amount of the payment shall be applied toward the purchase price of the replacement lot and related incidental expenses. Also, the displaced person shall purchase the lot and place his mobile home on the replacement lot. This payment shall be limited to $5,250.

(b) If the owner elects to rent a replacement mobile home, the rent supplement payment shall be computed by subtracting the actual or fair market rent, including utilities as determined by the Transportation Cabinet from the amount the displaced person pays for a rental mobile home and site, including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and site including the estimated average monthly utilities. The Transportation Cabinet shall then multiply that amount by forty-two (42) to compute the actual payment.

(7) If the Transportation Cabinet acquires the site where the owner-occupant of 180 days of a mobile home described in subsection (2) of this section rents the site but the cabinet does not acquire the mobile home, the replacement housing payment shall be determined as follows:

(a) If the owner of the mobile home elects to purchase a replacement site, the replacement housing payment shall be a down payment assistance payment not to exceed $5,250 if the owner of the mobile home purchases and occupies the replacement site within one (1) year. The full amount of the payment shall be applied to the purchase of a replacement mobile home site and related expenses.

(b) If the owner of the mobile home elects to rent a replacement site, the rental replacement housing payment shall be determined by subtracting the actual or fair market rent including utilities as determined by the Transportation Cabinet from the amount the owner pays for a rental mobile home site including the estimated average monthly utilities, or if less, the amount determined by the cabinet as necessary to rent a comparable mobile home site including utilities. The Transportation Cabinet shall then multiply that amount by forty-two (42).

(8)(a) A displaced owner-occupant of a mobile home who has occupied for less than 180 days the mobile home on the site from which he is being displaced, and who is otherwise eligible under the provisions of Section 18 of this regulation is eligible for a replacement housing payment not to exceed $5,250.

(b) The replacement housing payment may enable him to make a down payment on the purchase of replacement housing in accordance with the provisions of paragraph (a) of this subsection and reimburse him for the actual expenses incidental to the purchase.

(c) If he elects to rent, a rental replacement housing payment shall be determined as provided in paragraph (b) of this subsection. The payment is to be computed and disbursed in accordance with the provisions of Section 23 of this administrative regulation.

(d) When the cabinet is acquiring both the mobile home and site from the owner-occupant, the displaced person eligible for a rental replacement housing payment may receive a down payment assistance payment not to exceed $5,250 only if the full amount of the payment is applied to the purchase price of the replacement dwelling and related incidental expenses. The amount for which he is eligible shall be limited to the amount he would receive if he were an owner-occupant of 180 days or more.

(e) If the Transportation Cabinet acquires the mobile home and site from the less than 180 days owner-occupant, a rental replacement housing payment shall be computed by subtracting the monthly fair market rent of the mobile home and site including utilities as determined in by the cabinet from the amount the owner actually pays for a rental mobile home and site including the estimated average monthly utilities or if less, the amount determined by the Transportation Cabinet as necessary to rent a comparable mobile home and site, including the estimated average monthly utilities. To compute the actual payment the Transportation Cabinet shall multiply this amount by forty-two (42).

(9) If the Transportation Cabinet acquires the site but not the mobile home from the owner-occupant described in subsection (2) of this section except that he had occupied the mobile home for less than 180 days, the replacement housing payment shall be determined as follows:

(a) If the owner purchases conventional replacement housing or purchases a site to which the mobile home is moved, the replacement housing payment shall be determined as in subsection 8(a) of this section.

(b) If the owner elects to rent replacement housing, a rental replacement housing payment shall be computed by subtracting the monthly fair market rent of the acquired site, including utilities as determined by the cabinet from the amount the displaced person actually pays for a rental replacement mobile home site, including the estimated average monthly utilities, or if less, the amount determined by the Transportation Cabinet as necessary to rent comparable mobile home site including the estimated average monthly utilities. To compute the actual payment the Transportation Cabinet shall then multiply this amount by forty-two (42).

(10) A displaced tenant of a mobile home who has occupied for at least ninety (90) days the mobile home on the site from which he has been displaced and who is otherwise eligible under the provisions of Section 23(1) of this regulation, is eligible for a replacement housing payment, not to exceed $5,250. The rental replacement housing payment shall be determined in accordance with the provisions of Section 23 of this regulation. If the displaced person elects to purchase a replacement dwelling, he shall receive a payment in accordance with Section 24 of this regulation.

Section 29. Last Resort Housing. The last resort housing procedures of this section shall be implemented when it is determined that a Transportation Cabinet project cannot proceed to actual construction because comparable replacement sale or rental housing, within the monetary limits is not available and the housing cannot otherwise be made available. A person cannot be required to move from his dwelling unless at least one (1) comparable replacement dwelling is made available to the person.

(1) If comparable decent, safe and sanitary housing is not available, any decision to provide last resort housing assistance shall be justified either:

(a) On a case-by-case basis, during which consideration has been given to:

1. Availability of comparable housing in the area of the project;
2. Resources available to provide comparable housing; and
3. Individual circumstances of the displaced person; or

(b) It is determined that:

1. There is little, if any, comparable replacement housing available to a displaced person within an entire project area. Therefore, a case-by-case justification for last resort housing assistance is not necessary;

2. A project cannot be advanced to completion in a timely manner without last resort housing assistance; and

3. The method selected for providing last resort housing assistance is cost effective, considering all elements which contribute to total project costs.

(2) No displaced person shall be deprived of any rights the person may have under KRS 56.610 to 56.760. No displaced person

shall be required, without the person's written consent, to accept a dwelling provided by the Transportation Cabinet under the procedures described in subsection (3) of this section in lieu of any acquisition payment or any relocation payment for which the person may be eligible;

(3) The methods of providing last resort housing include, but are not limited to:

(a) A replacement housing payment in excess of the limits set forth in Sections 18 and 23 of this regulation. Rental assistance subsidy in last resort housing may be provided in installments or in a lump sum as determined by the Transportation Cabinet;

(b) Rehabilitation of or addition to an existing replacement dwelling;

(c) Construction of a new replacement dwelling;

(d) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may or may not be secured by the real property. The loan may or may not be interest free;

(e) The relocation and, if necessary, rehabilitation of a dwelling;

(f) The purchase of land or a replacement dwelling by the Transportation Cabinet and subsequent sale or lease to or exchange with a displaced person;

(g) Removal of barriers to the handicapped; and

(h) The change in status of the displaced person from tenant to homeowner when it is more cost effective to do so, as in cases where a down payment may be less expensive than a last resort rental assistance payment.

(4) Under special circumstances, modified methods of providing housing of last resort permit consideration of:

(a) Replacement housing based on space and physical characteristics different from those in the displacement dwelling;

(b) Upgraded, but smaller replacement housing that is decent, safe and sanitary and adequate to accommodate the individuals or families displaced from marginal or substandard housing with probable functional obsolescence; or

(c) For the displaced person who is ineligible for a rent supplement or a replacement housing payment (for example, a tenant of less than ninety (90) days or a person who occupies the property subsequent to the initiation of negotiation) when comparable rental replacement housing is not available at rental rates within the person's financial means. The housing provided shall be comparable housing. To determine if a tenant in this category is entitled to a replacement housing payment, the Transportation Cabinet shall subtract thirty (30) percent of the person's gross monthly household income from the cost of a comparable replacement dwelling and multiply the difference by forty-two (42). There shall be no prohibition against making direct payments to a displaced person under last resort housing. Each case shall be reviewed to determine if it is the best interest of the person or family. The payment may be made to a third party or in installments.

Section 30. Appeals. (1) A person may file a written appeal and request for hearing with the Transportation Cabinet in any case in which the person believes that the cabinet has failed to properly determine:

(a) His eligibility; or

(b) The amount of the payment required under the provisions of this administrative regulation.

(2) The Transportation Cabinet shall consider a written appeal regardless of form.

(3) The appeal shall be filed within sixty (60) days of the date of his written notice from the Transportation Cabinet of the cabinet's determination on the person's claim.

(4) A person may be represented by legal counsel or other representative in connection with his appeal, but solely at his own expense.

(5)(a) The Secretary of the Transportation Cabinet shall appoint a hearing officer for the purpose of conducting the hearing and making a recommendation to the secretary with reference to the appeal.

(b) Technical rules of evidence shall not apply;

(c) The hearing officer shall be authorized to issue rulings regarding the competency, relevancy and materiality of the evidence to be presented at the hearing;

(d) A record of all evidence introduced at the hearing shall be made by the Transportation Cabinet.

(6)(a) The hearing officer shall make findings of facts, conclusions of law and a recommended decision on the disposition of the appeal.

(b) A copy of this shall be made available to all parties concerned, including the person requesting the hearing and the attorney representing the Transportation Cabinet in this appeal procedure.

(c) They shall have twenty (20) days in which to comment on or object to the hearing officer's recommended decision. These comments or objections shall be presented in writing.

(7) The Transportation Secretary or his representative, who shall not have been directly involved in the action appealed, shall consider:

(a) The hearing officer's recommended decision; and

(b) any written comments received from the involved parties in making his final ruling.

(8) If the full relief requested in the appeal is not granted, the Transportation Cabinet shall advise the person of his right to seek judicial review.

J. M. YOWELL, State Highway Engineer
JERRY D. ANGLIN, Deputy Secretary and Commissioner
BOB G. BODNER, Executive Director
DON C. KELLY, Secretary

APPROVED BY AGENCY: July 1, 1993

FILED WITH LRC: July 8, 1993 at 9 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on August 24, 1993 at 3:30 p.m. local prevailing time in the Transportation Cabinet, 1003 State Office Building, 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 August 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 August 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 August 24, 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

Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: This proposed amendment is likely to only affect ten businesses each year which are being relocated by the Kentucky Transportation Cabinet.

(a) Direct and indirect costs or savings to those affected: This proposed amendment removes the cap of $1500 for signage or advertising of the relocation. While most of the relocation costs for signage and advertising will continue to fall within the $1500, there

may be a few businesses which need to exceed that amount.

1. First year: Assuming an additional $500 for each of the affected ten businesses there will be a savings of $5000 the first year.

2. Continuing costs or savings: Same

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 will be a cost to the Transportation Cabinet equal to the savings in (1) above.

(a) Direct and indirect costs or savings:

1. First year: $5000

2. Continuing costs or savings: Same

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The Federal Highway Administration removed the $1500 caps in the regulation, therefore, the Kentucky Transportation Cabinet had to do the same.

(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:

Tiering: Was tiering applied? Yes. The entire administrative regulation is a tiering of the level of payments to relocated persons, businesses and farms.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Section 213, Uniform Relocation Assistance and Real Property Acquisition Act of 1970, PL 91-646, as amended. 49 CFR Part 24.

2. State compliance standards. Not applicable.

3. Minimum or uniform standards contained in the federal mandate. The federal regulations are applicable to all property acquired using federal funds. The Federal Highway Administration left many parts of the assistance to the discretion of the individual states. The federal minimum standards relate to general relocation requirements, payments for moving and related expenses, replacement housing payments, and mobile homes.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes. The Transportation Cabinet has made the program applicable to both state and federal projects.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. State law allows an agency to adopt the program for nonfederally funded projects as well as federally funded ones. In the instance of a highway construction project part federally funded and the remainder not, it is unfair to provide this benefit to only a portion of the persons displaced and not the others. The reasoning why part of the residents of a displaced neighborhood would receive extra funds from the state to make their relocation easier but the others wouldn't is impossible to explain to the participants.

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

601 KAR 9:012. Personalized license plates.

RELATES TO: KRS 186.174

STATUTORY AUTHORITY: KRS 186.174

NECESSITY AND FUNCTION: KRS 186.174 empowers the Transportation Cabinet to adopt administrative regulations to establish a program [~~implement the provisions as set forth therein~~] for the issuance of a personalized license plate. This administrative regulation [~~is intended to~~] implement the provisions of KRS 186.174.

Section 1. An application for a personalized license plate shall be submitted on the form and in the manner specified in Section 11 of 601 KAR 9:130.

Section 2. (1) If [~~In the event~~] more than one (1) application is received by the cabinet requesting the same combination of letters of the alphabet [~~and/~~]or Arabic numerals, the application received first is the one which the cabinet shall accept and issue a personalized license plate based thereon.

(2) In order to establish the time of receipt each application shall immediately be time-stamped. This time-stamp shall also be used by the cabinet to determine whether the application was timely received.

[~~Section 2. The application period for the obtaining of a personalized plate shall be from April 1 through September 1 of the year preceding that in which the plate is to be issued.~~]

Section 3. A [~~No~~] personalized plate shall not be placed on a motor vehicle other than the one for which it was issued.

Section 4. (1) A personalized plate shall be obtained from the county clerk of the county in which the applicant is [~~would be~~] required to register his vehicle.

(2) If an applicant moves to another county prior to the time he would be required to obtain his personalized plate:

(a) The applicant [~~, he~~] shall notify the cabinet of the new county of residence; and

(b) The cabinet shall forward his personalized plate to the clerk of his new [~~such~~] county of residence.

(3) If an applicant moves to another county after the time he would be required to obtain his personalized plate, he shall notify the following:

(a) The cabinet;

(b) The county clerk of his new county of residence; and

(c) The county clerk of his former [~~old~~] county of residence.

(4) The county clerk of the applicant's former county of residence shall, upon notification, forward the plate to the applicant's new county of residence.

Section 5. (1) If a personalized plate is issued through oversight or any other reason which carries letter or number combinations offensive to good taste and decency, it shall be recalled by the cabinet and a [~~the~~] regular registration license plate [~~tag~~] issued under KRS 186.050(1) shall be obtained by the owner of the motor vehicle and placed on the vehicle.

(2) If the personalized plate is recalled, the twenty-five (25) dollar fee shall be refunded.

Section 6. If a personalized plate is not renewed before September 1 of the year preceding that in which it was to be issued, the cabinet shall not issue a plate bearing the same letter or number combinations for one (1) year and then only upon proper application.

NORRIS BECKLEY, Commissioner
DON C. KELLY, Secretary
APPROVED BY AGENCY: June 14, 1993
FILED WITH LRC: June 22, 1993 at 8 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on August 24, 1993 at 10 a.m. local prevailing time in the Transportation Cabinet, 1003 State Office Building, 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 August 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 August 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 August 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

Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All applicants for a personalized license plate.

(a) Direct and indirect costs or savings to those affected: None as a result of the changes to this administrative regulation.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: A specific application form for a personalized license plate is required.

(2) Effects on the promulgating administrative body: None as a result of this administrative regulation.

(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: No change as a result of the changes to this administrative regulation.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives. The Interim Joint Transportation Committee recommended that the administrative regulation be brought into compliance with KRS Chapter 13A.

(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: None

Tiering: Was tiering applied? No. There is only one class of affected individuals, applicants for a personalized license plate.

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

601 KAR 9:015. Registration of motor vehicle dealers and manufacturers [~~; use of dealer plates~~].

RELATES TO: KRS 186.070
STATUTORY AUTHORITY: KRS 174.080, 186.070
NECESSITY AND FUNCTION: This administrative regulation requires the county clerk to place the dealer's license number on the face of the dealer registration certificate. This provides a method of checking to whom dealer's plates have been issued and to assure that the dealer is properly licensed.

Section 1. The county clerk, before issuing a dealer or manufacturer a certificate of registration and plate as provided by KRS 186.070, shall require each applicant to present a license issued by the Motor Vehicle Commission showing that he has qualified as a motor vehicle dealer or manufacturer as provided by KRS Chapter 190. The clerk shall insert on the face of the dealer registration certificate the license number issued by the Motor Vehicle Commission.

Section 2. (1) Each manufacturer and dealer shall file the verified statement required by KRS 186.070(2)(a) on forms TC 96-10 as revised October, 1989, Kentucky Motor Vehicle Dealer/Manufacturer Dealer Plate Usage Authorization Register and TC 96-153 as revised May, 1991, Affidavit Supporting Application for License Plates for Manufacturers and Dealers. These forms are incorporated by reference as a part of this administrative regulation.

(2) The forms incorporated by reference in this section may be viewed, copied or obtained at the Transportation Cabinet, Department of Vehicle Regulation, Division of Motor Vehicle Licensing, 501 High Street, 2nd Floor, State Office Building, Frankfort, Kentucky 40622. The division's telephone number is (502)564-5301. Its business hours are 8 a.m. to 4:30 p.m. eastern time, weekdays. [~~prescribed and furnished by the Transportation Cabinet.~~]

NORRIS BECKLEY, Commissioner
DON C. KELLY, Secretary
APPROVED BY AGENCY: June 14, 1993
FILED WITH LRC: June 22, 1993 at 8 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on August 24, 1993 at 9 a.m. local prevailing time in the Transportation Cabinet, 1003 State Office Building, 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 August 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 August 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 August 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

Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All motor vehicle dealers and manufacturers who apply for a dealer's license plate.

(a) Direct and indirect costs or savings to those affected: The amendment to this administrative regulation causes no cost or savings to the entities affected.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: The applicants for dealer plates are required to use specific forms.

(2) Effects on the promulgating administrative body: The amendment to this administrative regulation causes no effect on the Transportation Cabinet.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment is being made solely to comply with the provisions of KRS Chapter 13A. The only alternative was to include the language of the two forms in the body of the administrative regulation.

(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:

Tiering: Was tiering applied? No. Tiering was not applied because KRS 186.070(2) requires the same information from both motor vehicle dealers and motor vehicle manufacturers.

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

601 KAR 9:020. Demonstrator tag limitation.

RELATES TO: KRS 186.053

STATUTORY AUTHORITY: KRS 186.053

NECESSITY AND FUNCTION: This administrative regulation sets a reasonable time limit for the demonstration of vehicles covered by KRS 186.053.

Section 1. The dealer demonstrator tag authorized under KRS 186.053 shall only be used by a dealer in demonstrating vehicles being offered for sale by him. A [~~No~~] motor vehicle shall not be demonstrated to any one (1) prospective customer for a period in excess of thirty (30) days.

Section 2. [~~,and~~] During this demonstration period the registration receipt shall [~~must~~] be carried in the vehicle.

Section 3. The tag and registration receipt may be transferred from one vehicle to another vehicle being offered for sale by the dealer in whose name the tag has been issued.

NORRIS BECKLEY, Commissioner
DON C. KELLY, Secretary

APPROVED BY AGENCY: June 14, 1993

FILED WITH LRC: June 22, 1993 at 8 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on August 24, 1993 at 9 a.m. local prevailing time in the Transportation Cabinet, 1003 State Office Building, 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 August 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 August 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 August 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

Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All motor vehicle dealers who sell and demonstrate trucks.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were available. At the request of the Interim Joint Transportation Committee, the Transportation Cabinet is bringing the administrative regulation into compliance with the provisions of KRS Chapter 13A.

(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:

Tiering: Was tiering applied? No. There is only one class of affected entities and they must all be treated the same.

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

601 KAR 9:060. Commercial vehicle registration plates.

RELATES TO: KRS Chapter[s] 186 [and 281]
STATUTORY AUTHORITY: KRS 186.020, 186.240[, 186.281, 281.600]
NECESSITY AND FUNCTION: This administrative regulation sets out the design of license plates denoting [procedures for] registration of commercial vehicles [and payment of certain seat taxes].

Section 1. (1) [Information to be on Truck Tags.] The registration plate for commercial vehicles issued under KRS 186.050(3) shall have in lieu of the county designation thereon, a weight designation.

(2) The weight designation shall be placed near the bottom of the registration plate.

(3) The registration [These] plates [and registration certificates] shall be furnished to the county clerks by the Department of Vehicle Regulation.

(4) The county clerk shall issue the plate evidencing the weight category of the commercial vehicle. [truck. The clerk shall remit to the Transportation Cabinet the fees collected for the plates, in accordance with KRS 186.230.

Section 2. Seat Taxes on Taxicabs, City Buses, Industrial Buses, Suburban Buses and U drive it Passenger Cars. The seat taxes imposed by KRS 186.281 upon taxicabs, city buses, industrial buses, suburban buses and each U drive it vehicle shall be paid to the department and the appropriate tag and/or fee receipt card evidencing said payment shall be issued by the department.

Section 3. Seat Taxes on Motor Buses; Seat Taxes on Airport Limousines. The seat taxes imposed by KRS 186.281 upon airport limousines shall be paid to the department and the department shall issue the appropriate tag evidencing payment of the seat tax.]

NORRIS BECKLEY, Commissioner
DON C. KELLY, Secretary
APPROVED BY AGENCY: June 14, 1993
FILED WITH LRC: June 22, 1993 at 8 a.m.
PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on August 24, 1993 at 10 a.m. local prevailing time in the Transportation Cabinet, 1003 State Office Building, 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 August 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 August 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 August 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

Contact Person: Sandra G. Pullen
(1) Type and number of entities affected: All license plates for commercial motor vehicles issued pursuant to KRS 186.050.
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (Note any effects upon competition):
(b) Reporting and paperwork requirements: None
(2) Effects on the promulgating administrative body: None
(a) Direct and indirect costs or savings:
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternatives were available. The Transportation Cabinet rejected the "do-nothing" alternative when it was realized that this administrative regulation contained provisions also set forth in 601 KAR 9:055.
(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:
Tiering: Was tiering applied? Yes. To simplify the enforcement of the weight classification portion of the registration requirements, the maximum weight for which a motor vehicle is registered is placed on its license plate.

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

601 KAR 9:065. Exempt devices.

RELATES TO: KRS 186.650
STATUTORY AUTHORITY: KRS 281.600
NECESSITY AND FUNCTION: This administrative regulation clarifies that certain devices are exempt from definitions in KRS 186.650.

Section 1. [Where] An engine, compressor, or similar device shall not be considered a trailer or semitrailer within the meaning of KRS 186.700 and need not be registered before being operated on the highways if it:

(1) Has been permanently mounted on wheels for the sole purpose of giving it mobility;

(2) Is [to the engine, compressor or similar device, and such engine, compressor or similar device is] customarily used on a construction site; and

(3) Is not designed for the transportation of persons or other property upon the highways[, it shall not be considered a trailer or semitrailer within the meaning of KRS 186.650 to 186.700 and same need not be registered before being operated on the highways].

NORRIS BECKLEY, Commissioner
DON C. KELLY, Secretary
APPROVED BY AGENCY: June 14, 1993
FILED WITH LRC: June 22, 1993 at 8 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on August 24, 1993 at 10 a.m. local prevailing time in the Transportation Cabinet, 1003 State Office Building, 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 August 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 August 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 August 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

Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: All operators of engines, compressors or similar devices on the public highways of Kentucky.

(a) Direct and indirect costs or savings to those affected: None as a result of this change to the administrative regulation.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None as a result of the change to this administrative regulation.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The Interim Joint Transportation Committee requested that the Transportation Cabinet revise this administrative regulation to conform with the provisions of KRS Chapter 13A.

(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: This administrative regulation was apparently first promulgated after the issuance of OAG 39,520 in 1957. This OAG stated that tools equipped with wheels are subject to the licensing provisions of KRS 186.650 to 186.700.

Tiering: Was tiering applied? No. All of these devices are equally exempted from the registration requirements of trailers and semitrailers.

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

601 KAR 9:085. Procedures for becoming a certified motor vehicle inspector.

RELATES TO: KRS 186A.115

STATUTORY AUTHORITY: KRS 186A.115

NECESSITY AND FUNCTION: This administrative regulation sets forth requirements by which a person shall become a certified motor vehicle inspector.

Section 1. The requirements for an individual to become a certified motor vehicle inspector are:

(1) The county sheriff of the county for which the individual is to be certified shall designate, on a form provided by the Department of Vehicle Regulation, the following information regarding [~~name of~~] each applicant proposed to be certified:

(a) Name of sheriff;

(b) Designation of sheriff or sheriff elect;

(c) Count in which sheriff was elected;

(d) Sheriff's Social Security number;

(f) Sheriff's signature;

(g) Date the form was executed by the sheriff;

(h) Proposed inspector's:

1. Name;

2. Business mailing address;

3. County of residence;

4. Business and residence telephone numbers;

5. Current designation as certified inspector including inspector number and county, if applicable;

6. Prior inspector training and date, if applicable;

7. Certification that he meets all of the requirements of a certified inspector set forth in Section 2 of this administrative regulation.

(2) [~~(a)~~] A certified motor vehicle inspector shall have reached his [~~or her~~] 18th birthday.

(3) [~~(b)~~] A certified motor vehicle inspector shall be a resident of the county for which he [~~or she~~] is certified.

(4) [~~(c)~~] A designee shall not have a felony criminal record.

(5) A designee shall not have [~~nor~~] any pending felony charge at the time of his [~~or her~~] designation.

(6) [~~In addition~~] A designee shall not have a misdemeanor conviction or pending charge relating to KRS Chapter 516, forgery and related offenses or [~~nor~~] to KRS Chapter 523, perjury and related offenses.

(7) [~~(d) Neither~~] A licensed motor vehicle dealer or [~~nor~~] any employee in his dealership shall not be [~~is~~] eligible to become a certified motor vehicle inspector.

(8) [~~(2)~~] The designee shall [~~must~~] satisfactorily complete a training program conducted by the Department of Vehicle Regulation in conjunction with the Kentucky State Police.

Section 2. After the designee has satisfactorily completed the program and notification of same by the instructor, the Commissioner of the Department of Vehicle Regulation shall issue a certificate certifying the designee to serve as a certified motor vehicle inspector.

Section 3. (1) The county sheriff may withdraw a designation at any time by notifying, in writing, the Commissioner of the Department of Vehicle Regulation.

(2) When notification of withdrawal of designation is received by the Department of Vehicle Regulation, the commissioner shall revoke the individual's certification.

Section 4. A [~~No~~] certified motor vehicle inspector shall not be

allowed to inspect a motor vehicle after his [~~or her~~] certification has been suspended or revoked.

Section 5. Upon written notice to the county sheriff, the Commissioner of the Department of Vehicle Regulation or the Kentucky State Police acting through the department may require additional in-service training or recertification of any certified motor vehicle inspector [to meet statutory requirements].

Section 6. The Commissioner of the Department of Vehicle Regulation with sufficient cause may revoke or suspend the certification of any certified inspector. Sufficient cause includes but is not limited to a conviction or pending charge of a felony or a misdemeanor relating to perjury or forgery or failure to satisfactorily complete the training required in Section 2(2) of this administrative regulation. [~~this section.~~]

Section 7. (1) At least thirty (30) days prior to revoking or suspending a certificate, the department shall notify the certified inspector in writing of the action the department proposes to take and the reasons therefore.

(2) [~~Any~~] Certified inspector so notified may appeal the [~~such~~] action within forty-five (45) days.

(3) The [~~Such~~] appeal shall be in writing to the commissioner and shall set forth the basis for the appeal.

Section 8. (1) The commissioner shall designate an appropriate time and place to conduct the hearing.

(2) The [~~Such~~] hearing shall be held within sixty (60) days after receipt of the appeal.

(3) The appellant shall be notified at least ten (10) working days in advance of the time and place designated for the hearing.

(4) The commissioner shall within ninety (90) days after an appeal is filed, issue a final order for the disposition thereof.

(5) At the hearing the appellant shall have the right to be heard publicly and to be represented by counsel to present evidentiary facts.

(6) At the hearing [~~of such appeals~~], technical rules of evidence shall not apply.

Section 9. If [~~7. In the event~~] a sheriff is vacated from office in any county and there is not a certified inspector available in the county, the Commissioner of the Department of Vehicle Regulation may designate a temporary certified inspector until the [~~such~~] time a new sheriff takes office.

NORRIS BECKLEY, Commissioner
DON C. KELLY, Secretary
APPROVED BY AGENCY: June 14, 1993
FILED WITH LRC: June 22, 1993 at 8 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on August 24, 1993 at 1 p.m. local prevailing time in the Transportation Cabinet, 1003 State Office Building, 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 August 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 August 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 August 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

Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: The certified motor vehicle inspectors in all 120 counties of Kentucky.

(a) Direct and indirect costs or savings to those affected: None as a result of the changes to this administrative regulation.

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (Note any effects upon competition):

(b) Reporting and paperwork requirements: The information necessary in the nomination of a motor vehicle inspector has not changed but is set forth in this proposed amended administrative regulation.

(2) Effects on the promulgating administrative body: None as a result of the changes to this administrative regulation.

(a) Direct and indirect costs or savings:

1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: The Interim Joint Transportation Committee requested the Transportation Cabinet to bring the administrative regulation into compliance with KRS Chapter 13A.

(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:

Tiering: Was tiering applied? No. The administrative regulation only affects one class of entity. The requirements to be a certified motor vehicle inspector must be the same for all counties in the state.

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

601 KAR 9:095. Information entered into the Automated Vehicle Information System (AVIS).

RELATES TO: KRS 186A.145
STATUTORY AUTHORITY: KRS 186A.145
NECESSITY AND FUNCTION: This administrative regulation prescribes the manner in which information contained on the application for title is to be entered into the Automated Vehicle Information System (AVIS).

Section 1. Information contained on the application for title is to be entered into the AVIS in the following manner:

(1) All information required to be printed on the title document pursuant to KRS 186A.125 [~~725~~] shall be entered into the AVIS by the county clerk in accordance with the format displayed.

(2) All information required to be printed on the registration

document which has not previously been captured in the AVIS shall be entered into the AVIS by the county clerk.

(3) The AVIS shall be programmed in [~~such~~] a manner that [~~will~~] prohibits the production of the title or the registration until all required information is complete.

NORRIS BECKLEY, Commissioner
DON C. KELLY, Secretary
APPROVED BY AGENCY: June 14, 1993
FILED WITH LRC: June 22, 1993 at 8 a.m.

PUBLIC HEARING: A public comment hearing on this administrative regulation will be held on August 24, 1993 at 10 a.m. local prevailing time in the Transportation Cabinet, 1003 State Office Building, 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 August 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 August 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 August 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

Contact Person: Sandra G. Pullen

(1) Type and number of entities affected: The 120 county clerks in the state and their deputies.

(a) Direct and indirect costs or savings to those affected: None as a result of this administrative regulation change.

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body: None as a result of the change to this administrative regulation.

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: There was a mistake in the identification of a statute number in the administrative regulation. There appeared to be no alternative to correcting this mistake once it was discovered.

(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:

Tiering: Was tiering applied? No. All county clerks must enter the data into the Automated Vehicle Information System in the same manner in order for AVIS to have any integrity.

EDUCATION, ARTS, AND HUMANITIES CABINET
Department of Education
Office of Special Instructional Services
(Proposed Amendment)

704 KAR 7:090. Homeless children education program.

RELATES TO: KRS [~~156.031,~~] 156.035, 42 USC 11432
STATUTORY AUTHORITY: KRS 156.035, 156.070

NECESSITY AND FUNCTION: In accordance with the Stewart B. McKinney Homeless Assistance Act Amendments of 1990, the Kentucky Department of Education, when applying to the U.S. Department of Education for participation in programs for homeless children under the Act, shall submit an approvable plan and satisfactory assurances that all requirements of the law set forth in 42 USC Section 11432 shall be met. This administrative regulation implements the State Board for Elementary and Secondary Education's KRS 156.029 [~~156.031~~] and 156.035 duties to develop education policy, to implement acts of Congress appropriating and apportioning funds to the state and to provide for the proper implementation of federal law in accordance with the state's current plan. This administrative regulation sets forth criteria regarding residency policies, the provision of a free, appropriate public education to homeless children, provides informal procedures for resolution of disputes regarding educational placement of homeless children, provides grants to local educational agencies for the enrollment, retention and educational success of homeless children and homeless youths, and provides for an annual count of homeless children and homeless youth.

Section 1. Definitions. (1) "Homeless child", "homeless children", "homeless youth", and "homeless student" means a child or children who are between the ages of five (5) and twenty-one (21) inclusive and who are:

(a) Living with their families in hotels, motels, public or private shelters or other temporary living arrangements due to the lack of a fixed, regular and adequate residence;

(b) Residing in special care homes such as runaway shelters or spouse abuse centers due to the lack of a fixed, regular and adequate residence;

(c) Placed by parents under the care of relatives or nonrelatives due to the homeless situation of the family or due to their impoverished condition which may cause the family members to live separately from one another;

(d) Sleeping in a public or private place not ordinarily used as a regular sleeping accommodation for human beings;

(e) Sick or abandoned children staying in hospitals, who would otherwise be released if they have a place to go;

(f) Living in campgrounds or similar temporary sites because they lack living accommodations that are fixed, regular and adequate. Those living in campgrounds on a long-term basis in adequate accommodations shall not be considered homeless; or

(g) Runaway or throwaway youth who have been "thrown out" of their home environment and who are living in a shelter, on the street, or who move from one friend's house to another in a cycle of transiency.

(2) [~~Such homeless children shall not include any individual imprisoned or otherwise detained by act of Congress or a state law. Nor shall a child be classified as "homeless" to circumvent state law and regulations which:~~

~~(a) Prohibit the attempted enrollment of nonresident students for the express purposes of obtaining school accommodations and services without the payment of tuition to the nonresident school district or for the purpose of obtaining specific programs not available~~

~~in the school of residence; or~~

~~(b) Regulate interschool athletic recruiting by the Kentucky High School Athletic Association.~~

~~(3)~~] "Free, appropriate public education" means the educational programs and services that are provided the children of a resident of a state, and that are consistent with state school attendance laws. It includes educational services for which the child meets the eligibility criteria, such as compensatory education programs for the disadvantaged, and educational programs for the handicapped and for students with limited English proficiency; programs in vocational education; programs for the gifted and talented; school meals programs; extended school programs; preschool programs; and programs developed by the family resource and youth services centers.

(3) [~~(4)~~] "School of origin" shall mean the school that the child or youth attended when permanently housed, or the school in which the child or youth was last enrolled.

Section 2. Criteria for Program Implementation. Homeless children or homeless youth who reside within the boundaries of a local school district shall be provided a free, appropriate public education. Programs for homeless children and youth shall be provided in a timely fashion and shall be ensured by the following actions:

(1) Each local district shall designate a person in the district to be a homeless child education coordinator and shall submit the name of the person to the Kentucky Department of Education. The coordinator's responsibilities shall be to:

(a) Obtain all necessary records, including birth certificates and immunization records, of each homeless student identified as living within the boundaries of the school district and, as expeditiously as legally possible, place the student in appropriate programs. In cases where records are not readily available, the coordinator shall contact the school district(s) of last attendance for verbal confirmation of essential information. The coordinator shall assist the homeless student to obtain essential records which are not in existence in order that enrollment shall not be delayed or denied;

(b) Receive and resolve any requests for resolution of disputes related to the educational placement of homeless students within the district. The coordinator shall provide the necessary information to the Department of Education for final resolution whenever such a request is received and is not resolved;

(c) Assist the homeless student to obtain the appropriate program and services, including transportation and referrals to medical, dental, mental and other appropriate services;

(d) Develop procedures to ensure that homeless student records are readily available upon request by a new receiving school district; and

(e) Develop a liaison with known homeless service providers and state agencies in the community to identify and enroll homeless students living there.

Section 3. Residency. The school district of residence is the district in which the homeless student physically resides with his or her parent or legal custodian, unless by reason of marriage, emancipation, or basic physical necessity the child resides elsewhere. The school district of residence shall ensure that:

(1) The homeless student is enrolled in the school attendance area in which he or she is physically located or that the homeless student's education is continued in the school of origin for the remainder of the academic year, or in any case in which the family becomes homeless between academic years, for the following academic year; or enroll the child or youth in any school that nonhomeless students who live in the attendance area in which the child or youth is actually living are eligible to attend, whichever is in the best interest of the homeless student.

(2) In determining the best interests of the child or youth for purposes of making a school assignment under Section 3(1) of this regulation, consideration shall be given to a request made by the parent regarding school selection.

(3) A homeless student shall not be denied enrollment in the school district of residence due to the absence of a parent or a court-appointed guardian or custodian. Such a homeless student shall be enrolled and provided educational services until such time that the school district can substantiate that the enrollment is contrary to Section 1(2) of this administrative regulation.

(4) In the absence of a parent, and a court-appointed custodian or guardian, any medical, dental and other health services may be rendered to a homeless student who is a minor of any age when, in the judgment of the school principal or other professional that the risk to the minor's health is of such a nature that treatment should be given without delay and the requirements of consent would result in delay or denial of treatment as stated in KRS 214.185(3)(4).

(5) Homeless children shall not include any individual imprisoned or otherwise detained by act of Congress or a state law. Nor shall a child be classified as "homeless" to circumvent state law and administrative regulations which:

(a) Prohibit the attempted enrollment of nonresident students for the express purposes of obtaining school accommodations and services without the payment of tuition to the nonresident school district or for the purpose of obtaining specific programs not available in the school of residence; or

(b) Regulate interschool athletic recruiting by the Kentucky High School Athletic Association.

(6) No policy of the school district shall delay or deny the timely provision of educational placement and appropriate services to the homeless student, including policies related to guardianship issues.

Section 4. Resolution of Disputes. Disputes arising between or among the school district of residency; another school district; and the parent, homeless youth, or person in parental relationship to the homeless student regarding the school district in which the child shall attend school or the educational placement of the homeless student shall be resolved through the following procedures:

(1) The school district's homeless child education coordinator shall inform the representative of the homeless student of the right to an informal hearing with the school district(s) when a dispute arises about the placement of the homeless student. The coordinator shall assist the representative to complete a written request for the hearing which shall be based on a placement that was initiated, or declined to be initiated, by the school district not more than two (2) school weeks prior to the request.

(2) The informal hearing shall be scheduled within two (2) days of the written request and shall be convenient to the needs of the representative of the homeless student.

(3) During the hearing, the school district(s) shall discuss any considerations that led to the placement decision which may include the ability of the school district to provide continuity in educational programs, the need of the homeless student for special instructional programs, the amount of time and arrangements required to transport the student to the original school district, the age of the homeless student and the school placement of siblings, and the time remaining until the end of the semester or the end of the school year.

(4) In cases where an agreement cannot be reached among all involved parties, either party may request the assistance of the state homeless children education coordinator. Upon written request, the coordinator shall meet with the involved parties to discuss available alternatives and seek to resolve the dispute.

(5) In cases of such a request for the assistance of the state coordinator, the school district of residence shall inform the Kentucky Department of Education and shall provide sufficient information as required.

(6) The placement and services for the homeless student shall be continued pending the resolution of the dispute by the Department of

Education.

Section 5. Annual Count. The Department of Education shall annually conduct a count of all homeless children and youth in the state as follows:

(1) Survey instruments shall be distributed to local school districts, related social agencies, and appropriate service providers no later than October 1 of each year.

(2) Local school districts, social agencies, and service providers shall take an unduplicated count of homeless children and youth and shall return the completed forms to the Department of Education according to the time lines provided.

(3) The Department of Education shall develop procedures as required to ensure that the homeless child count is accurate and verifiable.

Section 6. Local Education[al] Agency Grants for the Education of Homeless Children and Youth. The Kentucky Department of Education shall make grants to local education[al] agencies (LEA) when such funds become available through a competitive application process. Grants will be awarded to LEAs based upon the review and rating of their applications. [in the following manner:

~~(1) For any year in which there is an increase in funds in relation to the previous year, all school districts in the state shall be eligible to apply for this money through a request for proposal (RFP) process. Districts which receive funds shall be given priority status for two (2) years, and shall receive continued funding contingent upon a positive evaluation and review of the project and continued need.~~

~~(2) For any year in which there is a decrease in funds in relation to the previous year, only those districts which received a grant in that previous year shall be eligible to submit an RFP for the present year. If a majority of these districts either decide not to reapply for refunding, or receive a negative evaluation or are found to no longer have a need for these funds, the amount of money which would have been awarded to them will be made available to all other districts through a RFP process. If the funding level remains at or below the previous year for two (2) years, on the second year of this cycle the grant money shall be made available to all districts through the RFP process.~~]

(1) [~~(3)~~] Not less than fifty (50) percent of amounts provided under a grant to local districts shall be used to provide primary services of tutoring, remedial education services, or other education services to homeless children or homeless youths.

(2) [~~(4)~~] Not less than thirty-five (35) nor more than fifty (50) percent of amounts provided to local districts shall be used for related activities including expedited evaluations, professional development for school personnel, referrals for medical, dental, mental and other health services, transportation, before- and after-school care, and school supplies.

(3) [~~(5)~~] A local district that desires to receive a grant shall submit an application to the Kentucky Department of Education. Each application shall include:

(a) The number of homeless children and youth enrolled in preschool, elementary and secondary school, the needs of such children and the ability of the district to meet these needs;

(b) A description of the services and programs for which assistance is sought and the problems sought to be addressed through the provision of such services and programs (i.e., enrollment, retention and educational success);

(c) An assurance that assistance under the grant shall supplement and not supplant funds used before the award of the grant for purposes of providing services to homeless children and homeless youths;

(d) A description of policies and procedures that the district shall implement to ensure that activities carried out by the district shall not isolate or stigmatize homeless children and homeless youth;

(e) A description of coordination with other local and state agencies that serve homeless children and homeless youths; and

(f) Other criteria the Kentucky Department of Education deems appropriate.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

Thomas C. Boysen
Commissioner of Education

JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: July 14, 1993

FILED WITH LRC: July 15, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, August 25, 1993, at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by August 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 cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Mr. Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Kenneth R. Warlick

(1) Type and number of entities affected: 176 school districts.

(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 effect upon competition:

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body: None

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: N/A

(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: 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:

TIERING: Was tiering applied: No. Tiering was not appropriate in this administrative regulation because the distribution of public funds requires that all applicants meet the same eligibility requirements to ensure equal distribution. Disparate treatment of any entity making application under this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be impacted as well as Sections 2 and 3 of the Kentucky Constitution.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(Proposed Amendment)

704 KAR 20:120. Emergency certification.

RELATES TO: KRS 161.020, 161.028, 161,030, 161.100
STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.100
NECESSITY AND FUNCTION: KRS 161.100 provides for the employment of school personnel in the event that fully qualified teachers are not available for specific positions. This administrative regulation establishes the qualifications and procedures by which the local boards of education and the Education Professional Standards Board may comply with the statute.

Section 1. (1) In order to comply with KRS 161.100 in establishing the need for employing emergency teaching personnel, the superintendent of the local school district and the board of education shall make the following declaration to the Education Professional Standards Board on request forms supplied by the Office of Teacher Education and Certification:

(a) No qualified teachers have applied for the vacant position and to our knowledge qualified teachers are not available for the position.

(b) Diligent efforts have been made to recruit a qualified teacher for the vacant position, and furthermore, this vacancy has been made known locally by appropriate means.

(c) The local school district has been unsuccessful in recruiting qualified teachers for the vacant position from the listings of teachers supplied by the placement services of the teacher education institutions.

(d) The position will be filled by the most suitable applicant available, giving preference to the factors of academic preparation, prior teaching experience or related educational work, and personal attributes compatible with the demands of the teaching profession.

(e) The local school district has conducted a criminal records check as required by KRS 160.380 for each applicant prior to applying for the emergency certificate.

(2)(a) The Education Professional Standards Board, depending upon the assessment of need for the position and the availability or anticipated availability of qualified teachers, shall approve or disapprove a request for the employment of emergency teachers. The term of validity of an emergency certificate may be limited to a period less than the full school year; the beginning date shall be no earlier than the date the request form is received in the Department of Education.

(b) The issuance of an emergency certificate for a full-time assignment for each subsequent year shall require completion of six (6) hours of credit from the preparation program leading to the required certification for the position.

(3) Emergency certification for an assignment as teacher of exceptional children shall be issued with the condition that the applicant shall receive intensive training on special education topics, such as IEP, assessment, evaluation, individualized instruction, methods, and management. This training shall be accomplished as follows:

(a) The applicant shall complete twelve (12) clock hours of training as required by the Office of Special Instructional Services.

(b) The applicant shall complete an additional six (6) clock hours of training during the fall conference conducted by the Division of Exceptional Children Services. Teachers employed after the fall conference shall complete these six (6) clock hours of training during the spring conference of the Council for Exceptional Children.

(c) The applicant shall participate in at least one (1) day of flexible in-service training, relevant specifically to special education. The [~~Such~~] training shall be limited to visitation in a classroom of an exemplary special education teacher, special education training relevant to the identified needs of the teacher, or other training provided by the Office of Special Instructional Services.

(4)(a) The superintendent of the local school district and the board of education may establish the need for emergency substitute teachers on the basis of anticipated shortages of regularly certified teachers and in accordance with district policies and procedures established for the selection and employment of substitute teachers. Emergency certificates for substitute teaching may then be issued subject to the priority schedule for the employment of substitute teachers as established by 704 KAR 20:210.

(b) Each local school district shall report by June 30 of each year on forms provided by the Office of Teacher Education and Certification the number of days of substitute teaching performed by each emergency teacher.

(5) The Office of Teacher Education and Certification shall periodically report to the Education Professional Standards Board the numbers of emergency certificates issued for full-time, part-time, and substitute teaching by school district, by position, and by academic preparation.

(6)(a) An emergency certificate for full-time or part-time employment shall be issued only to individuals who have attained a bachelor's degree from a regionally accredited college including a minimum grade point average of 2.5 on a 4.0 scale. An emergency certificate for full-time or part-time employment shall not be issued to individuals who have been judged to be unsatisfactory in the beginning teacher internship.

(b) An emergency certificate for substitute teaching shall be issued to individuals who have completed a minimum of sixty-four (64) semester hours of credit from a regionally accredited institution including a minimum grade point average of 2.5 [~~2.0~~] on a 4.0 scale. An emergency certificate for substitute teaching issued for the 1992-93 school year may be reissued for 1993-94 and for succeeding consecutive years.

(c) An emergency certificate for substitute teaching in any health, technical, or industrial occupation may be issued to persons who have a minimum of four (4) years of occupational experience in the area to be taught and a high school diploma or its equivalent as determined by evidence of an acceptable score on the General Education Development Test.

(7) An application form signed by the local school superintendent and approved by the local board of education shall be submitted for each anticipated emergency position. The application shall be accompanied by official transcripts of all college credits earned by the prospective emergency teacher.

JANICE WEAVER, Chairman
APPROVED BY AGENCY: June 21, 1993
FILED WITH LRC: July 15, 1993 at noon

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 30, 1993, at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by August 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 cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact Person: Dr. Roland Goddu, Office of Teacher Education and Certification, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Agency Contact: Akeel Zaheer

(1) Type and number of entities affected: Approximately 85 applicants for full-time emergency certificates and 7,500 for emergency certificates for substitute teaching and 176 school districts.

(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 effect upon competition: None

(b) Reporting and paperwork requirements: Criminal records check will have to be conducted prior to application for certification and applicants will be required to meet higher academic requirements.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No additional costs.

2. Continuing costs or savings: No additional costs.

3. Additional factors increasing or decreasing costs: No direct costs.

(b) Reporting and paperwork requirements: Inform school districts of revised regulation; report to EPSB of the numbers of emergency certificates issued. Review and process applications and maintain records as appropriate.

(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: The proposed amendments will raise academic requirements for issuance of emergency substitute teachers in keeping with the high expectations of instructional quality established by Kentucky Education Reform Act.

(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: 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:

TIERING: Was tiering applied: No. Certification requirements are uniformly applicable to all individuals. Standards apply equally to all 176 school districts and all applicants for certification.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
(Proposed Amendment)

805 KAR 3:010. Definitions.

RELATES TO: KRS 351.010, 352.010 [~~351.070~~]
STATUTORY AUTHORITY: KRS Chapter 13A, 351.070
NECESSITY AND FUNCTION: This regulation establishes [~~is to provide~~] definitions of important terms used in the regulation of [~~Commonwealth's Safety Standards controlling~~] the operation of surface [~~type~~] coal and clay mines, which include strip and auger mining operations.

Section 1. Definitions. (1) "Active workings" means any place in a coal or clay mine where miners are normally required to work or travel in the performance of their duties.

(2) "American Table of Distances" means the current edition of "the American Table of Distances for Storage of Explosives" published by the Institute of Makers of Explosives.

(3) "ANFO" means ammonium nitrate-fuel oil mixtures.

(4) "Approved" means tested and accepted for a specific purpose by a nationally recognized safety agency.

(5) "Barricaded" means obstructed to restrict the passage of persons, vehicles or flying materials.

(6) "Berm" means a pile or mound of material capable of restraining a vehicle; also a shelf, ledge, or material placed to contain loose slope material.

(7) "Blasting agent" means a cap insensitive chemical composition or mixture consisting of fuel and oxidizer and no explosive ingredient but which can be made to detonate when initiated with a high strength explosive primer.

(8) "Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

(9) "Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current or the spark of a fuse and [~~. It is~~] used for detonating explosives.

(10) "Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

(11) "Blasting switch" means a switch used to connect a power source to a blasting circuit.

(12) "Box-type magazine" means a small, portable magazine used to store limited quantities of explosives or detonators for short periods of time in locations at the mine which are convenient to the blasting sites at which they will be used.

(13) "Capped fuse" means a length of safety fuse to which a detonator has been attached.

(14) "Capped primer" means a package or cartridge of explosives which is specifically designed to transmit detonation to other explosives and which contains a detonator.

(15) "Combustible" means capable of being ignited and consumed by fire.

(16) "Commissioner" means Commissioner of the Department of Mines and Minerals.

(17) "Company official" means a member of the company supervisory or technical staff.

(18) "Competent person" means a person having abilities that fully qualify him to perform the duty to which he is assigned.

(19) "Department" means the Department of Mines and Minerals.

(20) "Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosive.

(21) "Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including but not limited to blasting caps, exploders, electric detonators, and delay electric blasting caps.

(22) "Distribution box" means a portable apparatus with an enclosure through which an electric circuit is carried to one (1) or more cables from a single incoming feedline, each cable circuit being connected through individual overcurrent protective devices.

(23) "Electric blasting cap" means a blasting cap designed for and [~~an~~] capable of being initiated by means of an electric current.

(24) "Electric grounding" means to connect with the ground to make the earth part of the circuit.

(25) "Employee" means a person who works for wages or salary in the service of an employer.

(26) "Employer" means a person or organization employing one (1) or more persons to work for wages or salary.

(27) "Explosive" means any chemical compound, mixture or device the primary or common purpose of which is to function by explosion and includes [~~. Explosives include but are not limited to~~] black powder, dynamite, nitroglycerine, fulminate, and ammonium nitrate when mixed with a hydrocarbon plus high explosive ingredients.

(28) "Face or wall" means that part of any mine where excavating is progressing or was last done.

(29) "Flammable" means capable of being easily ignited and of burning rapidly as defined by the National Fire Protection Association.

(30) "Highway" means any public road or travelway used by the general public.

(31) "Ignited cord" means a fuse, cordlike in appearance, which

burns progressively along its length with an external flame at the zone of burning, and is used for lighting a series of safety fuses in the desired sequence.

(32) "Inhabited building" means a building regularly occupied in whole or in part as a habitation for human beings or any church, schoolhouse, railroad station, store, factory, or other structure where people are accustomed to assembly, but does not include [~~except~~] any building or structure occupied in connection with the manufacture, transportation, storage or use of explosives.

(33) "Low voltage" means up to and including 660 volts, "medium voltage" means voltages from 661 to 1,000 volts, and "high voltage" means more than 1,000 volts.

(34) "Magazine" means a storage place for explosives or detonators.

(35) "Major electrical installation" means an assemblage of stationary electrical equipment for the generation, transmission, distribution or conversion of electric power.

(36) "Misfire" means the complete or partial failure of a blasting charge to explode as planned.

(37) "Overburden" means material of any nature, consolidated or unconsolidated, that overlies a deposit of useful materials or ores that are to be mined.

(38) "Primer" or "booster" means a package or cartridge of explosives which is designated specifically to transmit detonation to other explosives and which does not contain a detonator.

(39) "Qualified person" means, as the context requires:

(a) An individual deemed qualified by the commissioner and designated by the operator to make tests and examinations; and

(b) An individual deemed by the commissioner to be qualified by training, education, and[~~/or~~] experience to perform electrical work, to maintain electrical equipment and to conduct examinations and make tests of electrical equipment used at the mine for which he is assigned such responsibility.

(40) "Reverse-current protection" means a method or device used on direct-current circuits of equipment to prevent the flow of current in the reverse direction.

(41) "Roll protection" means a framework or safety canopy to protect the vehicle operator if equipment should overturn.

(42) "Safety can" means an approved container of not over five (5) gallons capacity having a spring-closing lid and spout cover.

(43) "Safety fuse" means a train of powder enclosed in cotton, jut yarn, and waterproofing compounds which burns at a uniform rate and [~~;~~] used for firing a cap containing the detonating compound, which in turn sets off the explosive charge.

(44) "Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

(45) "Scaling" means removal of insecure material from a face or highwall.

(46) "Secondary safety connection" means a second connection between a conveyance and rope, intended to prevent the conveyance from running away or falling in the event the primary connection fails.

(47) "Semiconductive hose" means hose having an electrical resistance of not less than 5,000 ohms per foot and not more than two (2) megohms for its total length, used in pneumatic placement of blasting agents in bore holes.

(48) "Sprung hole" means a blasting hole chambered or enlarged to take an increased charge of explosives.

(49) "Stemming" means the [~~inert material and the~~] placing of [~~such~~] material on top of any charge of explosives.

(50) "Stray current" means that portion of a total electric current that flows through paths other than the intended circuits.

(51) "Substantial construction" means construction of such strength, material and workmanship that the object will withstand all reasonable shock, wear, usage and deterioration to which it will normally be subjected.

(52) "Suitable" means that which fits and has the qualities or qualifications to normally meet a given purpose, occasion, condition, [~~or~~] function, or circumstance.

(53) "Travelway" means a passage, walk or way regularly used and designated for person to go from one (1) place to another while at work.

(54) "Wet drilling" means the continuous application of water to the back or bottom of the drill holes while drilling.

(55) "Working place" means any place in or about a mine where work is being performed.

EDWARD J. HOLMES, Secretary
BURL SCOTT, Commissioner

APPROVED BY AGENCY: July 8, 1993

FILED WITH LRC: July 8, 1993 at 2 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment shall be held on Thursday, August 26, 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 August 21, 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 amendment. 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 amendment. Send written notification of intent to be heard at the public hearing or written comments on the proposed amendment to the contact person.

CONTACT PERSON: Eugene D. Attkisson, Kentucky Department of Mines and Minerals, P. O. Box 14080, Lexington, Kentucky 40512, (606)254-0367.

REGULATORY IMPACT ANALYSIS

Agency contact: Eugene D. Attkisson

(1) Type and number of entities affected: This administrative regulation, currently and as proposed for amendment, affects all of the approximately 1200 surface and underground mines licensed in Kentucky as of June 1, 1993, and all of the approximately 1870 persons certified by this agency in 1992 to perform or ensure the safe use of electricity in such mines.

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

1. First year:

2. Continuing costs or savings: Since the definitions set out in this administrative regulation are currently being applied to all mines and certified persons described above, no costs or savings, either direct or indirect, are anticipated.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors which bear upon the costs of complying with the definitions set out in the administrative regulation. Neither does this proposed amendment affect completion, since its definitions will be applicable to all affected parties.

(b) Reporting and paperwork requirements: No additional reporting and paperwork requirements are created as a result of this proposed amendment.

(2) Effects on the promulgating administrative body: Since this agency is currently using, in substantially unchanged form, the definitions set out in this proposed amendment, no additional administrative impact is anticipated as a result of the approval of the proposed amendment.

(a) Direct or indirect costs or savings:

1. First year:

2. Continuing costs or savings: Since the definitions set out in this administrative regulation are currently being applied to all mines and

certified persons described in (1), no costs or savings, either direct or indirect, are anticipated.

3. Additional factors increasing or decreasing costs: There are no additional factors which bear upon the costs of applying the definitions set out in this administrative regulation, as proposed for amendment.

(b) Reporting and paperwork requirements: No additional reporting or paperwork requirements are created as a result of the proposed amendment.

(3) Assessment of anticipated effect on state and local revenues: No anticipated effect on state or local revenues is anticipated as a result of the approval of this proposed amendment.

(4) Assessment of alternative ~~m~~methods; reasons why alternatives were rejected: The alternative to the amendment of this administrative regulation is to leave it unchanged, thereby forgoing the additional clarity in some definitions which this agency believes the proposed amendment represents.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This proposed amendment neither conflicts with nor duplicates any statute, administrative regulation or government policy. It somewhat overlaps the definitions set out in KRS 351.010 and 352.010 and the electrical certification standards set out in KRS 351.109, although this agency believes any such overlap complements the definitions and standards created in those statutes.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: In addition to providing greater clarity in some definitions, described in (4), this proposed amendment also makes certain editorial-type or "housekeeping" changes intended to make this administrative regulation easier to read and comply with.

TIERING: Was tiering applied? Yes. Tiering was applied in the promulgation of this proposed amendment, because while many of the terms set out in this administrative regulation have certain customary or accepted meanings, those customary or accepted meanings may be inadequate when applied to the unique circumstances posed by the process and profession of mining.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
(Proposed Amendment)

805 KAR 3:090. Electricity.

RELATES TO: KRS 352.220, 352.230 [~~351.070~~]

STATUTORY AUTHORITY: KRS Chapter 13A, 351.070

NECESSITY AND FUNCTION: This regulation establishes [~~is to establish~~] safety standards in the use of electricity in the operation of the Commonwealth's underground and surface [~~type~~] coal and clay mines which include strip and auger mining operations.

Section 1. Electricity. (1) Circuits shall be protected against excessive overloads and short circuits by fuses or circuit breakers of the correct type and capacity, as approved by the department.

(2) Powerlines and telephones circuits shall be protected against short circuits and lightning.

(3) Electric equipment and circuits shall be provided with switches or other controls, which [~~. Such switches or controls~~] shall be of approved design and construction and [~~shall be~~] properly installed.

(4) Individual overload protection or short-circuit protection shall be provided for the trailing cables of mobile equipment.

(5) Power wires and cables shall have adequate current-carrying capacity and shall be protected from mechanical injury.

(6) Neither crawler-mounted nor rubber-tired equipment shall run over trailing cables, unless the cables are properly bridged or otherwise protected.

(7) Distribution boxes shall be provided with disconnect switches.

(8) Trailing cable and power cable connections to junction boxes shall not be made or broken under load.

(9) Power wires and cables shall be insulated adequately where they pass into or out of electrical compartments.

(10) Power wires and cables which present a fire hazard shall be well installed on acceptable insulators.

(11) Where metallic tools or equipment can come in contact with bare powerlines, the lines shall be guarded or deenergized.

(12) Telephone and low-potential electric signal wires shall be protected from contacting energized powerlines.

(13) High-potential transmission cables shall be covered, insulated, or placed according to acceptable electrical codes to prevent contact with low-potential circuits.

(14) The potential on [~~or~~] bare signal wires accessible to personal contact shall [~~should~~] not exceed forty (40) volts.

(15) Splices in power cables, including ground conductor, where provided, shall be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed to exclude moisture;

(c) Provided with mechanical protection and electrical conductivity as near as possible to that of the original;

(d) All connections shall be made with approved connectors installed in a manner acceptable to the department.

(16) Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

(17) Energized trailing [~~high-potential~~] cables shall be handled with insulated hooks or tongs.

(18) Electrical equipment shall be deenergized before work is done on such equipment. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by authorized persons.

(19) Power circuits shall be deenergized before work is done on such circuits [~~unless hot line tools are used~~]. Switches shall be locked out and suitable warning signs posted by the individuals who are to do the work; locks shall be removed only by authorized persons.

(20) [~~Principal~~] Power switches shall be labeled to show which units they control, unless identification can be made readily by location.

(21) At least three (3) feet of clearance shall be provided around all parts of stationary electric equipment or switch-gear where access or travel is necessary.

(22) Dry wooden platforms, insulating mats, or other electrically nonconductive materials shall be kept in place at [~~of all~~] switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand may be used if they are kept at the same potential as the grounded metal noncurrent carrying parts of the power switches to be operated [~~may be used~~].

(23) Suitable danger signs shall be posted at all major electrical installations.

(24) Areas containing major electrical installations shall be entered only by authorized personnel.

(25) Electrical connections and resistor grids that are difficult or impractical to insulate shall be guarded, unless protection is provided by location.

(26) Reverse-current protection shall be provided at storage battery-charging stations.

(27) All metal enclosing or encasing electrical circuits shall be grounded or provided with equivalent protection. (This requirement does not apply to battery-operated equipment.)

(28) Metal fencing and metal buildings enclosing transformers and switch-gear shall be grounded.

(29) Three (3) phase circuits supplying power to portable or

mobile electrical equipment on the surface and three (3) phase circuits extending underground supplying power to portable, mobile, or stationary equipment shall contain a direct or derived neutral which shall be grounded through a suitable resistor at the power center. A grounding circuit originating at the grounded side of the grounding resistor shall extend along with the power conductors and serve as a grounding conductor for the frames of such equipment. [~~Frame grounding or equivalent protection shall be provided for mobile equipment powered through trailing cables.~~]

(30) Continuity and resistance of grounding systems shall be tested immediately after installation.

(31) Electric equipment and wiring shall be inspected by a competent person as often as necessary to assure safe operating conditions.

(32) When a potentially dangerous condition is found, it shall be corrected before equipment or wiring is energized.

(33) Inspection and cover plates on electrical equipment shall be kept in place at all times except during testing or repairs.

(34) Circuits shall be deenergized before fuses are removed or replaced.

(35) Fuse tongs or hot line tools shall be used when fuses are removed or replaced in medium or high voltage circuits.

(36) Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

(37) Surplus trailing cables to shovels, cranes, and similar equipment shall be stored in cable boots or on reels mounted on the equipment or otherwise protected from mechanical damage.

(38) Operating controls shall be installed so that they can be operated without danger of contact with energized conductors.

(39) Equipment with booms or masts which are not properly protected shall not be operated where the booms or masts can come within ten (10) feet of an energized overhead powerline.

(40) Overhead high-potential powerlines shall be installed as specified by the National Electrical Safety Code.

(41) When equipment must be moved under energized power lines and the clearance is less than ten (10) feet, the power lines shall be deenergized or other precautions shall be taken.

(42) Guy wires from poles supporting high voltage transmission lines shall be securely connected to the system ground or be provided with insulators installed near the pole end.

(43) Telegraph, telephone, or signal wires shall not be installed on the same crossarm with power conductors. When carried on poles supporting power lines, they shall be installed as specified by the National Electrical Safety Code.

(44) Transformers shall be totally enclosed, or shall be placed at least fifteen (15) feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least six (6) feet high and at least three (3) feet from any energized parts, casings, or wiring.

(45) Transformer enclosures shall be kept locked against unauthorized entry.

(46) Tools and supplies shall be carried in the hands and not on the shoulders when men travel near bare power conductors.

EDWARD J. HOLMES, Secretary
BURL SCOTT, Commissioner

APPROVED BY AGENCY: July 8, 1993

FILED WITH LRC: July 8, 1993 at 2 p.m.

PUBLIC HEARING: A public hearing on this proposed amendment shall be held on Thursday, August 26, 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 August 21, 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 amendment. 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 amendment. Send written notification of intent to be heard at the public hearing or written comments on the proposed amendment to the contact person.

CONTACT PERSON: Eugene D. Attkisson, Kentucky Department of Mines and Minerals, P. O. Box 14080, Lexington, Kentucky 40512, (606)254-0367.

REGULATORY IMPACT ANALYSIS

Agency Contact: Eugene D. Attkisson

(1) Type and number of entities affected: As of June 1, 1993, this agency had issued licenses to 608 surface mines and 487 underground mines. While this administrative regulation, as proposed for amendment, would be applicable to both underground and surface mines - rather than only surface mines, as at present - KRS 352.220 and 352.230 currently contain most of the electrical standards which the proposed amendment would explicitly make applicable to underground mines. There is therefore little additional impact upon underground mines - and no such impact upon surface mines - as a result of this amendment.

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

1. First year:

2. Continuing costs or savings: Since surface and underground mines are currently required to satisfy electrical safety standards, and are inspected to ascertain compliance with such standards, there are no anticipated costs or savings, either direct or indirect, as a result of this proposed amendment.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors which bear upon either the applicability or amount of the costs of satisfying the electrical safety standards represented by this administrative regulation, as proposed for amendment.

(b) Reporting and paperwork requirements: Since mine operators are currently required to comply with applicable electrical mine safety standards, no changes regarding reporting and paperwork requirements are anticipated.

(2) Effects on the promulgating administrative body: This agency anticipates no additional administrative responsibilities as a result of this proposed amendment.

(a) Direct or indirect costs or savings:

1. First year:

2. Continuing costs or savings: Since surface and underground mines are currently required to satisfy electrical safety standards, and are inspected by agency personnel to ascertain compliance with such standards, there are no anticipated costs or savings, either direct or indirect, as a result of this proposed amendment.

3. Additional factors increasing or decreasing costs: There are no additional factors which bear upon the costs of this agency's enforcement of the electrical mine safety standards set out in this administrative regulation, as proposed for amendment.

(b) Reporting and paperwork requirements: Since this agency's inspectors currently ascertain and report the degree of compliance with applicable electrical mine safety standards, no changes regarding reporting and paperwork requirements are anticipated.

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated as a result of the approval of this proposed amendment.

(4) Assessment of alternative methods; reasons why alternatives were rejected: This administrative regulation is proposed for amendment in order to bring greater uniformity and consistency to the electrical safety standards applicable to both surface and underground mines and to the inspections which ascertain compliance with

such standards. The alternative to such amendment is to leave unchanged the current body of standards, which variously appear in both statutes and administrative regulations.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This proposed amendment neither conflicts with nor duplicates any statute, administrative regulation or government policy; it partially overlaps KRS 352.220 and 352.230, which variously contain both surface and underground electrical mine safety standards.

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: In addition to providing for greater uniformity and consistency, described in (4), this proposed amendment also makes certain editorial-type or "housekeeping" changes intended to make this administrative regulation easier to read and comply with.

TIERING: Was tiering applied? Yes. Tiering was applied in the promulgation of this proposed amendment, because while certain electrical safety standards are universal in all situations, the use of electricity in surface and underground mines requires standards of proficiency which are different from other uses.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(Proposed Amendment)

811 KAR 1:015. Race officials.

RELATES TO: KRS 230.630(1), (3), 230.640(2), 230.660, 230.700, 230.720

STATUTORY AUTHORITY: KRS 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to set out the required officials, their functions and duties.

Section 1. Officials Required. In every race, there shall be a presiding judge, two (2) associate judges and not less than two (2) patrol judges, a racing secretary, starter, clerk of the course and three (3) timers, or one (1) timer and an approved electric timing device. In the event a patrol car is used, one (1) associate judge may ride in the car, in which case the patrol judges may be eliminated.

Section 2. All officials must be licensed and approved by the commission. No race official, with the exception of the timer, will be considered for approval unless he or she has attended a United States Trotting Association Officials School or other school designated by the commission and has satisfactorily passed a written and/or oral examination at the conclusion of such school.

Section 3. Any track permitting an unlicensed person to officiate when a license is required shall be fined not exceeding $250 for each day such unlicensed person officiates. Any person officiating without being licensed shall be fined not exceeding $250 for each day he acts as such an official.

Section 4. Officials at Extended Meetings. No presiding judge, associate judge, starter, race secretary, barrier judge, patrol judge, clerk of the course or paddock judge shall be qualified to serve as such at an extended pari-mutuel meeting without a valid commission license. Holders of pari-mutuel licenses are authorized to officiate at all meetings. No official acting as judge at a pari-mutuel meeting shall serve as race secretary or clerk of the course at such meeting. No licensed official shall be qualified to act as such at any pari-mutuel meeting where he is the owner or otherwise interested in the ownership of any horse participating at such meeting. Any refusal to grant a license to a person may be reviewed by the Kentucky [~~Harness~~] Racing Commission.

Section 5. Disqualification to Act as Official. A person under suspension, expulsion or other disqualification, or who has any interest in or any bet on a race or has an interest in any of the horses engaged therein, is disqualified from acting in any official capacity in that race. In the event of such disqualification the management shall be notified by the disqualified person and shall appoint a substitute. Any person who violates this restriction shall be fined, suspended or expelled.

Section 6. Suspension or Revocation of Official's License. An official may be fined, suspended or removed at any time for incompetence, failure to follow or enforce rules, or any conduct detrimental to the sport including drinking within four (4) hours prior to the time he starts work as an official.

Section 7. Ban on Owning or Dealing in Horses. No employee of any track whose duties include the classification of horses shall directly or indirectly be the owner of any horse racing at such meeting, nor shall he participate financially directly or indirectly in the purchase or sale of any horse racing at such meeting. Any person violating this rule shall be suspended.

Section 8. Location of Judge's Stand. The judge's stand shall be so located and constructed as to afford to the officials an unobstructed view of the entire track and no obstruction shall be permitted upon the track, or the centerfield which shall obscure the officials' vision of any portion of the track during the race. Any violation of this section shall subject the track to a fine not exceeding $500 and immediate suspension.

Section 9. Judge's Stand Occupants. None but the judges, the clerk of the course, the secretary, starter and timers, official announcer, runner that posts the photo finish, and officials of the commission, shall be allowed in the judge's stand from fifteen (15) minutes before the first race until fifteen (15) minutes after the last race unless authorized by the commission. Any track violating this rule shall be fined not to exceed $300.

Section 10. Improper Acts by an Official. If any person acting as judge or an official shall be guilty of using insulting language to an owner, driver, or other person, or be guilty of other improper conduct, he shall be fined not exceeding $500, or be suspended or expelled.

Section 11. Presiding Judge. The presiding judge shall:

(1) Have supervision to see that the rules of this commission are followed over the following officials:

(a) Associate judges;
(b) Patrol judges;
(c) Starters;
(d) Paddock judges;
(e) Finish wire judge;
(f) Clerk of the course;
(g) Timers;
(h) Charters;
(i) Racing secretary;
(j) Official announcer; and

(k) Any other licensed personnel directly responsible for conducting the racing program.

(2) Notify owners, trainers, drivers and grooms of penalties imposed.

(3) Report in writing to the commission, violations of the rules by a track, its officers or race officials, giving detailed information thereof.

(4) Make such other reports as required by the commission.

(5) Sign each sheet of the judge's book, verifying the correctness of the record.

(6) Be responsible for the maintenance of the records of the meeting and the forwarding thereof to the commission.

(7) Failure of the presiding judge to see that the rules of the commission are complied with may be grounds for suspension and may be grounds for denial of a license for the subsequent year.

Section 12. Authority and Procedure of Judges. The judges shall have the authority while presiding to:

(1) Inflict fines and penalties, as prescribed by these rules.

(2) Determine all questions of fact relating to the race.

(3) Decide any differences between parties to the race, or any contingent matter which shall arise, such as are not otherwise provided for in these rules.

(4) Declare pools and bets "off" in case of fraud, no appeal to be allowed from their decision in that respect. All pools and bets follow the decision of the judges. Such a decision in respect to pools and bets shall be made at the conclusion of the race upon the observation of the judges and upon the facts as an immediate investigation shall develop. A reversal or change of decision after the official placing at the conclusion of the heat or dash shall not affect the distribution of betting pools made upon such official placing. When pools and bets are declared off for fraud, the guilty parties shall be fined, suspended or expelled.

(5) Control the horses, drivers, and assistants and punish by a fine not exceeding $100 or by suspension or expulsion, any such person who shall fail to obey their orders or the rules. In no case shall there be any compromise or change on the part of the judges or members of punishment prescribed in the rules, but the same shall be strictly enforced. Tracks shall not remove or modify any fine imposed by the judges of a race, review any order of suspension, expulsion, or interfere with the judges performing their duties.

(6) Examine under oath all parties connected with a race as to any wrong or complaint. The judges may compel by written notice the appearance of any person whose testimony is necessary to the proper conduct of a hearing. Failure to attend shall be a violation of these rules and shall be penalized as provided in subsection (5) of this section.

(7) Consider complaints of foul from the patrols, owners, trainers or drivers in the race and no other.

(8) Make such decision in the public interest required by extraordinary circumstances not covered by rules and regulations of the commission.

Section 13. Judges' Duties. It shall be the duty of the judges to:

(1) Exclude from the race any horse that in their opinion is improperly equipped, dangerous or unfit to race, which shall include sick, weak and extremely lame horses. No horse shall race with a tube in its throat. No horse shall race unless it has unimpaired vision in at least one (1) eye and no horse infected with Equine Infectious Anemia or a carrier thereof, shall race. Horses that are bleeders may race under recognized medication for said bleeding condition provided that said condition and the type of medication is certified to the commission by the commission veterinarian or a veterinarian licensed by the commission prior to the race and said horse is approved for racing by the presiding judge. In the event the horse bleeds while being raced under medication, said horse shall not again race with or without medication until it is cured and approved for racing by the commission.

(2) Investigate any apparent or possible interference, or other violation of 811 KAR 1:075, Section 1, whether or not complaint has been made by the driver.

(3) Investigate any act of cruelty seen by them or reported to them by any member towards a race horse during a meeting at which they officiate. If the judges find that such an act has been committed, they shall suspend or fine the offending member not to exceed $500 and submit a written report within ten (10) days of their findings and action to the commission. The chairman of the commission or the designated representative of the commission shall have all the authority conferred upon the judges by this section, and in addition may order an investigation and a hearing and impose a penalty for any act of cruelty or neglect of a horse committed by any member whether on or off the premises of any race track.

(4) Immediately thereafter or on the day of the race conduct an investigation of any accidents to determine the cause thereof, and the judges shall make all accidents a matter of record in the judge's book and completely fill out an accident report. At the time of the accident, the inquiry sign shall be posted and the race shall not be declared official until the presiding judge has conferred with the patrol judge.

(5) Observe closely performance of the drivers and the horses to ascertain if there are any violations of 811 KAR 1:075, particularly interference, helping, or inconsistent racing and exhaust all means possible to safeguard the contestants and the public.

(6) Grant a hearing at a designated time before a penalty may be imposed upon any party. All three (3) judges should be present if possible, and at least the presiding judge and one (1) associate judge must be present at all judges' hearings. The judges may inflict the penalties prescribed by rules and regulations of the commission.

(a) All penalty notices will carry the exact reason why the penalty has been imposed together with a summary of the rule or regulation violated. All penalties imposed on any driver may be recorded on the reverse side of his driver's license by the presiding judge.

(b) In the event the judges believe that a person has committed a rule or regulation violation and has left the grounds and they are unable to contact him, and hold a hearing thereon, they may make an investigation and send a detailed written report to the commission. The commission may impose a penalty not to exceed ten (10) days without a hearing based upon the report of the judges. No penalty in excess of ten (10) days shall be imposed before a hearing is granted.

(c) It shall be the duty of the judges to submit in writing a complete list of all witnesses questioned by them at any hearing, which list of witnesses, along with the testimony of such witnesses, shall be forwarded to the commission.

(d) The testimony of all witnesses questioned by the judges shall be recorded by one (1) of the following methods: written, signed statements, tape recorders or court reporter's transcript.

(e) No decision shall be made by the judges in such cases until all of the witnesses called by the judges and the person so required to appear before the judges have given their testimony. Any person charged with a rule or regulation violation shall be given at least until 12 noon of the following day to prepare his defense if he so requests.

(7) It shall be the duty of the judges to declare a dash or heat of a race no contest in the event the track is thrown into darkness during the progress of a race by failure of electricity.

Section 14. Judges' Procedure. It shall be the procedure of the judges to:

(1) Be in the stand fifteen (15) minutes before the first race and remain in the stand for ten (10) minutes after the last race, and at all times when the horses are upon the track.

(2) Observe the preliminary warming up of horses and scoring, noting behavior of horses, lameness, equipment, conduct of the drivers, changes in odds at pari-mutuel meetings and any unusual incidents pertaining to horses or drivers participating in races.

(3) Have the bell rung or give other notice at least ten (10) minutes before the race or heat. Any driver failing to obey this summons may be punished by a fine not exceeding $100 and his horse may be ruled out by the judges and considered drawn.

(4) Designate one (1) of their members to lock the pari-mutuel machines immediately upon the horses reaching the official starting point. The presiding judge shall designate the post time for each race and the horses shall be called at such time as to preclude excessive

delay after the completion of two (2) scores.

(5) Be in communication with the patrol judges, by use of patrol phones, from the time the starter picks up the horses until the finish of the race. Any violation or near violation of the rules or regulations shall be reported by the patrol judge witnessing the incident and a written record made of same. At least one (1) judge shall observe the drivers throughout the stretch specifically noting changing course, interference, improper use of whips, breaks, and failure to contest the race to the finish.

(6) Post the objection sign, or inquiry sign, on the odds board in the case of a complaint or possible rule or regulation violation, and immediately notify the announcer of the objection and the horse or horses involved. As soon as the judges have made a decision, the objection sign shall be removed, the correct placing displayed, and the "official" sign flashed. In all instances the judges shall post the order of finish and the "official" sign as soon as they have made their decision.

(7) Display the photo sign if the order of finish among the contending horses is less than half-length or a contending horse is on a break at the finish. After the photo has been examined and a decision made, a copy or copies shall be made, checked by the presiding judge, and posted for public inspection. In the event of an electrical or mechanical failure of the photo-finish camera, of if a distorted, deceptive, or otherwise inadequate picture is developed, the judges shall decide the order of finish and such decision shall be final.

(8) Should a horse fall, run loose and uncontrolled, during warm up, prior to the race or going to the post, the horse shall be examined by the state veterinarian to determine whether the horse is fit to race. If the veterinarian determines that the horse is unfit the presiding judge shall order the horse scratched.

Section 15. Patrol Judges. At the discretion of the judges, patrol may be appointed by the track but such patrols shall be approved by the presiding judge and work under his direction. At extended pari-mutuel meetings and at other meetings conducting one (1) or more races with a purse value of $5,000 or over, at least two (2) patrol judges shall be employed. It shall be their duty to phone or repair to the judge's stand and report all fouls and improper conduct. The result of a heat or dash shall not be announced until sufficient time has elapsed to receive the reports of the patrols. Where there is a patrol car, only one (1) patrol judge shall be required.

Section 16. Incapacitated Official. If any licensed official is absent or incapacitated, the track management, subject to commission approval, must appoint a substitute at such meeting. Notice of such temporary appointment shall be given immediately to the office of this commission. If such official acts for more than three (3) days, he shall apply for a commission license in that capacity. This power may only be used in cases of unavoidable emergencies.

Section 17. Starter Appointment. Starter shall be designated by the track, subject to the approval of this commission. Such officials must be licensed as starters by this commission.

Section 18. Starter; Authority. The starter shall be in the stand or starting gate fifteen (15) minutes before the first race. He shall have control over the horses and authority to assess fines and/or suspend drivers for any violation of the rules and regulations from the formation of the parade until the word "go" is given. He may assist in placing the horses when requested by the judges to do so. He shall notify the judges and the drivers of penalties imposed by him. His services shall be paid for by the track employing him. An assistant starter must be available at all times.

Section 19. Clerk Duties; Clerk of the Course. The clerk of the course shall:

(1) At request of judges assist in drawing positions.

(2) Keep the judge's book and record therein:

(a) All horses entered and their eligibility certificate numbers.

(b) Names of owners and drivers and drivers' license numbers.

(c) The charter lines at pari-mutuel meetings. At all race meetings, the money won by the horse at that track.

(d) Note drawn or ruled out horses.

(e) Record time in minutes, seconds, and fifths of seconds.

(f) Check eligibility certificates before the race, and after the race shall enter all information provided for thereon, including the horse's position in the race if it was charted.

(g) Verify the correctness of the judge's book including race time, placing and money winnings, reasons for disqualification, if any, and see that the book is properly signed.

(h) Forward the judge's book charts and marked programs to this commission from all extended pari-mutuel meetings the day following each racing day.

(i) Notify owners and drivers of penalties assessed by the officials.

(3) Upon request may assist judges in placing horses.

(4) After the race, return the eligibility certificate to owner of the horse or his representative when requested.

(5) Failure to comply with any part of this rule and make the above listed entries legible, clear and accurate, may subject either the clerk or the track, or both, to a fine not to exceed $100 for each violation.

Section 20. Timers. (1) At each race there shall be three (3) timers in the judge's or timer's stand except when an electric timing device approved by the commission is used, in which event there shall be one (1) timer. The chief timer shall sign the judge's book for each race verifying the correctness of the record. All time shall be announced and recorded in fifths of seconds. All tracks licensed by the commission shall use an approved electronic or electric timing device.

(2) The timers shall be in the stand fifteen (15) minutes before the first heat or dash is to be contested. They shall start their watches when the first horse leaves the point from which the distance of the race is measured. The time of the leading horse at the quarter, half, three-quarters, and the finish shall be taken. If odd distances are raced, the fractions shall be noted accordingly.

Section 21. Paddock Judge. Under the direction and supervision of the presiding judge, the paddock judge will have complete charge of all paddock activities as outlined in 811 KAR 1:010, Section 10. The paddock judge shall be subject to the approval of this commission. The paddock judge is responsible for:

(1) Getting the fields on the track for post parades in accordance with the schedule given to him by the presiding judge.

(2) Inspection of horses for changes in equipment, broken or faulty equipment, head numbers or saddle pads.

(3) Supervision of paddock gate men.

(4) Proper check in and check out of horses and drivers. Check the identification of all horses coming into the paddock including the tattoo number.

(5) Director of the activities of the paddock farrier.

(6) The paddock judge will immediately notify the presiding judge of anything that could in any way change, delay or otherwise affect the racing program. The paddock judge will report any cruelty to any horse that he observes to the presiding judge.

(7) The paddock judge will see that only properly authorized persons are permitted in the paddock and any violation of this rule may result in a fine, suspension or expulsion.

(8) Notify the presiding judge of any change of racing equipment or shoes before the race.

(9) Inspect and supervise the maintenance of emergency equipment kept in the paddock.

(10) Notify judges of all trainers and grooms who leave the paddock in an emergency.

Section 22. Identifier. At all extended pari-mutuel meetings the association shall employ an identifier licensed by the commission, whose duty it shall be to check the identification of all horses coming into the paddock, to include the tattoo number, color, and any markings. The identifier shall be under the immediate supervision of the paddock judge and the general supervision of the presiding judge. Any discrepancy detected in the tattoo number, color, or markings of a horse shall be reported immediately to the paddock judge, who shall in turn report same forthwith to the presiding judge. The identifier must be licensed by the USTA.

Section 23. Program Director. Each extended pari-mutuel track shall designate a program director. Such program director shall be subject to the approval of this commission.

(1) It shall be the responsibility of the program director to furnish complete and accurate past performance information.

(2) No person shall be permitted to act as a program director unless he is capable of furnishing accurate and complete past performance information to the general public.

Section 24. Duties of Patrol Judges. (1) The patrol judges shall observe all activity on the race track in their area at all times during the racing program. They shall immediately report to the presiding judge:

(a) Any action on the track which could improperly affect the result of a race.

(b) Every violation of the racing rules and regulations.

(c) Every violation of the rules of decorum.

(d) The lameness or unfitness of any horse.

(e) Any lack of proper racing equipment.

(2) The patrol judges shall, furthermore:

(a) Be in constant communication with the judges during the course of every race and shall immediately advise the judges of every rule violation; improper act or unusual happening which occurs at their station.

(b) Submit individual daily reports of their observations of the racing to the presiding judge.

(c) When directed by the presiding judge shall attend hearings or inquiries on violations and testify thereat under oath.

Section 25. Licensed Charter. (1) At all extended pari-mutuel meetings and grand circuit meetings, the charting of races is mandatory and the track shall employ a licensed charter to fulfill the requirements of this section.

(2) The charter shall be subject to the approval of this commission, and shall be licensed by the USTA.

Section 26. All equipment changes shall be cleared through the paddock judge who will call the judges for the necessary permission.

Section 27. Duties of the Race Secretary. The race secretary of each association must be licensed and approved by the commission and it shall be his duty:

(1) To receive and keep safe the eligibility certificates of all horses competing at the race track or stabled on grounds owned or cared for by any association and to return same to the owner of a horse or his representative upon their departure from the grounds.

(2) To be familiar with the age, class, and competitive ability of all horses racing at the track.

(3) To classify and reclassify horses in accordance with the rules.

(4) To list horses in the categories for which they qualify and to cause such lists to be kept current and to be properly displayed in the room in which the declaration box is located for examination by horsemen and others.

(5) To provide for the listing of horses in the daily program; to examine all entry blanks and declarations to verify all information set forth therein; to select the horses to start and the also eligible horses from the declarations in accordance with the rules governing these functions.

(6) To examine nominations and declarations in early closing events, late closing and stake events, to verify the eligibility of all declarations and nominations and to compile lists thereof for publication.

Section 28. Commission Supervisors of Pari-mutuel Betting. (1) The commission shall employ supervisors with accounting experience who shall be responsible for ascertaining whether the proper amounts have been paid from pari-mutuel pools to the betting public, to the association, and to the Commonwealth, by checking, auditing and filing with the commission verified reports accounting for daily pari-mutuel handle distribution and attendance for each preceding racing day and a final report at the conclusion of each race meeting in the Commonwealth.

(2) Such daily reports shall show:

(a) For each race: number of horses started, number of betting interests, total money wagered in each betting pool, and refunds, if any, for each day. The sum of all betting pools, and total refunds also, total pari-mutuel handle for the comparable racing day for the preceding year, and cumulative total and daily average pari-mutuel handle for the race meeting.

(b) Amount of state pari-mutuel tax due; taxable admissions, tax exempt admissions, total admissions; temperature, weather and track conditions, post time of first race; program purses, distance and conditions of each race; any minus pools resulting with explanation.

(3) The commission supervisors of pari-mutuel betting shall submit to the commission on or before thirty (30) days after the close of each race meeting a final verified report giving in summary form a recapitulation of the daily reports for each race meeting and such other information as the commission may require.

(4) The commission supervisors of pari-mutuel betting or their representative shall have access to all association books, records, and pari-mutuel equipment for checking accuracy of same.

WAYNE G. LYSTER, III, Chairman

APPROVED BY AGENCY: July 13, 1993

FILED WITH LRC: July 15, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing will be held on August 24, 1993, at 10 a.m. at the offices of the Kentucky Racing Commission located at the Kentucky Horse Park, 4063 Iron Works Pike, Building B, Lexington, Kentucky. Those interested in attending the hearing should contact in writing: Michael A. Fulkerson, Chief Administrative Officer, Kentucky Racing Commission, 4063 Iron Works Pike, Bldg. B, Lexington, Kentucky 40511.

REGULATORY IMPACT ANALYSIS

Contact Person: Mike Fulkerson

(1) Type and number of entities affected:

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: Notice that photo finish was out of order.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

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

(4) Assessment of alternative methods; reasons why alternatives were rejected:

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: This regulatory rule was added to give the judges the right to make the final decision if the photo-finish camera fails.

TIERING: Is tiering applied? No. Tiering was not used because of the simple nature of the amendment which simply allows the judges to determine the order of finish in the event of a mechanical failure.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission
(Proposed Amendment)

811 KAR 1:055. Declaration to start; drawing horses.

RELATES TO: KRS 230.630(1), (3), 230.640

STATUTORY AUTHORITY: KRS 230.630(3), (4), (7)

NECESSITY AND FUNCTION: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this regulation is to regulate declarations to start; drawing horses.

Section 1. Declaration. (1) At extended pari-mutuel meetings. Unless otherwise specified in the conditions, or approved in writing by the commission three (3) days prior to the day of the race omitting Sundays, the declaration time shall be 9 a.m.

(2) Declaration time at other meetings. At all other meetings starters must be declared in at 10 a.m. unless another time is specified in the conditions.

(3) No horse shall be declared to start in more than one (1) race on any one (1) racing day.

(4) Timed used. In order to avoid confusion and misunderstanding, the time when declarations close will be considered to be standard time, except the time in use at an extended pari-mutuel meeting shall govern that meeting.

(5) Declaration box. The management shall provide a locked box with an aperture through which declarations shall be deposited.

(6) Responsibility for declaration box. The presiding judge shall be in charge of the declaration box.

(7) Search for declarations by presiding judge before opening box. Just prior to opening of the box at extended pari-mutuel meetings where futurities, stakes, early closing or late closing events are on the program, the presiding judge shall check with the race secretary to ascertain if any declarations by mail, telegraph, or otherwise, are in the office and not deposited in the entry box, and he shall see that they are declared and drawn in the proper event.

(8) Opening of declaration box. At the time specified the presiding judge shall unlock the box, assort the declarations found therein and immediately draw the positions in the presence of such owners or their representatives, as may appear.

(9) Entry box and drawing of horses at extended pari-mutuel meetings. The entry box shall be opened by the presiding judge at the advertised time and the presiding judge will be responsible to see that at least one (1) horseman or an official representative of the horsemen is present. No owner or agent for a horse with a declaration in the entry box shall be denied the privilege of being present. Under the supervision of the presiding judge, all entries shall be listed, the eligibility verified, preference ascertained, starters selected and post positions drawn. If it is necessary to reopen any race, public announcement shall be made at least twice and the box reopened to a definite time.

(10) Drawing of post positions for second heat in races of more than one (1) dash or heat at pari-mutuel meetings. In races of a duration of more than one (1) dash or heat at pari-mutuel meetings, the judges may draw post positions from the stand for succeeding dashes or heats.

(11) Declarations by mail, telegraph or telephone. Declarations by mail, telegraph, or telephone actually received and evidence of which is deposited in the box before the time specified to declare in, shall be drawn in the same manner as the others. Such drawings shall be final. Mail, telephone and telegraph declarations must state the name and address of the owner or lessee; the name, color, sex, sire and dam of the horse; the name of the driver and his colors; the date and place of last start; a current summary, including the number of starts, first, seconds, thirds, earnings and best winning time for the current year; and the event or events in which the horse is to be entered.

(12) Effect of failure to declare on time. When a track requires a horse to be declared at a stated time, failure to declare as required shall be considered a withdrawal from the event.

(13) Drawings of horses after declaration. After declaration to start has been made no horse shall be drawn except by permission of the judges. Any horse eligible to start in a second, third, or fourth heat of a race shall not be drawn without the permission of the judges. A fine, not to exceed $500, or suspension, may be imposed for drawing a horse without permission, the penalty to apply to both the horse and the party who violates the regulation.

(14) Horses omitted through error. Such drawings shall be final unless there is conclusive evidence that a horse properly declared, other than by telephone, was omitted from the race through error of a track or its agent or employee in which event the horse may be added to this race but given the outside post position. This shall not apply at pari-mutuel meetings unless the error is discovered prior to the publication of the official program.

Section 2. Qualifying Races. At all extended pari-mutuel meetings declarations for overnight events shall be governed by the following:

(1) Within two (2) weeks of being declared in, a horse that has not raced previously at the gait chosen must go a qualifying race under the supervision of a judge holding a presiding or associate judge's license for pari-mutuel meetings and acquire at least one (1) charted line by a licensed charter. In order to provide complete and accurate chart information on time and beaten lengths a standard photo finish shall be in use.

(2) A horse that does not show a charted line for the previous season, or a charted line within its last six (6) starts, must go a qualifying race as set forth in subsection (1) of this section. Uncharted races contested in heats or more than one (1) dash and consolidated according to subsection (4) of this section will be considered one (1) start.

(3) When a horse has raced at a charted meeting during the current season, then gone to meetings where the races are not charted, the information from the uncharted races may be summarized, including each start, and consolidated in favor of charted lines and the requirements of subsection (2) of this section would then not apply.

(4) The consolidated line shall carry date, place, time, driver, finish, track condition and distance if race is not at one (1) mile.

(5) The judges may require any horse that has been on the steward's list to go a qualifying race. If a horse has raced in individual time not meeting the qualifying standards for that class of horse, he may be required to go a qualifying race.

(6) The judges may permit a fast horse to qualify by means of a timed workout consistent with the time of the races in which he will compete in the event adequate competition is not available for a qualifying race. However, a horse that is on the steward's list for breaks or refusing to come to the gate must qualify in a qualifying

race.

(7) To enable a horse to qualify, qualifying races should be held at least one (1) full week prior to the opening of any meeting of ten (10) days or more and shall be scheduled at least twice a week. Qualifying races shall also be scheduled twice a week during the meeting and through the last week of the meeting.

(8) Where a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed or recorded. This subsection is not applicable to races qualifying both drivers and horses.

(9) If a horse takes a win race record in a qualifying race, such record must be prefaced with the letter "Q" wherever it appears, except in a case where, immediately prior to or following the race, the horse taking the record has been submitted to an approved urine, saliva or blood test. It will be the responsibility of the presiding judge to report the test on the judges' sheet.

(10) Any horse that fails to race at a charted meeting within thirty (30) days after having started, shall start in a charted race or a qualifying race and meet the standards of the meeting before being allowed to start in a race with pari-mutuel wagering.

Section 3. Coupled Entries. (1) When the starters in a race include two (2) or more horses owned or trained by the same person, or trained in the same stable or by the same management, they shall be coupled as an "entry" and a wager on one (1) horse in the "entry" shall be a wager on all horses in the "entry." Provided, however, that when a trainer enters two (2) or more horses in a stake, early closing, futurity, free-for-all or other special event under bona fide separate ownerships or same ownership, the said horses may, at the request of the association and with the approval of the judges [~~commission~~], be permitted to race as separate betting entries. The fact that such horses are trained by the same person shall be indicated prominently in the program. If the race is split in two (2) or more divisions, horses in an "entry" shall be seeded insofar as possible, first by owners, then by trainers, then by stables; but the divisions in which they compete and their post positions shall be drawn by lot. The above provision shall also apply to elimination heats.

(2) The presiding judge shall be responsible for coupling horses. In addition to the foregoing, horses separately owned or trained may be coupled as an entry where it is necessary to do so to protect the public interest for the purpose of pari-mutuel wagering only. However, where this is done, entries may not be rejected.

(3) If an owner, lessor, or lessee has a vested interest in another horse in the same race, it shall constitute an entry.

Section 4. Also Eligibles. Not more than two (2) horses may be drawn as also eligibles for a race and their positions shall be drawn along with the starters in the race. In the event one (1) or more horses are excused by the judges, the also eligible horse or horses shall race and take the post position drawn by the horse that it replaces, except in handicap races. In handicap races the also eligible horse shall take the place of the horse that it replaces in the event that the handicap is the same. In the event the handicap is different, the also eligible horse shall take the position on the outside of horses with a similar handicap. No horse may be added to a race as an also eligible unless the horse was drawn as such at the time declarations closed. No horse may be barred from a race to which it is otherwise eligible by reason of its preference due to the fact that it has been drawn as an also eligible. A horse moved into the race from the also eligible list cannot be drawn except by permission of the judges, but the owner or trainer of such a horse shall be notified that the horse is to race and it shall be posted at the race secretary's office. All horses on the also eligible list and not moved into race by 9 a.m. on the day of the race shall be released.

Section 5. Preference. (1) Preference shall be given in all overnight events according to a horse's last previous purse race during the current year. The preference date on a horse that has drawn to race and been scratched is the date of the race from which he was scratched.

(2) When a horse is racing for the first time in the current year, the date of the first declaration shall be considered its last race date, and preference applied accordingly.

(3) If an error has been made in determining or posting a preference date and said error deprives an eligible horse of an opportunity to race, the trainer involved shall report the error to the racing secretary within one (1) hour of the announcement of the draw. If in fact a preference date error has occurred, the race will be redrawn.

Section 6. Steward's List. (1) A horse that is unfit to race because he is dangerous, unmanageable, sick, lame, unable to show a performance to qualify for races at the meeting, or otherwise unfit to race at the meeting may be placed on a "steward's list" by the presiding judge, and declarations on said horse shall be refused, but the owner or trainer shall be notified in writing of such action and the reason as set forth above shall be clearly stated on the notice. When any horse is placed on the steward's list, the clerk of the course shall make a note on the eligibility certificate of such horse, showing the date the horse was put on the steward's list, the reason therefor and the date of removal if the horse has been removed.

(2) No presiding judge or other official at a nonextended meeting shall have the power to remove from the steward's list and accept as an entry any horse which has been placed on a steward's list and not subsequently removed therefrom for the reason that he is a dangerous or unmanageable horse. Such meetings may refuse declarations on any horse that has been placed on the steward's list and has not been removed therefrom.

(3) A horse scratched from a race because of lameness or sickness may not enter another race for at least three (3) days from the date of the race from which the horse was scratched.

Section 7. Driver. Declarations shall state who shall drive the horse and give the driver's colors. Drivers may be changed until 9 a.m. of the day preceding the race, after which no driver may be changed without permission of the judges and for good cause. When a nominator starts two (2) or more horses, the judges shall approve or disapprove the second and third drivers.

Section 8. (1) It shall be the duty of the presiding judge to call a meeting of all horsemen on the grounds before the opening of an extended pari-mutuel meeting for the purpose of their electing a member and an alternate to represent them on matters relating to the withdrawal of horses due to bad track or weather conditions.

(2) In case of questionable track conditions due to weather, the presiding judge shall call a meeting consisting of an agent of the track member, the duly elected representative of the horsemen and himself.

(3) Upon unanimous decision by this committee of three (3) that track conditions are safe for racing, no unpermitted withdrawals may be made.

(4) Any decision other than unanimous by this committee will allow any entrant to scratch his horse or horses after posting ten (10) percent of the purse to be raced for. In the event sufficient withdrawals are received to cause the field to be less than six (6), then the track member shall have the right of postponement of an early closing event or stake and cancellation of an overnight event.

(5) Said money posted shall be forwarded to the commission and shall be retained as a fine, or refunded to the individual upon the decision of the commission as to whether the withdrawal was for good cause.

(6) The above procedure applies only to the withdrawal of horses that have been properly declared in and does not relate to postponement which is covered in 811 KAR 1:060.

WAYNE G. LYSTER, III, Chairman
APPROVED BY AGENCY: July 13, 1993
FILED WITH LRC: July 15, 1993 at 11 a.m.
PUBLIC HEARING: A public hearing will be held on August 24, 1993, at 10 a.m. at the offices of the Kentucky Racing Commission located at the Kentucky Horse Park, 4063 Iron Works Pike, Building B, Lexington, Kentucky. Those interested in attending the hearing should contact in writing: Michael A. Fulkerson, Chief Administrative Officer, Kentucky Racing Commission, 4063 Iron Works Pike, Bldg. B, Lexington, Kentucky 40511.

REGULATORY IMPACT ANALYSIS

Contact Person: Mike Fulkerson
(1) Type and number of entities affected: None
(a) Direct and indirect costs or savings to those affected: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs (note any effects upon competition):
(b) Reporting and paperwork requirements: Judges and association report that ownership entry has been split.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect costs or savings: None
1. First year:
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs: Splitting entries means more betting interest, therefore increasing handle for tracks and the state.
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: Increase in revenue from taxes on handle.
(4) Assessment of alternative methods; reasons why alternatives were rejected:
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None
(a) Necessity of proposed regulation if in conflict:
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:
(6) Any additional information or comments: This regulatory rule was changed to add revenue and handle by increasing number of betting interest in a race.
TIERING: Is tiering applied? Yes. Allows the commission to differentiate when horses are coupled for mutuel entries based on different levels of purses.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

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

RELATES TO: KRS 205.520, 205.575, 1992 Acts c. 462, Part I.G.52.b.2
STATUTORY AUTHORITY: KRS 194.050, 1992 Acts c. 462, Part I.G.52.b.2., 20 CFR 405.402 through 405.488, 42 CFR 440.10, 440.140, 447.250 through 447.280, 42 USC 1396a, b, d, r-4, HB 1 of the Second Extraordinary Session, 1993, of the General Assembly
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. [~~KRS 205.575 provides for hospital indigent care assurance program (HICAP) payments.~~] This administrative regulation sets forth the method for determining amounts payable by the cabinet for hospital inpatient services.

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

Section 2. Establishment of Payment Rates. Except as specified in Section 5 of this administrative regulation, the policies, methods, and standards to be used by the cabinet in setting payment rates are specified in the cabinet's "Inpatient Hospital Reimbursement Manual" revised July 1, 1993 [~~July 1, 1992~~], which is incorporated by reference in this administrative regulation.
(2) For any reimbursement issue or area not specified in the manual, the cabinet shall apply the Medicare standards and principles (excluding the Medicare inpatient routine nursing salary differential).
(3) The Kentucky Medical Assistance Program Inpatient Hospital Reimbursement Manual may be reviewed during regular working hours of 8 a.m. to 4:30 p.m. eastern time in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of an appropriate fee which shall not exceed approximate cost.

Section 3. General Description of the Payment System. Except as specified in Section 5 of this administrative regulation the following provisions shall be applicable for purposes of setting inpatient hospital payment rates:
(1) Use of prospective rates. Each hospital shall be paid using a prospective payment rate based on allowable Medicaid costs and Medicaid inpatient days.
(a) The prospective rate shall be all inclusive in that both routine and ancillary cost shall be reimbursed through the rate.
(b) For universal rate years prior to January 1, 1985 the prospective rate shall not be subject to retroactive adjustment except to the extent that an audited cost report alters the basis for the prospective rate or the projected inflation index utilized in setting the individual rate is different from actual inflation as determined by the index being used.
(c) For universal rate years beginning on or after January 1, 1985, the prospective rate shall not be subject to retroactive adjustment except to the extent that facilities with a rate based on unaudited data shall have their rate appropriately revised for the rate year when the audited cost report is received from the fiscal intermediary.
(d) [~~However,~~] Total prospective payments shall not exceed the total customary charges in the prospective year.
(e) Overpayments shall be recouped:
1. By payment from the provider [~~to the cabinet~~] of the amount of the overpayment; or
2. [~~alternatively,~~] By the withholding of the overpayment amount [~~by the cabinet~~] from future payments [~~otherwise~~] due the provider.
(2) Use of a uniform rate year. A uniform rate year shall be set for all facilities, with the rate year established as January 1 through December 31 of each year. The first uniform rate year for mental hospitals shall be July 1, 1985 through June 30, 1986; however, effective January 1, 1986 the mental hospital rate year shall be reestablished and shall be January 1 through December 31 of each year thereafter. Changes of rates throughout the rate year as a result of policy changes shall not change the rate year, although the facility rates may change. Hospitals are not required to change their fiscal years.
(3) Trending of cost reports. Allowable Medicaid cost as shown in cost reports on file in the cabinet, both audited and unaudited, shall

be trended to the beginning of the rate year so as to update Medicaid costs. When trending, capital costs and return on equity capital are excluded. The trending factor to be used shall be the Data Resources, Inc. rate of inflation for the period being trended.

(4) Indexing for inflation. After allowable costs have been trended to the beginning of the rate year, an indexing factor shall be applied so as to project inflationary cost in the uniform rate year. The forecasting index currently in use is prepared by Data Resources, Inc. This policy shall be effective August 3, 1985.

(5) Peer grouping. Acute care hospitals (but not including those considered to be primarily rehabilitative in nature) shall be peer grouped according to bed size.

(a) The peer groupings for the payment system shall be: 0-50 beds, 51-100 beds, 101-200 beds, 201-400 beds, and 401 beds and up.

(b) [~~(except that the~~] Designated state teaching hospitals affiliated with or a part of the University of Kentucky and the University of Louisville shall not be included in the array for facilities with 401 beds and up unless the [~~such~~] facility's primary characteristics are considered essentially the same as the peer group's, and the facility, although not a university teaching hospital as such, is treated in [~~such~~] a manner which [~~as to~~] recognizes the presence of the major pediatric teaching component existing outside the state university hospitals[~~}~~].

(c) No facility in the 201-400 peer group shall have its operational per diem reduced below that amount in effect in the 1982 rate year as a result of the establishment of a peer grouping of 401 beds and up.

(d) Mental hospitals shall not be peer grouped but shall have a separate array of mental hospitals only.

(e) Rehabilitation hospitals and acute care hospitals considered to be primarily rehabilitative in nature shall not be peer grouped or arrayed.

(6) Use of a minimum occupancy factor. A minimum occupancy factor shall be applied to capital costs attributable to the Medicaid program. A sixty (60) percent occupancy factor shall apply to hospitals with 100 or fewer beds. A seventy-five (75) percent occupancy factor shall apply to facilities with 101 or more beds. Capital costs are interest and depreciation related to plant and equipment.

(7) Use of a reduced depreciation allowance. The allowable amount for depreciation on building and fixtures (not including major movable equipment) shall be sixty-five (65) percent of the reported depreciation amount as shown in the hospital's cost reports. The use of a reduced depreciation allowance is not applicable with regard to mental hospitals.

(8) Use of upper limits with regard to services provided on or after July 1, 1993 [~~1991~~].

(a) The following upper limits and payment principles shall apply to all hospitals with other limitations for disproportionate share hospitals shown in paragraph (b) of this subsection.

1.a.(i) For acute care hospitals, except hospitals with 100 beds or less, an upper limit shall be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in each peer group, using the most recent medicaid cost report available as of December 1 of each year.

(ii) For acute care hospitals with 100 beds or less, the upper limit on all costs (except Medicaid capital cost) shall be established at 110 percent of the weighted median per diem for hospitals in the peer groups, using the most recent Medicaid cost report available as of December 1 of each year.

b. For mental hospitals, an upper limit shall be established on all costs (except Medicaid capital cost) at the weighted median per diem cost for hospitals in the array. A mental hospital designated by the cabinet as a primary referral and services resource for children in the custody of the cabinet shall be exempt from the upper limit for the array and shall be paid at actual projected cost with no year end settlement to actual cost; the projected cost may be adjusted for usual cost of living increases using the Data Resources, Incorporated Index.

c. Upon being set, the arrays and upper limits shall not be altered due to revisions or corrections of data; however the arrays or upper limits may be changed as a result of changes of agency policy.

d. Disproportionate share hospitals [~~participating in the Hospital Indigent Care Assurance Program (HICAP)~~] shall also receive, in addition to regular program payments, disproportionate share hospital payments as described in the Reimbursement Manual. [~~amounts which are payable under HICAP. Effective with regard to payments for the quarter ending June 30, 1992 and thereafter, the HICAP payments shall be the product of the ratio of each hospital's Medicaid patient days compared to total Medicaid patient days as applied to total available HICAP funds (which are the amounts remaining, from the hospital assessments paid, for distribution to hospitals after exclusion of appropriate amounts for administrative expense, the contingency reserve amount, and amounts reserved for other program needs in accordance with budget commitments, obligations, and appropriations, and taking into consideration available federal Medicaid matching funds and upper limits on HICAP payments). The formula for determination of HICAP payment amounts is shown in the Reimbursement Manual at Section 102D(b)(2), (3), (4), and (5). No hospital participating in HICAP shall receive on an annual basis less than five and one quarter (5.25) percent of its operating costs, or five (5) percent of its annual operating costs plus $100,000, whichever amount is greater. For hospitals which are disproportionate share hospitals the limitations shown in paragraph (b) of this subsection and subsection (9) of this section shall be applicable for HICAP payments. If a hospital which is a nondisproportionate share hospital is determined by the cabinet to be a nonparticipant in HICAP, the amounts otherwise payable under HICAP to the hospital shall not be made.~~]

e. Provider taxes shall be considered allowable cost. For the rate period beginning July 1, 1993, the allowable cost of the tax shall be added to the hospital rate with no offsets and without regard for usual upper limits. For subsequent rate periods the cost shall be shown in the appropriate cost report with adjustment as necessary to reflect an annual amount.

f. Allowable cost growth from the prior rate base year to the new rate base year shall be limited to not more than one and one-half (1 1/2) times the Data Resources, Inc. inflation amount for the same time period; limits shall be applied by component (capital and operating cost only); cost growth beyond the allowable amounts shall be considered unallowable cost for rate setting purposes.

2. For medically necessary hospital inpatient services provided to infants under the age of one (1) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other infants are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the infants.

(b) The following upper limits and payment principles shall apply to disproportionate share hospitals as defined in subsection (9) of this section.

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher, and hospitals having twenty-five (25) percent or more nursing days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days, shall have an upper limit set at 120 percent of the weighted median per diem cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to disproportionate share hospital payments as appropriate. [~~amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment~~

~~amount shown in subsection (9)(b)1 of this section if greater.~~]

2. Designated state teaching hospitals and major affiliated pediatric teaching hospitals (i.e., those affiliated with or a part of the University of Kentucky and the University of Louisville) shall have an upper limit set at 126 percent of the weighted median per diem cost for all other hospitals of comparable size (401 beds and up). The pediatric teaching hospitals shall also be paid, in addition to the facilities' base rate, an amount which is equal to two (2) percent of the base for each one (1) percent of Medicaid occupancy but this amount shall not exceed the prospective reasonably determined uncompensated Medicaid cost to the facility. In addition to the per diem amount computed using the limits specified in this subparagraph, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to disproportionate share hospital payments as appropriate. [~~amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.~~]

3. Mental hospitals with Medicaid utilization of thirty-five (35) percent or higher shall have an upper limit set at 115 percent of the weighted median per diem cost for hospitals in the array. The hospitals shall also be entitled to disproportionate share hospital payments as appropriate. [~~The per diem amount shall be computed using this upper limit or by using the disproportionate share minimum payment amount shown in subsection (9)(b)1 of this section if doing so results in a higher per diem amount.~~]

4. All other disproportionate share acute care hospitals shall have their upper limit set at the weighed median per diem of the cost for hospitals in the array. In addition to the per diem amount computed in this manner, the hospitals shall be paid (as appropriate) additional amounts for services to children under age six (6) (as shown in subsection (9)(b)2 of this section). The hospitals shall also be entitled to disproportionate share hospital payments as appropriate. [~~amounts payable under HICAP (as shown in subsection (9)(b)3 of this section) or the disproportionate share minimum adjustment amount shown in subsection (9)(b)1 of this section if greater.~~]

(9) Disproportionate share hospitals.

(a) Disproportionate share hospitals are those hospitals meeting the criteria specified in 42 USC 1396r-4(b) and (d) and those hospitals which may not meet the [~~such~~] criteria but meet the criteria specified in 42 USC 1396r-4(d) and meet this additional criteria:

1. Acute care hospitals with Medicaid utilization of twenty (20) percent or higher and mental hospitals with Medicaid utilization of thirty-five (35) percent or higher;

2. Hospitals which are designated state teaching hospitals;

3. Hospitals which are designated major pediatric teaching hospitals;

4. Hospitals having twenty-five (25) percent or more nursery days resulting from Medicaid covered deliveries as compared to the total number of paid Medicaid days; and

5. Effective with regard to services provided on or after July 1, 1990, hospitals not meeting the additional criteria specified in subparagraphs 1 through 4 of this paragraph but with Medicaid utilization of one-half (1/2) of one (1) percent or higher.

(b) The upper limit for payments for hospitals in Kentucky shall be set at the lower of allowable Medicaid cost or the median of the facility array of allowable cost with payment adjustments allowed for hospitals deemed disproportionate share hospitals in accordance with subsections (8) and (9) of this section. For compliance with 42 USC 1396r-4(c), the minimum payment adjustment and actual payment adjustment shall be computed in the following manner:

1.a. Each disproportionate share hospital shall be paid a minimum disproportionate share payment amount for the type of hospital plus any earned adjustment to which the hospital is entitled. The hospital types, minimum payment amounts, and earned adjustments shall be as follows:

(i) Type I hospitals shall be those acute care and rehabilitation in-state hospitals serving a federally designated medically underserved area, a federally designated health manpower shortage area, or a primary care physician shortage area designated under the rural Kentucky medical scholarship fund, when the hospital has fifty (50) beds or less. Minimum amount: ninety-five (95) dollars per Medicaid day.

(ii) Type II. These hospitals shall be described in the same manner as Type I, except these hospitals have fifty-one (51) beds to 100 beds. Minimum amount: seventy (70) dollars per Medicaid day.

(iii) Type III. These hospitals shall be described in the same manner as Type I except these hospitals have 101 beds to 200 beds. Minimum amount: fifty-five (55) dollars per Medicaid day.

(iv) Type IV. These hospitals shall be described in the same manner as Type I except these hospitals have 201 or over beds. Minimum amount: forty-five (45) dollars per Medicaid day.

(v) Type V. All acute care and rehabilitation in-state hospitals with 100 beds and under except those described as Type I or II. Minimum amount: forty-five (45) dollars per Medicaid day.

(vi) Type VI. All acute care and rehabilitation in-state hospitals with 101 beds to 200 beds except those that are Type III. Minimum amount: thirty-five (35) dollars per Medicaid day.

(vii) Type VII. All other in-state hospitals including psychiatric hospitals. Minimum amount: ten (10) dollars per Medicaid day.

(viii) Type VIII. All out-of-state hospitals. Minimum amount: one (1) dollar per Medicaid day.

b.(i) Each Type I through Type VII hospital shall have the opportunity for a earned payment adjustment based on the provision of indigent care (i.e., care provided to Medicaid recipients beyond the Medicaid covered days or to individual or families with income under the poverty level).

(ii) The earned adjustment shall equal ten (10) dollars for each indigent day of care provided plus an amount equal to the cost of the indigent care (at Medicaid rates) provided by the hospital for which there has been no direct or indirect payment (i.e., where the cost of the care has not been paid or cost-shifted to other payors).

(iii) A hospital shall be presumed to have received payment for indigent care to the extent that other patient revenues exceed other patient costs, and to the extent that direct or other indirect payments are made to the hospital for the indigent care.

c. Each Type VIII hospital shall qualify for an earned adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid occupancy above one (1) standard deviation. [~~All hospitals determined to be disproportionate share hospitals shall be entitled to a minimum payment adjustment equal to one (1) dollar as an addition to the hospital payment rate computed using usual upper limits; and for hospitals with Medicaid utilization in excess of one (1) standard deviation above the mean Medicaid inpatient utilization rate for hospitals receiving Medicaid payments in the state, a further payment adjustment which is equal to ten (10) cents for each one (1) percent of Medicaid utilization in the hospital which is in excess of utilization at the one (1) standard deviation level.~~]

2. Effective with regard to medically necessary hospital inpatient services provided by all Kentucky disproportionate share hospitals on or after July 1, 1991 to children under the age of six (6) with exceptionally high costs or long lengths of stay (defined as being those costs and days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other children are after thirty (30) days from the date of admission), the payment rate shall be set at 110 percent of the per diem payment rate, without regard to length of stay or number of admissions of the children.

[~~3. Effective with regard to services provided on or after July 1, 1990 any hospital which is participating in the Hospital Indigent Care Assurance Program (HICAP) shall receive disproportionate share payments under HICAP. HICAP assessments and payments are described in 907 KAR 1:017, Hospital indigent care assurance~~

~~program. If a hospital is determined by the cabinet to be a nonparticipant in the HICAP program, the hospital shall be entitled to the minimum adjustment shown in subparagraph 1 of this paragraph.~~]

(10) Operating costs shall not include professional (physician) costs for purposes of establishing the median based upper limits. Professional costs shall be trended separately.

(11) Hospitals whose general characteristics are not those of an acute care or mental hospital (i.e., because they are rehabilitation hospitals or acute care hospitals considered to be primarily rehabilitative in nature) are not subject to the operating cost upper limits.

(12) Rate appeals. As specified in the Inpatient Hospital Reimbursement Manual, hospitals may request an adjustment to the prospective rate with the submittal of supporting documentation. The established appeal procedure allows a representative of the hospital group to participate as a member of the rate review panel.

Section 4. Payments to Participating Out-of-state Hospitals. This section shall be effective except as specified in Section 5 of this administrative regulation.

(1) Effective with regard to services provided on or after July 1, 1990 participating out-of-state hospitals shall be reimbursed for covered inpatient services rendered eligible Kentucky Medicaid recipients at the rate of seventy-five (75) percent of usual and customary charges; up to the in-state per diem upper limit for a comparable size hospital, except as specified in subsection (2) of this section.

(2) Effective with regard to medically necessary hospital inpatient services provided on or after July 1, 1991 to infants under the age of one (1), and for children under the age of six (6) in disproportionate share hospitals (determined in the same manner as for in-state hospitals except that out-of-state hospitals are not included in facility arrays), for days of stay which for newborns are after thirty (30) days beyond the date of discharge for the mother of the child and for all other children are after thirty (30) days from the date of admission, participating out-of-state hospitals shall be paid at the rate of eighty-five (85) percent of usual and customary actual billed charges up to 110 percent of the per diem upper limit for the in-state peer group for comparably sized hospitals in recognition of exceptionally high costs and lengths of stay related to infants under the age of one (1) and children under age six (6), without regard to length of stay or number of admissions of the infants and children.

(3) Effective with regard to services provided on or after February 1, 1991, professional costs (i.e., physician fees) for all covered days of stay shall be paid at seventy-five (75) percent of the usual and customary charges of the provider.

Section 5. Special Payment Rates and Upper Limits Period. For the period beginning on April 1, 1993 and ending on June 30, 1993 acute care and rehabilitation hospital payment rates and upper limits shall be the same rates (including necessary adjustments for audits or other purposes) and upper limits as the rates and upper limits in effect for the rate period of January 1, 1992 through December 31, 1992.

Section 6. Except as otherwise specified the changes shown in this administrative regulation shall be effective with regard to services provided on or after July 1, 1993.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 1, 1993 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 24, 1993 at 9 a.m. in the Vital Statistics Conference Room, First Floor East, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 19, 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 cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Kim Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie A. Miller

(1) Type and number of entities affected: All hospitals participating in the Medicaid program.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year: $162,650,000 (savings)

2. Continuing costs or savings: $162,650,000 (savings)

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: 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 Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:022. Nursing facility and intermediate care facility for the mentally retarded services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456, 42 USC 1396, 1396a, b, c, d, g, i, l, n, o, p, r, r-2, r-3, r-5, s

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer Medicaid the program [~~of Medical Assistance~~]. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative

regulation sets forth the provisions relating to nursing facility and intermediate care facility for the mentally retarded services for which payment shall be made by the Medicaid [~~medical assistance~~] program in behalf of both the categorically needy and medically needy.

Section 1. Definitions. The following definitions shall be applicable:

(1) "Patient status" means that the individual has care needs meeting the criteria set forth in this administrative regulation for treatment in the institutional setting.

(2) "Intermittent high intensity services" means the individual requires high intensity nursing services at regular or irregular intervals, but not on a twenty-four (24) hour per day basis.

(3) "Stable medical condition" means one which is capable of being maintained in accordance with a planned treatment regimen requiring a minimum amount of medical supervision without significant change or fluctuation in the patient's condition or treatment regimen.

(4) "Nursing facility" (NF) means a facility which has a license as a nursing facility and which is certified to the Department for Medicaid Services by the state survey agency as meeting nursing facility standards. A facility which is certified to the department as meeting skilled nursing facility standards based on a survey agency survey made prior to October 1, 1990 shall be deemed to meet the requirements for participation as a nursing facility until the first survey agency survey of the facility which occurs on or after October 1, 1990. Hospital swing beds providing services in accordance with 42 USC 1395tt and 42 USC 13961 shall also be considered nursing facilities if [~~so long as~~] the swing beds are certified to the department as meeting requirements for the provision of swing bed services under federal laws and regulations. Each nursing facility shall have Medicare participatory status in at least twenty (20) [~~thirty-five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (10) beds); if the facility has less than ten (10) Medicaid participating beds, all participating beds shall participate in the Medicare Program).

(5) "Nursing facility with waiver" (NF-W) means a facility which has a license as a nursing facility and which is certified to the Department for Medicaid Services by the state survey agency as meeting all nursing facility requirements except for the nurse staffing requirement for which a Medicaid waiver has been granted by the survey agency; some nursing facilities with waiver do not meet Medicare participation requirements. A facility which is certified to the department as meeting intermediate care facility standards based on a survey agency survey made prior to October 1, 1990 shall be deemed to meet the requirements for participation as a nursing facility with waiver until the first survey agency survey of the facility which occurs on or after October 1, 1990. If a facility which has a Medicaid waiver chooses to participate in the Medicare Program, the facility shall be required to have Medicare participatory status in at least twenty (20) [~~thirty-five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (10) beds; if the facility has less than ten (10) Medicaid participating beds, all participating beds shall participate in the Medicare Program).

(6) "Intermediate care facility for the mentally retarded" (ICF-MR) means a licensed intermediate care facility for the mentally retarded certified to the Department for Medicaid Services as meeting all standards for intermediate care facilities for the mentally retarded.

(7) "High intensity nursing care services" means care provided to Medicaid eligible individuals who meet high intensity patient status criteria by nursing facilities (NFs) and nursing facilities with waiver participating in the Medicaid program with the care provided in beds also participating in the Medicare Program. High intensity nursing care patient status criteria shall be equivalent to skilled nursing care standards under Medicare.

(8) "Low intensity nursing care services" means care provided to Medicaid eligible individuals who meet low intensity patient status criteria by nursing facilities (NFs) or nursing facilities with waiver (NFs-W) participating in the Medicaid program. Low intensity nursing care patient status criteria shall be equivalent to the former intermediate care patient status standards.

(9) "Intermediate care for the mentally retarded and persons with related conditions services" means care provided to Medicaid eligible individuals who meet ICF-MR patient status criteria by ICF-MRs participating in the Medicaid program.

Section 2. Participation Requirements. Each facility desiring to participate as a nursing facility, nursing facility with waiver, or ICF-MR shall meet the following requirements:

(1) An application for participation shall be made to the cabinet using the procedures specified by the Commissioner, Department for Medicaid Services, Cabinet for Human Resources. A vendor number shall be assigned to the facility by the cabinet when participation status is achieved.

(2) Each nursing facility shall be required to have participatory status in the program of health care known as Medicare in at least twenty (20) [~~thirty-five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (10) beds; if the facility has less than ten (10) Medicaid participating beds, all participating beds shall participate in the Medicare Program) before the conditions of participation for Medicaid shall be deemed met.

(3) If a nursing facility with waiver chooses to participate in the Medicare Program, the facility shall meet Medicare participation requirements in at least twenty (20) [~~thirty-five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (10) beds; if the facility has less than ten (10) Medicaid participating beds, all participating beds shall participate in the Medicare Program.)

(4) Each nursing facility and nursing facility with waiver shall be required to comply with the preadmission screening and annual resident review requirements specified in 42 USC 1396r, effective with regard to admissions and resident stays occurring on or after January 1, 1989. Facilities failing to comply with this requirement shall be subject to disenrollment, with exclusion from participation to be accomplished in accordance with 907 KAR 1:220, Terms and conditions of provider participation; provider appeals, and federal regulations at 42 CFR 431.153 and 431.154.

(5) A facility shall be required to be certified by the state survey agency as meeting NF, NF-W, or ICF-MR status; a facility not appropriately certified shall not participate in the Medicaid program except for appropriately certified SNFs or ICFs during the grandfathered period which ends upon the facility's first survey by the state survey agency on or after October 1, 1990.

Section 3. Provision of Service. (1) Payment for high intensity, low intensity and ICF-MR services shall be limited to those services meeting the care definitions shown in Section 1 of this administrative regulation. A nursing facility or nursing facility with waiver may provide and receive payments for high intensity services provided to Medicaid eligible individuals meeting high intensity patient status criteria if [~~so long as~~] the services are provided in beds also participating in the Medicare Program and a nursing facility or nursing facility with waiver may provide and receive payments for low intensity services provided to Medicaid eligible individuals meeting low intensity patient status criteria when the services are provided in any Medicaid participating beds; an ICF-MR may provide and receive payments for ICF-MR services only.

(2) A participating nursing facility may be certified, in accordance with standards and conditions specified in 907 KAR 1:545 [~~374~~], Incorporation by reference of the [~~skilled~~] nursing facility services manual, to operate a unit providing preauthorized specialized rehabilitation services for persons with brain injuries.

Section 4. Determining Patient Status. Professional staff of the cabinet, or a peer review organization operating under its lawful authority pursuant to the terms of its agreement with the cabinet, shall

review and evaluate the health status and care needs of the recipient in need of institutional care giving consideration to the medical diagnosis, care needs, services and health personnel required to meet these needs and the feasibility of meeting the needs through alternative institutional or noninstitutional services.

(1) A patient shall not qualify for Medicaid patient status unless the person is qualified for admission, and continued stay as appropriate, under the preadmission screening and annual resident review criteria specified in 42 USC 1396r with regard to admissions and resident stays occurring on or after January 1, 1989.

(2) Patients qualify for high intensity nursing care when their needs mandate high intensity nursing or high intensity rehabilitation services on a daily basis and when, as a practical matter, the care can only be provided on an inpatient basis. Where the inherent complexity of a service prescribed for a patient exists to the extent that it can be safely or effectively performed only by or under the supervision of technical or professional personnel, the patient would qualify for high intensity nursing care. A patient with an unstable medical condition manifesting a combination of care needs in the following areas shall qualify for high intensity nursing care:

(a) Intravenous, intramuscular, or subcutaneous injections and hypodermoclysis or intravenous feeding;

(b) Nasogastric or gastrostomy tube feedings;

(c) Nasopharyngeal and tracheotomy aspiration;

(d) Recent or complicated ostomy requiring extensive care and self-help training;

(e) In-dwelling catheter for therapeutic management of a urinary tract condition;

(f) Bladder irrigations in relation to previously indicated stipulation;

(g) Special vital signs evaluation necessary in the management of related conditions;

(h) Sterile dressings;

(i) Changes in bed position to maintain proper body alignment;

(j) Treatment of extensive decubitus ulcers or other widespread skin disorders;

(k) Receiving medication recently initiated, which requires high intensity observation to determine desired or adverse effects or frequent adjustment of dosage;

(l) Initial phases of a regimen involving administration of medical gases;

(m) Receiving services which would qualify as high intensity rehabilitation services when provided by or under the supervision of a qualified therapist(s), for example: ongoing assessment of rehabilitation needs and potential; therapeutic exercises which must be performed by or under the supervision of a qualified physical therapist; gait evaluation and training; range of motion exercises which are part of the active treatment of a specific disease state which has resulted in a loss of, or restriction of, mobility; maintenance therapy when the specialized knowledge and judgment of a qualified therapist is required to design and establish a maintenance program based on an initial evaluation and periodic reassessment of the patient's needs, and consistent with the patient's capacity and tolerance; ultrasound, short wave, and microwave therapy treatments; hot pack, hydrocollator infrared treatments, paraffin baths, and whirlpool (in cases where the patient's condition is complicated by circulatory deficiency, areas of desensitization, open wounds, fractures or other complications, and the skills, knowledge, and judgment of a qualified physical therapist are required); and services by or under the supervision of a speech pathologist or audiologist when necessary for the restoration of function in speech or hearing.

(3) An individual shall be determined to meet low intensity patient status when the individual requires intermittent high intensity nursing care, continuous personal care or supervision in an institutional setting. In making the decision as to patient status, the following criteria shall be applicable:

(a) An individual with a stable medical condition requiring intermittent high intensity services not provided in a personal care home shall be considered to meet patient status.

(b) An individual with a stable medical condition, who has a complicating problem which prevents the individual from caring for himself in an ordinary manner outside the institution shall be considered to meet patient status. For example, ambulatory cardiac and hypertensive patients may be reasonably stable on appropriate medication, but have intellectual deficiencies preventing safe use of self-medication, or other problems requiring frequent nursing appraisal, and thus be considered to meet patient status.

(c) An individual with a stable medical condition manifesting a significant combination of the following care needs shall be determined to meet low intensity patient status when the professional staff determines that the ~~[such]~~ combination of needs can be met satisfactorily only by provision of intermittent high intensity nursing care, continuous personal care or supervision in an institutional setting:

1. Assistance with wheelchair;

2. Physical or environmental management for confusion and mild agitation;

3. Must be fed;

4. Assistance with going to bathroom or using bedpan for elimination;

5. Old colostomy care;

6. In-dwelling catheter for dry care;

7. Changes in bed position;

8. Administration of stabilized dosages of medication;

9. Restorative and supportive nursing care to maintain the patient and prevent deterioration of his condition;

10. Administration of injections during time licensed personnel is available.

11. Services that could ordinarily be provided or administered by the individual but due to physical or mental condition is not capable of ~~[such]~~ self-care.

12. Routine administration of medical gases after a regimen of therapy has been established.

(d) An individual shall not generally be considered to meet patient status criteria when care needs are limited to the following:

1. Minimal assistance with activities of daily living;

2. Independent use of mechanical devices, for example, assistance in mobility by means of a wheelchair, walker, crutch(es) or cane;

3. Limited diets such as low salt, low residue, reducing and other minor restrictive diets;

4. Medications that can be self-administered or the individual requires minimal supervision.

(4) Evaluation of patient status for persons with mental disorders or mental retardation. A person with a mental disorder or mental retardation meeting the health status and care needs specified in subsections (2) and (3) of this section shall generally be considered to meet patient status. However, these individuals shall be specifically excluded from coverage in the following situations:

(a) When the cabinet determines that in the individual case the combination of care needs are beyond the capability of the facility, and that placement in the facility is inappropriate due to potential danger to the health and welfare of the patient, other patients in the facility, or staff of the facility; and

(b) When the nursing care needs result directly and specifically from a mental disorder; i.e., are essentially symptoms of the mental disorder; and

(c) When the patient does not meet the preadmission screening and annual resident review criteria specified in 42 USC 1396r for entering or remaining in a facility.

(5) An individual shall be determined to meet patient status for an intermediate care facility for the mentally retarded and persons with related conditions when the individual requires physical or environmental management or rehabilitation for moderate to severe retardation. In making the decision as to patient status the following criteria shall be applicable:

(a) An individual with significant developmental disabilities and significantly subaverage intellectual functioning who requires a planned program of active treatment to attain or maintain the individual's optimal level of functioning, but does not necessarily require nursing facility or nursing facility with waiver services, shall be considered to meet patient status.

(b) An individual requiring a protected environment while overcoming the effects of developmental disabilities and subaverage intellectual functioning shall be considered to meet patient status while:

1. Learning fundamental living skills;
2. Learning to live happily and safely within his own limitations;
3. Obtaining educational experiences that will be useful in self-supporting activities;
4. Increasing his awareness of his environment.

(c) An individual with a psychiatric primary diagnosis or needs shall be considered to meet patient status criteria only when the individual also has care needs as shown in paragraph (a) or (b) of this subsection, the mental care needs are adequately handled in a supportive environment (i.e., the intermediate care facility for the mentally retarded), and the individual does not require psychiatric inpatient treatment.

(d) An individual that does not require a planned program of active treatment to attain or maintain the individual's optimal level of functioning shall not be considered to meet patient status.

(e) It shall be the policy of the cabinet that no individual shall be denied patient status soley due to advanced age, or length of stay in an institution, or history of previous institutionalization, if [~~so long as~~] the individual qualifies for patient status on the basis of all other factors.

(f) With regard to an individual with a "related condition" (not mental retardation) the illness or ailment shall have manifested itself prior to the individual's 22nd birthday.

Section 5. Reevaluation of Need for Service. Nursing facility, nursing facility with waiver, and ICF-MR services shall be provided if [~~for as long as~~] the health status and care needs are within the scope of program benefits as described in Sections 3 and 4 of this administrative regulation. Patient status shall be reevaluated at least once every six (6) months. If a reevaluation of care needs reveals that the patient no longer requires high intensity, low intensity, or intermediate care for the mentally retarded services and payment is no longer appropriate in the facility, payment shall continue for ten (10) days to permit orderly discharge or transfer to an appropriate level of care.

Section 6. Preauthorization of Provision of Specialized Rehabilitation Services for Persons with Brain Injuries. Patients who are brain injured and meet usual high intensity nursing facility patient status criteria may be provided care in a certified unit providing specialized rehabilitation services for persons with brain injuries (i.e., brain injury unit) when the care is preauthorized by staff of the Department for Medicaid Services using criteria specified in this section. For coverage to occur, authorization of coverage shall be granted prior to admission of the individual with the head injury into the certified head injury unit, or if previously admitted to the unit with other third party coverage, authorization shall be granted prior to exhaustion of those benefits.

(1) Injuries within the scope of benefits shall be:

(a) Central nervous system injury from physical trauma;

(b) Central nervous system damage from anoxia or hypoxic episodes; and

(c) Central nervous system damage from allergic conditions, toxic substances and other acute medical/clinical incidents.

(2) Indications for admission and continued stay shall be as follows:

(a) The individual sustained a traumatic brain injury with structural, nondegenerative brain damage and is medically stable;

(b) The individual shall not be in a persistent vegetative state;

(c) The individual demonstrates physical, behavioral, and cognitive rehabilitation potential;

(d) The individual requires coma management; and

(e) The individual has sustained diffuse brain damage caused by anoxia, toxic poisoning, encephalitis, or cardiovascular accident with rehabilitation potential.

(3) The determination as to whether preauthorization is appropriate shall be made taking into consideration the following:

(a) The presenting problem;

(b) The goals and expected benefits of the admission;

(c) The initial estimated time frames for goal accomplishment; and

(d) The services needed.

(4) The following are indicators that show it shall be inappropriate to preauthorize coverage for services provided in a certified brain injury unit:

(a) Strokes, (note: nursing facilities provide rehabilitation services that are expected to meet the needs of most stroke patients);

(b) Spinal cord injuries in which there are no known or obvious injuries to the intercranial central nervous system;

(c) Progressive dementias and other mentally impairing conditions;

(d) Depression and psychiatric disorders in which there is no known or obvious central nervous system damage;

(e) Mental retardation, developmental disabilities, and birth defect related disorders of long standing; and

(f) Neurological degenerative, metabolic and other medical conditions of a chronic, degenerative nature.

Section 7. Reserved Bed Days. The cabinet shall cover reserved bed days in accordance with the following specified upper limits and criteria.

(1) Reserved bed days for nursing facilities and nursing facilities with wavier shall be covered for a maximum of fourteen (14) days per absence for a hospital stay with an overall maximum of forty-five (45) days per provider during the calendar year. Reserved bed days shall be covered for a maximum of fifteen (15) days per provider during the calendar year for leaves of absence other than for hospitalization.

(2) For intermediate facilities for the mentally retarded and persons with related conditions, reserved bed days shall be covered for a maximum of forty-five (45) days per provider within a calendar quarter. Reserved bed days for hospital stays shall not exceed fifteen (15) days per stay. No more than thirty (30) consecutive reserved bed days (for hospital stay(s) plus leave(s) of absence, or leave of absence only) shall be approved for coverage.

(3) Coverage during a recipient's absence for hospitalization or leave of absence shall be contingent on the following conditions being met:

(a) The person shall be in Medicaid payment status in the level of care he/she is authorized to receive and shall have been a resident of the facility at least overnight. Persons for whom Medicaid is making Medicare coinsurance payments shall not be considered to be in Medicaid payment status for purposes of this policy;

(b) The person can be reasonably expected to return to the same level of care;

(c) Due to demand at the facility for beds at that level, there is a likelihood that the bed would be occupied by some other patient were it not reserved;

(d) The hospitalization shall be for treatment of an acute condition, and not for testing, brace-fitting, etc.; and

(e) In the case of leaves of absence other than for hospitalization, the patient's physician orders and plan of care provide for such leaves. Leaves of absence include visits with relatives and friends, and leaves to participate in state-approved therapeutic or rehabilitative programs.

Section 8. The provisions of this administrative regulation shall

apply to covered services provided on or after July 1, 1993 [~~1991~~].

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 1, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 24, 1993 at 9 a.m. in the Vital Statistics Conference Room, First Floor East, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 19, 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 cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: William K. Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie A. Miller

(1) Type and number of entities affected: All nursing facilities and intermediate care facilities for the mentally retarded participating in the Medicaid Program.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

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 Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:025. Payments for nursing facility and intermediate care facility for the mentally retarded services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456; 42 USC 1396, a, b, c, d, g, i, l, n, o, p, r, r-2, r-3, r-5, s

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth the method for determining amounts payable by the cabinet for nursing care facility services and intermediate care facility for the mentally retarded services.

Section 1. Definitions. (1) "Allowable cost" means that portion of the facility's cost which may be allowed by the cabinet in establishing the reimbursement rate. Cost shall be considered allowable if the item of supply or service is necessary for the provision of the appropriate level of patient care and the cost incurred by the facility is within cost limits established by the cabinet, i.e., the allowable cost is "reasonable."

(2) "Ancillary services" means those direct services for which a separate charge is customarily made, and which, except for ventilator therapy services, and brain injury unit services are retrospectively settled on the basis of reasonable allowable cost at the end of the facilities' fiscal year. Ancillary services are limited to the following:

(a) Physical, occupational and speech therapy;

(b) Laboratory procedures;

(c) X-ray;

(d) Oxygen and other related oxygen supplies;

(e) Respiratory therapy (excluding the routine administration of oxygen);

(f) Psychological and psychiatric therapy (for intermediate care facilities for the mentally retarded only); and

(g) Ventilator therapy services, subject to the coverage limitations shown in the reimbursement manual.

(3) "Nursing facility (NFs)" means a facility certified to the Medicaid program by the state survey agency as meeting all nursing facility requirements, and in at least twenty (20) [~~thirty five (35)~~] percent of the facility's Medicaid participating beds (but not less than ten (1) beds meeting all conditions of participation in the Medicare program. The phrase "nursing facility" also includes a nursing facility with waiver, as provided for in 42 USC 1396r(b)(4)(C)(ii), unless the context specifies otherwise.

(4) "Nursing facilities with waiver (NFs/W)" means facilities certified to the Medicaid program by the state survey agency as meeting all NF requirements except the nurse staffing requirement for which an NF waiver has been granted by the survey agency.

(5) "Hospital based nursing facilities" means those nursing facilities in the same building with or attached to an acute care hospital and which share common administration, nursing staff, and ancillary services with the hospital; however, those facilities classified as hospital based skilled nursing facilities on June 30, 1989 shall remain classified as hospital based nursing facilities.

(6) "Nursing services costs" means the direct costs associated with nursing services.

(7) "All other costs" means other care-related costs, other operating costs, capital costs, and indirect ancillary costs.

(8) The "basic per diem cost" for each major cost category (nursing services costs and all other costs) shall be the computed

rate arrived at when otherwise allowable costs are trended and adjusted in accordance with the inflation factor, the occupancy factor, and the median cost center per diem upper limits.

(9) "Inflation factor" means the comparison of allowable routine service costs, not including fixed or capital costs, with an inflation rate to arrive at projected current year cost increases, which when added to allowable costs, including fixed or capital costs, yields projected current year allowable costs.

(10) "Incentive factor" means the comparison of the basic per diem cost (for facilities qualifying for a cost savings incentive) with the upper limit for the appropriate cost arrays using the cost savings incentive (CSI) percentage (and taking into consideration the maximum allowable CSI amount for each cost array) to arrive at the actual dollar amount of cost savings incentive return to be added to the basic per diem cost.

(11) "Maximum allowable cost" means the maximum amount which may be allowed to a facility as reasonable cost for provision of an item of supply or service while complying with limitations expressed in related federal or state regulations.

(12) "Upper limit" means the maximum level at which the cabinet shall reimburse, on a facility by facility basis, for routine services.

(13) "Occupancy factor" means the imposition of an assumed level of occupancy used in computing unadjusted basic per diem rates.

(14) "Prospective rate" means a payment rate of return for routine services based on allowable costs and other factors, and includes the understanding that except as specified the prospective rate shall not be retroactively adjusted, either in favor of the facility or the cabinet.

(15) "Routine services" means the regular room, dietary, medical social services, nursing services, minor medical and surgical supplies, and the use of equipment and facilities. Routine services include but are not limited to the following:

(a) All general nursing services, including administration of oxygen and related medications, handfeeding, incontinency care and tray services;

(b) Items which are furnished routinely and relatively uniformly to all patients, such as patient gowns, water pitchers, basins and bed pans. Personal items such as paper tissues, deodorants, and mouthwashes shall be allowable as routine services if generally furnished to all patients;

(c) Items stocked at nursing stations or on the floor in gross supply and distributed or utilized individually in small quantities, such as alcohol, applicators, cotton balls, band-aids and tongue depressors;

(d) Items which are utilized by individual patients but which are reusable and expected to be available in an institution providing a nursing facility level of care, such as ice bags, bed rails, canes, crutches, walkers, wheelchairs, traction equipment, and other durable medical equipment;

(e) Laundry services including personal clothing to the extent it is the normal attire for everyday facility use, but excluding dry cleaning costs; and

(f) Other items or services generally available or needed within a facility unless specifically identified as ancillary services. (Items excluded from reimbursement include private duty nursing services and ambulance services costs.)

(16) "Nursing facility with a mental retardation specialty (NF/MRS)" means a nursing facility in which at least fifty-five (55) percent of the patients have demonstrated special needs relating to the diagnosis of mental retardation.

(17) "Necessary function" means that had the owner not rendered services pertinent to the operation of the institution, the institution would have had to employ another person to perform the service.

Section 2. Reimbursement for Nursing Facilities (NFs) (Including Nursing Facilities with Waiver) and Intermediate Care Facilities for the Mentally Retarded (ICF-MRs). (1) All nursing facilities (NFs) (including nursing facilities with waiver) or intermediate care facilities for the mentally retarded (ICF-MRs) participating in the Medicaid program shall be reimbursed in accordance with this administrative regulation.

(2) Payments made shall be in accordance with the requirements set forth in 42 CFR 447.250 through 42 CFR 447.280 and the coverage requirements specified in 907 KAR 1:022, Nursing facility and intermediate care facility for the mentally retarded services.

(3)(a) A nursing facility desiring to participate in Medicaid shall be required to have at least twenty (20) [~~thirty five (35)~~] percent of its Medicaid participating beds (but not less than ten (10) beds; for a facility with less than ten (10) beds, all beds) participate in the Medicare program unless the nursing facility has been granted a waiver of the nursing facility nurse staffing requirement and, as a result, cannot participate in Medicare.

(b) If a nursing facility with waiver chooses to participate in the Medicare Program, the facility shall be required to have at least twenty (20) [~~thirty five (35)~~] percent of its Medicaid participating beds (but not less than ten (10) beds; if the facility has less than ten (10) beds, all beds) participate in the Medicare Program.

(4) The Medicaid program does not recognize multilevel nursing facilities, and therefore all participating beds in nursing facilities (including nursing facilities with waiver but not including ICF-MRs) shall be reimbursed at the same rate established for the entire facility.

Section 3. Basic Principles of Reimbursement. (1) Payment shall be on the basis of rates which have been determined by the cabinet to be reasonable and adequate to meet the costs which are required to be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards, in accordance with the requirements set forth in 42 USC 1396(a)(13)(A).

(2) Payment amounts shall be arrived at by application of the reimbursement principles developed by the cabinet and contained in the [~~(~~]Kentucky Medicaid Program Nursing Facility Reimbursement Manual, revised July [~~January~~] 1, 1993 which is [~~hereby~~] incorporated by reference in this administrative regulation [~~)~~] and supplemented by the use of the Medicare reimbursement principles. The Kentucky Medicaid Program Nursing Facility Reimbursement Manual may be reviewed during regular working hours (8 a.m. to 4:30 p.m. eastern standard time) in the Office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621. Copies may also be obtained from that office upon payment of an appropriate fee which shall not exceed approximate cost.

Section 4. Implementation of the Payment System. The cabinet's reimbursement system shall be supported by the Medicare Principles of Reimbursement, with the system utilizing the principles as guidelines in unaddressed policy areas. The cabinet's reimbursement system includes the following specific policies, components or principles:

(1) Prospective payment rates for routine services shall be set by the cabinet on a facility by facility basis, and shall not be subject to retroactive adjustment except as specified in this section of the administrative regulation, including the provisions contained in subsections (13) and (14) of this section.

(a) Prospective rates shall be cost based annually, and may be revised on an interim basis in accordance with procedures set by the cabinet.

(b) An adjustment to the prospective rate (subject to the maximum payment for that type of facility) shall be considered only if a facility's increased costs are attributable to one (1) of the following reasons:

1. Governmentally imposed minimum wage increases;

2. The direct effect of new licensure requirements or new interpretations of existing requirements by the appropriate governmental agency as issued in administrative regulation or written policy which affects all facilities within the class; or

3. Other governmental actions that result in an unforeseen cost increase.

(c)1. The amount of any prospective rate adjustment shall not exceed that amount by which the cost increase resulting directly from the governmental action exceeds on an annualized basis the inflation allowance amount included in the prospective rate for the general cost area in which the increase occurs. For purposes of this determination, costs shall be classified into two (2) general areas, salaries and other.

2. The effective date of interim rate adjustment shall be the first day of the month in which the adjustment is requested or in which the cost increase occurred, whichever is later.

(2)(a) The prospective rate shall not exceed, on a facility by facility basis, an administratively established maximum payment for that type of facility as applicable (except that ICF-MRs shall have no administratively set upper limit).

(b)1. The state shall set a uniform rate year for NFs and ICF-MRs (July 1 - June 30) by taking the latest available cost data which is available as of May 16 of each year and trending the facility costs to July 1 of the rate year with prospective rates based on cost reports which are not audited or desk reviewed subject to adjustment when the audit or desk review is completed.

2. Appropriate cost report adjustments shall be made for the period between July 1, 1990 and October 1, 1990 to account for the fact a nursing facility rate adjustment related to nursing home reform shall be made effective October 1, 1990.

3. Partial year, or budgeted cost data may be used if a full year's data is unavailable. Unaudited reports are subject to adjustment to the audited amount.

(c) Facilities paid on the basis of partial year or budgeted cost reports shall have their reimbursement settled back to allowable cost, with usual upper limits applied.

(d) Facilities whose rates are subject to settlement back to cost will not be included in the arrays until [~~such time as~~] the facilities are no longer subject to cost settlement.

(e) The following specific policies shall be used with regard to determination, application, and exclusion from upper limits.

1. Nursing facility arrays. For purposes of setting upper limits the freestanding NFs (exclusive of the NF/MRs, NF/IMDs, and NF/pediatric facilities) shall be divided into urban and rural arrays.

a. The urban array shall include all facilities within a standard metropolitan statistical area (SMSA).

b. The rural array shall include all facilities in non-SMSA counties.

c. For purposes of arraying, current multilevel facilities (i.e., SNF and ICF) shall be considered as one (1) facility, and the composite or overall rate for the facility shall be paid for services rendered in either level during the period of time preceding the first survey agency occurring on or after October 1, 1990 (with separate levels ceasing to exist for Medicaid purposes at the time of the first survey).

d. The urban and rural arrays shall be further broken down into a nursing cost center array and an "other cost center" array for each.

2. Nursing facility upper limits. The following NF upper limits shall be applied:

a. The upper limit for nursing costs for freestanding NFs shall be set at 115 percent of the median of the array of each facility's cost per case mix unit (urban or rural as applicable). The upper limit for "other costs" for freestanding NFs shall be set at 115 percent of the median of the allowable per diem cost array for the facilities (urban or rural as applicable);

b. The upper limit for hospital based nursing facilities shall be set at 125 percent of the appropriate upper limit for freestanding facilities; and

c. The upper limit for NF/MRS shall be set at 120 percent of the appropriate upper limit for freestanding facilities.

3. Exclusions from nursing facility upper limits. The following exclusions from usual NF payment methodology and upper limits shall be applied.

a. Nursing facilities designated as institutions for mental diseases or as pediatric facilities shall be reimbursed at full reasonable and allowable prospective cost;

b. Hospital swing beds shall be paid at the average of NF payments for the preceding calendar year; the swing bed rates shall change effective January 1, 1991 and each January 1 thereafter;

c. Hospital dual licensed beds shall be paid at the hospital based facility upper limits;

d. Facilities recognized as providing ventilator dependent care shall be paid at an all-inclusive (excluding drugs which shall be reimbursed through the pharmacy program) fixed rate which shall be equal to projected costs; and

e. Facilities which are Medicaid certified head injury units providing preauthorized specialized rehabilitation services for persons with brain injuries shall be paid at an all-inclusive (excluding drugs which shall be reimbursed through the pharmacy program) fixed rate which shall be set at $360 per diem.

4. Other factors relating to costs and upper limit determination shall be:

a. When the cabinet has made a separate rate adjustment as compensation to the facilities for minimum wage updates, the cabinet shall then adjust downward trending and indexing factors to the extent necessary to remove from the factors costs relating to the minimum wage updates already provided for by the separate rate adjustment. The purpose of the adjustment to the factors shall be to avoid paying the facilities twice for the same costs. If [~~When~~] the trending and indexing factors include costs related to a minimum wage increase, the cabinet shall not make a separate rate adjustment, and the minimum wage costs shall not be deleted from the trending and indexing factors.

b. The allowable per diem cost for NFs (excluding swing beds, dual licensed hospital beds, and facilities with all inclusive rates) shall include (through June 30, 1991) thirty-eight (38) cents for nurse aide training; and one (1) dollar and thirty-eight (38) cents for implementation of universal precautions for disease control; and four (4) cents for medical director costs; these allowable cost amounts shall not be subject to adjustment or cost settlement.

c. A special access and treatment fee shall be added to the facility per diem (without regard to upper limits) for each individual identified as having care needs associated with high infectious or communicable diseases with limited treatment potential, such as hepatitis B, methicillin-resistant staphylococcus aureaus (MRSA), acquired immune deficiency syndrome (AIDS), or who test positive for human immunodeficiency virus (HIV).

d. The maximum payment amounts for the prospective uniform rate year shall be adjusted each July 1 so that the maximum payment amount in effect for the rate year shall be related to the cost reports used in setting the facility rates for the rate year.

e. For purposes of administrative ease in computations, normal rounding may be used in establishing the maximum payment amount, with the maximum payment amount rounded to the nearest five (5) cents. Upon being set, the arrays and upper limits shall not be altered due to revisions or corrections of data except as specified in this subsection.

(3) The reasonable direct cost of ancillary services provided by the facility as a part of total care shall be compensated on a reimbursement cost basis as an addition to the prospective rate except for ventilator therapy and brain injury unit services which shall be paid on the basis of all-inclusive rates.

(a) Ancillary services reimbursement shall be subject to a year-end audit, retroactive adjustment and final settlement.

(b) Ancillary costs may be subject to maximum allowable cost limits under federal regulations.

(c) Any percentage reduction made in payment of current billed charges shall not exceed twenty-five (25) percent, except:

1. In the instance of individual facilities where the actual retroactive adjustment for a facility for the previous year reveals an over-

payment by the cabinet exceeding twenty-five (25) percent of billed charges; or

2. Where an evaluation by the cabinet of an individual facility's current billed charges shows the charges to be in excess of average billed charges for other comparable facilities serving the same area by more than twenty-five (25) percent.

(4) Interest expense used in setting the prospective rate shall be an allowable cost if permitted under Medicare principles and if it meets these additional criteria:

(a) It represents interest on long-term debt existing at the time the vendor enters the program or represents interest on any new long-term debt, the proceeds of which are used to purchase fixed assets relating to the provision of the appropriate level of care. If the debt is subject to variable interest rates found in balloon-type financing, renegotiated interest rates shall be allowable. The form of indebtedness may include mortgages, bonds, notes and debentures when the principal is to be repaid over a period in excess of one (1) year; or

(b) It is other interest for working capital and operating needs that directly relate to providing patient care. The form of the indebtedness may include, but shall not be limited to, notes, advances and various types of receivable financing;

(c) For both paragraphs (a) and (b) of this subsection, interest on a principal amount used to purchase goodwill or other intangible assets shall not be considered an allowable cost.

(5) Compensation to owner/administrators shall be considered an allowable cost provided that it is reasonable, and that the services actually performed are a necessary function.

(a) Compensation shall include the total benefit received by the owner for the services he renders to the institution, excluding fringe benefits routinely provided to all employees and the owner/administrator.

(b) Payment for services requiring a licensed or certified professional performed on an intermittent basis shall not be considered a part of compensation. Reasonableness of compensation shall be based on total licensed beds (all levels).

(c) Compensation for owners and nonowner administrators (except for nonowner administrators of intermediate care facilities for the mentally retarded and dual licensed pediatric facilities) shall not exceed the amounts specified in the Nursing Facility Reimbursement Manual.

(6) The allowable cost for services or goods purchased by the facility from related organizations shall be the cost to the related organization, except when it can be demonstrated that the related organization is in fact equivalent to any other second party supplier, i.e., a relationship for purposes of this payment system is not considered to exist. A relationship shall be considered to exist when an individual (or individuals) possesses five (5) percent or more of ownership or equity in the facility and the supplying business; however, an exception to the relationship shall be determined to exist when fifty-one (51) percent or more of the supplier's business activity of the type carried on with the facility is transacted with persons and organizations other than the facility and its related organizations.

(7) The amount allowable for leasing costs shall not exceed the amount which would be allowable based on the computation of historical costs, except that for nursing facilities entering into lease/rent arrangements as intermediate care facilities prior to April 22, 1976, intermediate care facilities for the mentally retarded entering into lease/rent arrangements prior to February 23, 1977, and nursing facilities entering into lease/rent arrangements as skilled nursing facilities prior to December 1, 1979, the cabinet shall determine the allowable costs of these arrangements based on the general reasonableness of the costs.

(8) Certain costs not directly associated with patient care shall not be considered allowable costs. Costs which shall not be allowable include political contributions, travel and related costs for trips outside the state (for purposes of conventions, meetings, assemblies, conferences, or any related activities), specified vehicle costs as shown in the Kentucky Medicaid Program Nursing Facility Reimbursement Manual, and legal fees for unsuccessful lawsuits against the cabinet. However, costs (excluding transportation costs) for training or educational purposes outside the state are allowable costs unless the costs are incurred by administrators or owners.

(9) To determine the gain or loss on the sale of a facility for purposes of determining a purchaser's cost basis in relation to depreciation and interest costs, the following methods shall be used for changes of ownership occurring before July 18, 1984:

(a) Determine the actual gain on the sale of the facility.

(b) Add to the seller's depreciated basis two-thirds (2/3) of one (1) percent of the gain for each month of ownership since the date of acquisition of the facility by the seller to arrive at the purchaser's cost basis.

(c) Gain shall be defined as any amount in excess of the seller's depreciated basis as computed under program policies at the time of the sale, excluding the value of goodwill included in the purchase price.

(d) A sale shall be any bona fide transfer of legal ownership from an owner(s) to a new owner(s) for reasonable compensation, which shall usually be fair market value. Lease-purchase agreements or other similar arrangements which do not result in transfer of legal ownership from the original owner to the new owner shall not be considered sales until legal ownership of the property is transferred.

(e) If an enforceable agreement for a change of ownership was entered into prior to July 18, 1984, the purchaser's cost basis shall be determined in the manner set forth in paragraphs (a) through (d) of this subsection.

(10) Notwithstanding the provisions contained in subsection (9) of this section, or in any other section or subsection of this administrative regulation or the "Kentucky Medicaid Program Nursing Facility Reimbursement Manual," the cost basis for any facility changing ownership on or after July 18, 1984 (but not including changes of ownership pursuant to an enforceable agreement entered into prior to July 18, 1984 as specified in subsection (9)(e) of this section) shall be determined in accordance with the methodology set forth in this administrative regulation ~~[herein]~~ for the reevaluation of assets of nursing facilities.

(a) An increase shall not be allowed in capital costs;

(b) The allowable historical base for depreciation for the purchaser shall be the lesser of the allowable historical cost of the seller less any depreciation allowed to the seller in prior periods, or the actual purchase price; and

(c) The amount of interest expense allowable to the purchaser shall be limited to the amount that was allowable to the seller at the time of the sale.

(11) Each facility shall maintain and make available any records (in a form acceptable to the cabinet) which the cabinet may require to justify and document all costs to and services performed by the facility. The cabinet shall have access to all fiscal and service records and data maintained by the provider, including unlimited on-site access for accounting, auditing, medical review, utilization control and program planning purposes.

(12) The following shall apply with regard to the annual cost report required of the facility:

(a) The year-end cost report shall contain information relating to prior year cost, and shall be used in establishing prospective rates and setting ancillary reimbursement amounts;

(b) New items or expansions representing a departure from current service levels for which the facility requests prior approval by the program shall be so indicated with a description and rationale as a supplement to the cost report;

(c) Cabinet approval or rejection of projections or expansions shall be made on a prospective basis in the context that if expansions and related costs are approved they shall be considered when actually incurred as an allowable cost. Rejection of items or costs

shall represent notice that the costs shall not be considered as part of the cost basis for reimbursement. Unless otherwise specified, approval shall relate to the substance and intent rather than the cost projection; and

(d) When a request for prior approval of projections or expansions is made, absence of a response by the cabinet shall not be construed as approval of the item or expansion.

(13) The cabinet shall perform a desk review of each year-end cost report and ancillary service cost to determine the necessity for and scope of a field audit in relation to routine and ancillary service cost. If a field audit is not necessary, the report shall be settled without a field audit. Field audits shall be conducted when determined necessary. A desk review or field audit shall be used for purposes of verifying cost to be used in setting the prospective rate or for purposes of adjusting prospective rates which have been set based on unaudited data; audits may be conducted annually or at less frequent intervals. An audit of ancillary cost shall be conducted as needed.

(14) Year-end adjustments of the prospective rate and a retroactive cost settlement shall be made when:

(a) Incorrect payments have been made due to computational errors (other than the omission of cost data) discovered in the cost basis or establishment of the prospective rate.

(b) Incorrect payments have been made due to misrepresentation on the part of the facility (whether intentional or unintentional).

(c) A facility is sold and the funded depreciation account is not transferred to the purchaser.

(d) The prospective rate has been set based on unaudited cost reports and the prospective rate is to be adjusted based on audited reports with the appropriate cost settlement made to adjust the unaudited prospective payment amounts to the correct audited prospective payment amounts.

(15) The cabinet may develop and utilize methodology to assure an adequate level of care. Facilities determined by the cabinet to be providing less than adequate care may have penalties imposed against them in the form of reduced payment rates.

(16) Each facility shall submit the required data for determination of the prospective rate no later than sixty (60) days following the close of the facility's fiscal year. This time limit may be extended at the specific request of the facility (with the cabinet's concurrence).

(17) Allowable prior year cost, trended to the beginning of the rate year and indexed for inflation, shall be subject to adjustment based on a comparison of costs with the facility's occupancy rate (i.e., the occupancy factor) as determined in accordance with procedures set by the cabinet.

(a) The occupancy rate shall not be less than actual bed occupancy, except that it shall not exceed ninety-eight (98) percent of certified bed days (or ninety-eight (98) percent of actual bed usage days, if more, based on prior year utilization rates).

(b) The minimum occupancy rate shall be ninety (90) percent of certified bed days for facilities with less than ninety (90) percent certified bed occupancy.

1. The cabinet may impose a lower occupancy rate for newly constructed or newly participating facilities, or for existing facilities suffering a patient census decline as a result of a competing facility newly constructed or opened serving the same area.

2. The cabinet may impose a lower occupancy rate during the first two (2) full facility fiscal years an existing nursing facility participates in the program under this payment system.

(18) Qualifying nursing facilities (but not including swing beds, dual licensed hospital beds, IMDs, pediatric facilities, and facilities with all-inclusive rates) shall earn a cost savings incentive (CSI).

(a) Facilities qualifying for the CSI (except for NF/MRSs) shall be those facilities whose rate within the applicable cost array is not in excess of 110 percent of the median of the array.

(b) The CSI shall be computed at ten (10) percent of the difference between the facility's cost and the upper limit for the array with the CSI amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array.

(c) NF/MRSs shall qualify for the CSI when the NF/MRS has costs less than the NF/MRS upper limit, and the CSI shall be ten (10) percent of the difference between the facility rate and the upper limit for the class of facility with the CSI amount limited to not more than one (1) dollar and fifty (50) cents per day per facility for each cost array.

(19) Intermediate care facilities for the mentally retarded may qualify for a cost incentive and investment factor (CIIF) allowance based on a comparison of the facility rate with the CIIF schedule shown in this subsection. No return for investment risk shall be made to nonprofit facilities, and publicly owned and operated facilities shall not receive the incentive or investment return. Cost incentive and investment schedule for intermediate care facilities for the mentally retarded:

(Effective 10-1-90)

Basic Per Diem Cost	Investment Factor Per Diem Amount	Incentive Factor Per Diem Amount
$ 96.99 & below	$1.38	$.87
97.00 -102.99	1.29	$.75
103.00 -108.99	1.18	$.62
109.00 -114.99	1.06	$.47
115.00 -120.99	.92	$.31
121.00 -126.99	.76	$.13
127.00 -133.49	*.53	----

*There is no maximum payment limit for intermediate care facilities for the mentally retarded.

(20) Hold harmless. The NFs (but not including swing beds or dual licensed hospital beds) shall be entitled to a "hold harmless" amount for the period from October 1, 1990 through June 30, 1992.

(a) This hold harmless amount shall be the amount, if any, by which the July 1, 1990 allowable facility rate plus an adjustment for ancillary costs shifted to routine costs (less a nurse aide training per diem allowance of one (1) dollar and twenty (20) cents) exceeds the allowable facility rate as computed on October 1, 1990 and July 1, 1991 (excluding the revised nurse aide training per diem allowance and other per diem add-ons in recognition of OBRA 87 requirements) under the revised reimbursement system.

(b) For hold harmless purposes, the July 1, 1990 rate shall be increased by an inflation allowance using the appropriate data resources, incorporated index for inflation.

(21) An adjustment shall be made to the usual rate for ICF-MRs, IMDs, and pediatric facilities to account for those medical supplies, catheters, syringes, and diapers not payable under the pharmacy program (and no longer payable as ancillaries under the nursing facility payment system) which are thus included under the routine cost category.

(22) Case-mix. The nursing costs for each facility shall be divided by the average case weight (as measured by each patient's needs with regard to activities of daily living and special needs using a standardized measurement as shown in the Nursing Facility Reimbursement Manual with a range from one (1.0) (lowest level of intensity) to 4.12 (highest level of intensity) to derive the facility average case unit cost.

(a)1. The average case weight for the period October 1, 1990 through June 30, 1991 shall be based on Medicaid patient level of care determinations made during the period July 1, 1990 through September 30, 1990 for each facility. (The peer review organization (PRO) shall first determine whether a patient is high-intensity, low-intensity, or neither. For patients meeting patient status (high or low-intensity), the PRO will then determine the case weight).

2. The average case weight thereafter shall be based on all level of care determinations made during the period covered by the cost report (or as appropriate the most recent period available or a projection if a fully or partial cost report is not available).

(b) The facility nursing rate shall be adjusted for each quarter throughout the year and shall be the product of the average case unit cost (subject to upper limits and with the CSI adjustment as appropriate) times the average case weight for the prior quarter (as determined using standard methodology and point-in-time analysis). The actual facility payment amount for nursing care shall thus be subject to adjustment each calendar quarter based on changes in facility average case weight, though the average case unit cost (based on prior year costs) remains the same.

(23) Nursing home reform costs.

(a) Effective October 1, 1990 and thereafter, facilities shall be required to request preauthorization for costs that must be incurred to meet nursing home reform costs in order to be reimbursed for the costs.

1. The preauthorization request shall show the specific reform action that is involved and appropriate documentation of necessity and reasonableness of cost.

2. Upon authorization by the Medicaid agency, the cost shall be allowable.

3. A request for a payment rate adjustment may then be submitted to the Medicaid agency with documentation of actual cost incurred.

4. The allowable additional amount shall then be added on the facility's rate (effective with the date the additional cost was incurred) without regard to upper limits or the CSI factor (i.e., the authorized nursing home reform cost shall be passed through at 100 percent of reasonable and allowable cost).

(b) Preauthorization shall not be required for nursing home reform costs incurred during the period July 1, 1990 through September 30, 1990; however, the actual costs incurred shall be subject to tests of reasonableness and necessity and shall be fully documented at time of the request for rate adjustment.

(c) Facilities may request multiple preauthorizations and rate adjustments (add-ons) as necessary for implementation of nursing home reform.

(d) Facility costs incurred prior to July 1, 1990 shall not (except for the costs previously recognized in a special manner, i.e., the universal precautions add-on and the nurse aide training add-on) be recognized as being nursing home reform costs.

(e) The special nursing home reform rate adjustment shall be requested using forms and methods specified by the agency.

(f) A nursing home rate adjustment shall be included within the cost base for the facility in the rate year following the rate year for which the adjustment was allowed.

(g) Interim rate adjustments for nursing home reform shall not be allowed for periods after June 30, 1993.

(24) The provider tax on nursing facilities shall be considered allowable cost; for the period of July 1, 1993 through June 30, 1994 appropriate rate adjustment shall be made as a rate add-on, with no offset against the inflation allowance. For subsequent rate periods, the cost basis shall be adjusted as appropriate to reflect the cost of the provider tax.

Section 5. Prospective Rate Computation. The prospective rate for each facility (taking into account the factors described in this administrative regulation and the case mix methodology shown in the Nursing Facility Reimbursement Manual) shall reflect the following:

(1) The adjusted allowable cost for the facility;

(2) Adjustments to allowable cost related to occupancy;

(3) Adjustments to allowable cost related to application of upper limits;

(4) Adjustments to allowable cost related to application of the cost savings incentive factor, or for ICF-MRs, the cost incentive and investment schedule;

(5) Rates shall be recomputed quarterly based on revisions in the case mix assessment classification which affects the nursing services component as described in the Nursing Facility Reimbursement Manual; however, the cost basis and the upper limits shall be revised annually using the latest available cost reports and assessments from each provider;

(6) Adjustments as appropriate for costs shifted from ancillary to routine;

(7) Nursing home reform adjustments; and

(8) Hold harmless adjustments.

Section 6. Reimbursement Review and Appeal. Participating facilities may appeal cabinet decisions as to application of the general policies and procedures in accordance with the following:

(1) First recourse shall be for the facility to request in writing to the Director, Division of Reimbursement Operations, a reevaluation of the point at issue. This request shall be received within forty-five (45) days following notification of the prospective rate or forwarding of the desk review or audited cost report by the program. The director shall review the matter and notify the facility of any action to be taken by the cabinet (including the retention of the original application of policy) within twenty (20) days of receipt of the request for review or the date of the program/vendor conference, if one is held, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(2) Second recourse shall be for the facility to request in writing to the Commissioner, Department for Medicaid Services, a review by a standing reimbursement review panel to be established by the commissioner.

(a) This request shall be postmarked within twenty (20) days following notification of the decision of the Director, Division of Reimbursement Operations.

(b) The panel shall consist of three (3) members: one (1) member from the Division of Reimbursement Operations, one (1) member from the Kentucky Association of Health Care Facilities, and one (1) member from the Department for Medicaid Services (but not within the Division of Reimbursement Operations) as designated by the Commissioner, Department for Medicaid Services, with the designated member to act as chairperson of the review panel.

(c) A date for the reimbursement review panel to convene shall be established within twenty (20) days after receipt of the written request.

(d) The panel shall issue a binding decision on the issue within thirty (30) days of the hearing of the issue, except that additional time may be taken as necessary to secure further information or clarification pertinent to the resolution of the issue.

(e) In carrying out the intent and purposes of the program the panel may take into consideration extenuating circumstances in order to provide for equitable treatment and reimbursement of the provider.

(f) The attendance of the representative of the Kentucky Association of Health Care Facilities at review panel meetings shall be at the cabinet's expense.

Section 7. Implementation Date. The provisions of this administrative regulation shall be effective with regard to payments for services provided on or after July [~~January~~] 1, 1993.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 1, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 24, 1993 at 9 a.m. in the Vital Statistics Conference Room, First Floor East, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 19, 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 cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: William K. Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie A. Miller

(1) Type and number of entities affected: All nursing facilities and intermediate care facilities for the mentally retarded participating in the Medicaid Program.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: $6,200,000 (cost)*.

2. Continuing costs or savings: $6,200,000 (cost)*.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: *Allowable cost of the provider tax imposed by House Bill 1, Second Extraordinary Session 1993 of the General Assembly.

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 Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:031. Payments for home health services.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 CFR 440.70, 447.325, 42 USC 1396a-d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the program of Medical Assistance. KRS 205.520 empowers the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation sets forth the method for determining amounts payable by the cabinet for home health agency services.

Section 1. Payments to Home Health Agencies. (1) The cabinet shall reimburse participating home health agencies on the basis of interim rates set by the cabinet using available Medicare data and methodology as applied to Medicaid covered services (effective July 1, 1992 using cost data submitted by the home health agency provider on the annual Medicaid home health agency cost report), taking into consideration the upper limit shown in Section 2 of this administrative regulation and the various policies and guidelines specified in the Cabinet for Human Resources Title XIX Home Health Reimbursement Manual.

(a) A home health agency (but not including a publicly operated agency) whose nonaggregated base year costs (as shown in the cost report used to set the agency's interim rate) are below the prospective upper limit for the agency shall receive a cost containment incentive payment in accordance with the incentive payment schedule shown in the reimbursement manual.

(b) The cost containment incentive payment shall not be subject to retrospective settlement.

(2) Payments made at the interim rate (except for incentive payments) shall be settled back to actual allowable cost at the end of the facilities' fiscal year, with actual allowable costs not to exceed the amounts that would be allowable taking into consideration the upper limit specified in Section 2 of this administrative regulation. The Medicaid final rates (except for incentive payments) shall not exceed federally established upper limits for Medicare.

(3) The Cabinet for Human Resources Title XIX Home Health Reimbursement Manual, revised July [~~February~~] 1, 1993, is incorporated by reference.

(a) The Home Health Reimbursement Manual is available for inspection and copying during regular working hours (8 a.m. to 4:30 p.m. eastern time) in the office of the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621.

(b) A fee shall be charged for the Home Health Reimbursement Manual not to exceed the approximate cost of copying and materials.

(4) Provider taxes shall be considered allowable costs; for the rate period beginning on July 1, 1993 and ending on June 30, 1994, the cost of the provider tax shall be added to the rate as an add-on without offset or application of upper limits. For subsequent rate periods, the provider tax cost shall be shown in the appropriate cost report used for rate setting.

Section 2. Application of Upper Limits. (1) Publicly operated home health agencies (except new facilities as shown in Section 5 of this administrative regulation) shall be reimbursed at full allowable cost but shall be subject to the Medicare upper limits.

(2) Payments for agencies other than publicly operated home health agencies (except payments for disposable medical supplies, as shown in Section 4 of this administrative regulation), [~~and~~] incentive payments as shown in Section 1 of this administrative regulation, and rate add-ons to recognize provider taxes as shown in Section 1 of this administrative regulation, shall not exceed a prospective upper limit which shall be set at 105 percent of the weighted median of the array of allowable per visit costs of those agencies that are subject to the upper limits.

(3) Facilities shall be placed in an urban or rural array based on the facility location for the following cost centers or disciplines: speech pathology, physical therapy, occupational therapy, medical social services, and home health aid services.

(a) The upper limit for the skilled nursing cost center shall be the Medicare upper limit. A determination as to whether a county is urban or rural shall be made taking into account usual standard metropolitan statistical areas.

(b) Arrays shall be based on annual cost report data with costs

trended through June 30 and indexed for the rate year; the rate year shall begin on July 1 and end on June 30; and the upper limit shall be subject to an annual adjustment to be effective on July 1 of each rate year. Aggregation of costs (i.e., shifting of allowable costs from one cost center to another if the limit is exceeded in one cost center but not in another) shall be permitted.

(c) For rate years beginning July 1, 1986 and thereafter, the array shall be based on the latest available cost report as of May 31 preceding the rate year.

Section 3. Payments for Durable Medical Equipment. Effective with regard to services provided on or after July 1, 1989, home health agencies shall not be reimbursed for durable medical equipment unless enrolled as a participating durable medical equipment provider.

Section 4. Disposal medical supplies shall be reimbursed on an interim basis at a percent of allowable billed charges with a settlement to actual costs at the end of the agency's fiscal year.

Section 5. New home health agencies shall be paid seventy (70) percent of the Medicaid maximum rate not to exceed Medicare upper limits, until a fiscal year end cost report is available. During this initial period, the rate may be adjusted if the provider documents the justification for a rate change by the submittal of a projected cost report.

Section 6. Owners' compensation shall be limited as shown in the Home Health Reimbursement Manual.

Section 7. Payments to Out-of-state .Home Health Agencies Effective with Regard to Services Provided on or after July 1, 1990. (1) The cabinet shall reimburse participating out-of-state home health agencies at the lower of the Medicare maximum payment rate, the Medicaid maximum payment rate, or the agency's actual usual and customary billed charge.

(2) Disposable medical supplies shall be reimbursed at a rate of eighty (80) percent of the actual usual and customary billed charge.

Section 8. Requests for Reconsideration and Appeals. Participating home health agencies are provided the following mechanism for a review of program decisions relating to the application of the policies and procedures governing home health agency payments.

(1) Request for reconsideration. A home health agency operator may request reconsideration of a program decision by writing to the Director, Division of Reimbursement Operations.

(a) A request for reconsideration shall be received within forty-five (45) days following transmittal of the audited cost report to the agency or the notification of the agency's prospective rate. A request for workpapers pertaining to audit adjustments to the home health agency's cost report shall not extend the forty-five (45) day time limit.

(b) If the home health agency operator fails to request reconsideration of the audited cost report within the forty-five (45) days, the audited cost report shall be final and shall not be reopened unless the cabinet determines that there is suspected fraud or misrepresentation.

(c) A request for reconsideration shall indicate which adjustments the home health agency wishes reconsidered. A blanket request for reconsideration of the cost report shall not be accepted.

(d) Program/vendor conference. Upon receipt of the request for reconsideration, the division shall determine the need for a program/vendor conference and shall contact the home health agency to arrange a conference.

1. If a program/vendor conference is needed, the conference shall be held within sixty (60) days of receipt of the home health agency's request for review unless delayed due to extenuating circumstances.

2. Regardless of the program decision, the provider shall be afforded the opportunity for a conference if he so wishes for a full explanation of the factors involved in the decision.

(e) Following reconsideration of the matter, the Director of the Division of Reimbursement Operations shall notify the home health agency in writing of the action to be taken by the division within twenty (20) days of receipt of the request for reconsideration or the date of the program/vendor conference, whichever is later.

(f) The twenty (20) day period for notification in paragraph (e) of this subsection may be extended by the program when necessary to secure additional information for resolution of the issue.

(2) Appeal to the reimbursement review panel. If the Director of Reimbursement Operations' decision is unsatisfactory, the home health agency may appeal the question to a reimbursement review panel established by the Commissioner of the Department for Medicaid Services.

(a) The reimbursement review panel shall include one (1) member of the Division of Reimbursement Operations, a representative of the Kentucky Association of Home Health Agencies, and a member of the Department for Medicaid Services (but not within the Division of Reimbursement Operations) as designated by the commissioner, with the designated member to serve as chairperson.

(b) A request for review by the reimbursement review panel shall be postmarked within twenty (20) days following the notification of the initial decision by the Director, Division of Reimbursement Operations.

(c) A date for the reimbursement review panel to convene shall be established within twenty (20) days after receipt of a written request for the appeal. The question shall be heard by the panel.

(d) The review panel shall issue a binding decision on the issue within thirty (30) days of the hearing unless the review panel determines that additional time is needed to secure further information or clarification pertinent to the resolution of the issue.

(e) The review panel may consider extenuating circumstances to provide equitable treatment and reimbursement of the provider.

Section 9. Audits may be performed by either the Medicare or Medicaid program; if audited by both, the Medicaid audit shall take precedence over the Medicare audit.

Section 10. Implementation Date. The amendments to this administrative regulation [~~as shown herein~~] shall be effective with regard to services provided on or after July [~~February~~] 1, 1993.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 1, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 24, 1993 at 9 a.m. in the Vital Statistics Conference Room, First Floor East, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 19, 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 cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: William K. Moore, Deputy Counsel for Administrative Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621, (502) 564-7900.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie A. Miller

(1) Type and number of entities affected: All home health services providers participating in the Medicaid Program.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: $825,000 (cost)*.

2. Continuing costs or savings: $825,000 (cost).

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments: *Allowable cost of the provider tax imposed by House Bill 1, Second Extraordinary Session 1993 of the General Assembly.

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 Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

PROPOSED ADMINISTRATIVE REGULATIONS RECEIVED THROUGH NOON, JULY 15, 1993

GENERAL GOVERNMENT CABINET
Kentucky Board of Medical Licensure

201 KAR 9:315. HIV/HBV infection control for physicians.

RELATES TO: KRS 311.565, 311.601(1), (2)

STATUTORY AUTHORITY: KRS Chapter 13A, 311.565, 311.601(1), (2)

NECESSITY AND FUNCTION: KRS 311.565 empowers the State Board of Medical Licensure to exercise all the administrative functions of the state in the prevention of empiricism and in the regulation of the practice of medicine and osteopathy and authorizes the board to establish requirements and standards relating thereto. The purpose of this administrative regulation is to encourage and promote infection control among all Kentucky physicians.

Section 1. Definitions. (1) "HIV" means the human immunodeficiency virus.

(2) "HBV" means the hepatitis B virus.

(3) "Universal precautions" means the appropriate use of hand and skin washing, protective barriers, care in the use of and disposal of needles and other sharp instruments, and those other techniques recommended in update: universal precautions for prevention of human immunodeficiency virus, hepatitis B virus, and other blood-borne pathogens in health care settings, MMWR 37: 377, 1988, hereby incorporated by reference. A copy may be inspected or copied at the board's office during business hours.

Section 2. HIV or HBV Serostatus Determination. A physician who is HIV or HBV seropositive (and "e" antigen positive) and who performs patient care procedures which pose a significant risk of transmission of HIV or HBV to patients may seek counsel from the Kentucky Board of Medical Licensure.

Section 3. Review and Monitoring of HIV or HBV Positive Physicians. The Kentucky Board of Medical Licensure shall be empowered to convene a review panel including, but not limited to, the HIV or HBV positive physician's primary care physician, a clinical infectious disease specialist and an epidemiologist representing the Kentucky Department of Health Service. The review panel shall have the following functions:

(1) Monitoring of the HIV or HBV positive physician's adherence to universal precautions, clinical competency and any practice limitations or restrictions established by the review panel to monitor compliance with universal precautions.

(2) Periodically evaluate the effects of the disease on the physician's competency.

Section 4. Disciplinary Action. Any physician who does not comply with the requirements of this administrative regulation or the limitations and restrictions established by the review panel, pursuant to regulation, shall be subject to disciplinary action by the Kentucky Board of Medical Licensure as set forth in KRS 311.595.

Section 5. Confidentiality. Information obtained by the Kentucky Board of Medical Licensure pursuant to this regulation is personal in nature as set forth in KRS 61.878(1)(a) and is excluded from the application of KRS 61.870 to 61.884.

ROYCE E. DAWSON, President

APPROVED BY AGENCY: July 12, 1993

FILED WITH LRC: July 14, 1993 at 9 a.m.

PUBLIC HEARING: A public hearing on this proposed administrative regulation will be held on Tuesday, August 24, 1993, at 1 p.m., at the office of the Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222. Those interested in attending this hearing shall notify C. William Schmidt, Executive Director, Kentucky Board of Medical Licensure, in writing, by August 19, 1993, five (5) 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 hearing will not be made unless a written request for a transcript is made. If you do not wish to attend this hearing, you may submit written comments on the proposed administrative regulation. Send notification of intent to attend the hearing or written comments to: C. William Schmidt,Executive Director, Kentucky Board of Medical Licensure, Hurstbourne Office Park, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, (502) 429-8046.

REGULATORY IMPACT ANALYSIS

Contact person: C. William Schmidt

(1) Type and number of entities affected: All physicians who are licensed to practice medicine in the Commonwealth of 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 competition): N/A

(b) Reporting and paperwork requirements: Slight increase in reporting and paperwork requirements for licensee.

(2) Effects on the promulgating administrative body: Paperwork and staff workload will increase.

(a) Direct and indirect costs or savings: Increased workload could possibly require additional staff.

1. First year: See (2)(a) above.

2. Continuing costs or savings: See (2)(a) above.

3. Additional factors increasing or decreasing costs: None anticipated.

(b) Reporting and paperwork requirements: Anticipate paperwork and reporting requirements to increase.

(3) Assessment of anticipated effect on state and local revenues: No changes anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternative considered was having no provision for disclosure of serostatus. The board feels that the public and profession need assurances of continued health and safety.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Board is not aware of any statute, regulation, or government policy which is in conflict or is duplicated by this proposed regulation.

(a) Necessity of proposed regulation if in conflict: N/A - see (5) above.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: N/A - see (5) above.

(6) Any additional information or comments: The board feels that this regulation will assure, encourage and promote infection control among all Kentucky physicians.

TIERING: Is tiering applied? No. Serostatus disclosure requirements shall pertain to all licensees of the board. There is no valid reason to impose varying requirements.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 42 USC Section 300ee-2 note, Section 633 of the Treasury, Postal Service and General Government Appropriations Act, 1992, Public Law 102-141.

2. State compliance standards. This administrative regulation states that all physicians shall adhere to universal precautions. A physician who is HIV or HBV seropositive and performs exposure-prone invasive procedures may seek counsel from the Kentucky Board of Medical Licensure. Upon request the board is empowered to convene an expert review panel to advise the physician. If the physician does not comply with the panel's recommendations and poses a significant risk to patients, the panel may initiate the complaint procedure.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires the adoption of the CDC guidelines, or their equivalent, on the prevention of the transmission of HIV and HBV to patients during exposure-prone invasive procedures. Those guidelines require the following: (1) Use of universal precautions; (2) Adherence to guidelines for disinfection and sterilization of reusable devices used in invasive procedures; (3) Exposure-prone procedures should be identified; (4) Health care workers who perform exposure-prone procedures should know their HIV and HBV status; (5) Health care workers who are HIV or HBV positive should not perform exposure-prone procedures unless they have sought counsel from an expert review panel.

The CDC guidelines are contained in Morbidity and Mortality Weekly Report, July 12, 1991, vol. 40, no. RR-8.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? It is believed that this administrative regulation is substantially equivalent to the CDC guidelines, mandated by federal law.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N\A

GENERAL GOVERNMENT CABINET
Board of Registration for Professional Geologists

201 KAR 31:020. Compensation of board members.

RELATES TO: KRS 322A.020(7)

STATUTORY AUTHORITY: KRS 322A.020(7), 322A.030

NECESSITY AND FUNCTION: KRS 322A.020(7) requires the board to set the compensation for board members by administrative regulation. This administrative regulation sets the compensation of board members.

Section 1. Eligible members of the board shall receive compensation in the amount of $100 per day for each day of actual board service and travel expenses to the extent authorized by 200 KAR Chapter 2.

DAVID C. SCOTT, Board Chairman

APPROVED BY AGENCY: June 18, 1993

FILED WITH LRC: July 15, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 23, 1993, at 9:30 a.m. at the offices of the Division of Occupations and Professions, located at the Berry Hill Annex, 700 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by August 18, 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 wishes to be heard will be given an opportunity to comment on this 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: David L. Nicholas, Director, Division of Occupations and Professions, P. O. Box 456, Frankfort, Kentucky 40602, (502)564-3296.

REGULATORY IMPACT ANALYSIS

Contact Person: David Nicholas

(1) Type and number of entities affected: There are five members of the board who would be eligible for payment.

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

1. First year: Members would be paid per diem of $100 per day for each meeting.

2. Continuing costs or savings: Per diem payments would continue at initial rate.

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

(b) Reporting and paperwork requirements: The application fee should accompany the application.

(2) Effects on the promulgating administrative body: This regulation sets the per diem compensation for board members at $100 per day for meetings or other board activities.

(a) Direct and indirect costs or savings:

1. First year: Approximately $5,000.

2. Continuing costs or savings: $5,000 to $7,000 annually.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: All payments will be made only after board approval.

(3) Assessment of anticipated effect on state and local revenues:

(4) Assessment of alternative methods; reasons why alternatives were rejected: The statute authorizes the promulgation of this 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:

(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. All board members will be subject to this regulation in the same ways.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

401 KAR 65:001. Definitions and abbreviations of terms used in 401 KAR Chapter 65.

RELATES TO: KRS 224.01-010, 224.10-100, 40 CFR ch. I, Appendices B and A to 40 CFR 50, 40 CFR 53, 55, 60, 42 USC 7410

STATUTORY AUTHORITY: KRS 13A.222(4)(e), 224.10-100

NECESSITY AND FUNCTION: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides for the defining of terms to be used in 401 KAR Chapter 65.

Section 1. General definitions. As used in the Division for Air Quality regulations of 401 KAR Chapter 65, unless the content clearly

indicates otherwise in a specific regulation, the following terms shall have the following meanings:

(1) "Air contaminant" has the meaning given it in KRS 224.01-010.

(2) "Air pollutant" means an air contaminant.

(3) "Air pollution" has the meaning given it in KRS 224.01-010.

(4) "Alternative method" means a method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to, in specific cases, produce results adequate for its determination of compliance.

(5) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(6) "Ambient air quality standard" means a numerical expression of a specified concentration level for a particular air contaminant and the time averaging interval over which that concentration level is measured and is a goal to be achieved in a stated time through the application of appropriate preventive or control measures.

(7) "Cabinet" has the meaning given it in KRS 224.01-010.

(8) "Director" means Director of the Division for Air Quality of the Natural Resources and Environmental Protection Cabinet.

(9) "District" has the meaning given it in KRS 224.01-010.

(10) "Equivalent method" means a method of sampling and analyzing for an air pollutant which has been demonstrated to the cabinet's and the U.S. EPA's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

(11) "Exempt solvent" means an organic compound listed in the definition of volatile organic compound as not participating in atmospheric photochemical reactions.

(12) "Extreme nonattainment county" or "extreme nonattainment area" means a county or portion of a county designated extreme nonattainment in 401 KAR 51:010.

(13) "Hydrocarbon" means an organic compound consisting predominantly of carbon and hydrogen.

(14) "Marginal nonattainment county" or "marginal nonattainment area" means a county or portion of a county designated marginal nonattainment in 401 KAR 51:010.

(15) "Moderate nonattainment county" or "moderate nonattainment area" means a county or portion of a county designated moderate nonattainment in 401 KAR 51:010.

(16) "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods specified by the cabinet.

(17) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

(18) "Particulate matter" means a material, except uncombined water, which exists in a finely divided form as a liquid or a solid as measured by the appropriate approved test method.

(19) "Particulate matter emissions" means, except as used in 40 CFR 60, all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Chapter 1, or by a test method specified in the approved state implementation plan.

(20) "PM_{10}" means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers as measured by a reference method based on Appendix J to 40 CFR 50, which has been incorporated by reference in 401 KAR 50:015, and designated in accordance with 40 CFR 53, or by an equivalent method designated in accordance with 40 CFR 53.

(21) "PM_{10} emissions" means finely divided solid or liquid material with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternative method, specified in 40 CFR Chapter 1, or by a test method specified in the approved state implementation plan.

(22) "Serious nonattainment county" or "serious nonattainment area" means a county or portion of a county designated serious nonattainment in 401 KAR 51:010.

(23) "Severe nonattainment county" or "severe nonattainment area" means a county or portion of a county designated severe nonattainment in 401 KAR 51:010.

(24) "Standard" means an emission standard, a standard of performance, or an ambient air quality standard as promulgated under the regulations of the Division for Air Quality or the emission control requirements necessary to comply with 401 KAR Chapter 51, of the regulations of the Division for Air Quality.

(25) "Standard conditions."

(a) For source measurements means twenty (20) degrees Celsius (sixty- eight (68) degrees Fahrenheit) and a pressure of 760 mm Hg (29.92 in. of Hg);

(b) For the purpose of air quality determinations means twenty-five (25) degrees Celsius and a reference pressure of 760 mm Hg.

(26) "State implementation plan" means the most recently prepared plan or revision required by 42 USC 7410 which has been approved by the U.S. EPA.

(27) "Total suspended particulate" means particulate matter as measured by the method described in Appendix B of 40 CFR 50, which has been incorporated by reference in 401 KAR 50:015.

(28) "Uncombined water" means water which can be separated from a compound by ordinary physical means and which is not bound to a compound by internal molecular forces.

(29) "Urban county" means a county which is a part of an urbanized area with a population of greater than 200,000 based upon the 1980 census. If a portion of a county is a part of an urbanized area, then the entire county shall be classified as urban with respect to the regulations of the Division for Air Quality.

(30) "Urbanized area" means an area defined as such by the U.S. Department of Commerce, Bureau of Census.

(31) "Volatile organic compound" or "VOC" means an organic compound which participates in atmospheric photochemical reactions. This includes an organic compound other than the following compounds: methane; ethane; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonates; methylene chloride; 1,1,1-trichloroethane (methyl chloroform); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); trichlorotrifluoroethane (CFC-113); dichlorotetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); dichlorotrifluoroethane (HCFC-123); tetrafluoroethane (HFC-134a); dichlorofluoroethane (HCFC-141b); chlorodifluoroethane (HCFC-142b); 2-chloro-1,1,1, 2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

(a) Cyclic, branched, or linear, completely fluorinated alkanes;

(b) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(c) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(d) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine. These compounds have been determined to have negligible photochemical reactivity. For purposes of determining compliance with emission limits, VOCs shall be measured by test methods that have been approved by the cabinet. Approval by the cabinet shall not constitute or imply approval by the U.S. EPA. The cabinet will not approve a test method that has been disapproved for use by the U.S. EPA. If a method used also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

Section 2. Abbreviations. The abbreviations used in the regulations of 401 KAR Chapter 65, shall have the following meanings:

AOAC - Association of Official Analytical Chemists
ANSI - American National Standards Institute
ASTM - American Society for Testing and Materials
BOD - Biochemical oxidant demand
BTU - British Thermal Unit
°C - Degree Celsius (centigrade)
Cal - calorie
cfm - cubic feet per minute
CFR - Code of Federal Regulations
CH_4 - methane
CO - Carbon monoxide
CO_2 - Carbon dioxide
COD - Chemical oxidant demand
dscf - dry cubic feet at standard conditions
dscm - dry cubic meter at standard conditions
°F - Degree Fahrenheit
ft - feet
g - gram
gal - gallon
gr - grain
hr - hour
HCl - Hydrochloric acid
Hg - mercury
HF - Hydrogen fluoride
H_2O - water
H_2S - Hydrogen sulfide
H_2SO_4 - Sulfuric acid
in - inch
J - joule
KAR - Kentucky Administrative Regulations
kg - kilogram
KRS - Kentucky Revised Statutes
l - liter
lb - pound
m - meter
m^3 - cubic meter
min - minute
mg - milligram
MJ - megajoules
MM - million
mm - millimeter
mo - month
Ng - nanograms
N_2 - Nitrogen
NO - Nitric oxide
NO_2 - Nitrogen dioxide
NO_x - Nitrogen oxides
oz - ounce
O_2 - oxygen
O_3 - ozone
ppb - parts per billion
ppm - parts per million
ppm (w/w) - parts per million (weight by weight)
µg - microgram
psia - pounds per square inch absolute
psig - pounds per square inch gage
S - at standard conditions
sec - second
SIP - State implementation plan
SO_2 - Sulfur dioxide
sq - square
TAPPI - Technical Association of the Pulp and Paper Industry
TSP - Total suspended particulates
TSS - Total suspended solids
U.S. EPA - United States Environmental Protection Agency
UTM - Universal Transverse Mercator
VOC - Volatile organic compound
yd - yard

PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner
APPROVED BY AGENCY: July 15, 1993
FILED WITH LRC: July 15, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing to receive comments on the proposed regulation will be conducted on August 30, 1993, at 10 a.m. (ET) in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact, in writing at least five days prior to the hearing, John E. Hornback, Director, Division for Air Quality, 316 St. Clair Mall, Frankfort, Kentucky 40601. To request appropriate accommodations for the public hearing (such as an interpreter), or alternate formats of the printed material, please call (502) 564-3382, ext 346. The cabinet does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

REGULATORY IMPACT ANALYSIS

Agency contact person: John E. Hornback

(1) Type and number of entities affected: This administrative regulation defines the terms used in 401 KAR Chapter 65 for the Division for Air Quality. It imposes no separate requirements. As such, it will affect the interpretation of common terms used throughout the regulations contained in 401 KAR Chapter 65.

(a) Direct and indirect costs or savings to those affected: There will be no additional costs or savings due to this administrative regulation.

1. First year: There are no direct or indirect costs or savings in the first year.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs (Note any effects upon competition): There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There are no effects on the promulgating administrative body.

(a) Direct and indirect costs or savings:

1. First year: There are no direct or indirect costs or savings in the first year.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs: There are no additional factors increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: No effect is anticipated on state or local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No alternative methods were considered.

(5) Identify any statute, rule, regulation or government policy which may be in conflict, overlapping, or duplication: There is no conflict, overlapping, or duplication.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed regulation with conflicting provisions: There is no conflict.

(6) Any additional information or comments: This administrative

regulation is being proposed to comply with the requirements of KRS Chapter 13A which prohibit regulatory agencies from adopting a general definition regulation to define all the terms used in its administrative regulations. In response to these requirements, the division will promulgate definition regulations for each chapter of the division's regulations.

TIERING: No. Tiering is not applicable to this administrative regulation since the regulation provides only the definitions and abbreviations for terms which are used in the other regulations promulgated under 401 KAR Chapter 65, by the Division for Air Quality.

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 administrative regulation provides the definitions and abbreviations by which all terms in the regulations in 401 KAR Chapter 65 of the Division for Air Quality are to be understood.

2. State what unit, part or division of local government this administrative regulation will affect. No known unit, part, or division of local government will be affected by this administrative regulation.

3. State the aspect or service of local government to which this administrative regulation relates. There is no known relation to any aspect or service of local government.

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 on the administrative regulation.

Revenues (+/-): There is no known effect on current revenues.

Expenditures (+/-): There is no known effect on current expenditures.

Other Explanation: There is no other explanation.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection
Division for Air Quality

401 KAR 65:010. Vehicle emission control programs.

RELATES TO: KRS 224.10-100, 224.20-100, 224.20-110, 224.20-120, 224.20-710 to 224.20-765, 57 FR 52987-53014, November 5, 1992, 40 CFR Part 51, Part 86, Subparts B, D, and N, Appendix B to Subpart S, U.S. EPA Technical Guidance, High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications, May 1993, 42 USC 7401 through 7671q

STATUTORY AUTHORITY: KRS 224.10-100, 224.20-735

NECESSITY AND FUNCTION: KRS 224.10-100 requires the Natural Resources and Environmental Protection Cabinet to prescribe administrative regulations for the prevention, abatement, and control of air pollution. This administrative regulation provides the requirements for vehicle emission control programs in the Commonwealth.

Section 1. Definitions. As used in this administrative regulation, terms not defined in this section shall have the meaning given them in 401 KAR 65:001.

(1) "Antitampering and antimisfueling program" means an emission control program that provides for inspection of vehicles to detect removal or destruction of factory-installed emission control equipment or devices and use of improper fuels in vehicles.

(2) "Antitampering and antimisfueling inspection" means an inspection conducted pursuant to Section 6(2) of this administrative regulation to detect the presence of tampering and the use of leaded gasoline.

(3) "Automobile or truck" means a vehicle with at least four (4) wheels registered in the Commonwealth having a gross vehicle weight (GVW) of 18,000 pounds or less and licensed to operate upon the public highways for the purpose of transporting persons or property.

(4) "Basic vehicle inspection and maintenance program" or "basic program" means an emission control program implemented in a program area that requires vehicles subject to this administrative regulation to receive the annual testing required in Section 6(1) through (4) and (6) of this administrative regulation, as applicable, to demonstrate compliance with the standards of Section 5(1) and (3) of this administrative regulation.

(5) "Certificate of registration" or "registration" means the document issued by county clerks pursuant to KRS Chapter 186 indicating that the owner or operator has properly registered the vehicle, or a document issued for that purpose from another state, territory, or country.

(6) "Certification period" means the period for which a compliance or exemption certificate (other than a permanent exemption certificate issued pursuant to Section 4(1) of this administrative regulation) is valid.

(7) "Compliance certificate" is governed by the definition in KRS 224.20-710(1).

(8) "Contractor" means an independent contractor as governed by the definition in KRS 224.20-710(2).

(9) "Control system" is governed by the definition in KRS 224.20-710(3).

(10) "Dynamometer" means a device for measuring the horsepower of a motor vehicle engine.

(11) "Enhanced vehicle inspection and maintenance program" or "enhanced program" means an emission control program implemented in a program area that requires vehicles subject to this administrative regulation to receive the annual testing required in Section 6(1) through (6) of this administrative regulation, as applicable, to demonstrate compliance with the standards of Section 5(2) and (3) of this administrative regulation.

(12) "Evaporative emission control system" means an unvented fuel cap, motor vehicle fuel tank, vapor vent hoses, and evaporative canister.

(13) "Evaporative system integrity standard" means the minimum allowable level of pounds per square inch sustainable pressure for a given period of time, pursuant to Section 5(2)(b) of this administrative regulation.

(14) "Evaporative system purge standard" means the minimum allowable rate of gasoline vapor flow from the evaporative canister measured in liters per minute, pursuant to Section 5(2)(b) of this administrative regulation.

(15) "Exemption certificate" is governed by the definition in KRS 224.20-710(4).

(16) "Exhaust emission standard" or "emission standard" means:

(a) For all automobiles in a basic program area and for 1980 and older model year vehicles in an enhanced program area, the maximum allowable levels during a test of carbon monoxide, hydrocarbons, and the sum of carbon monoxide and carbon dioxide percentages appropriate for the age and type of vehicle tested, pursuant to Section 5(1)(a) and (2)(a)1 of this administrative regulation; and

(b) For 1981 and newer model year vehicles in an enhanced program area, the maximum allowable grams per mile of carbon monoxide, hydrocarbons, and oxides of nitrogen, for the applicable vehicle type, model year, and pollutant, pursuant to Section 5(2)(a)2 of this administrative regulation.

(17) "Fleet" means a group of vehicles owned, leased, or operated by a person who has the responsibility of obtaining registration for the vehicles.

(18) "Fleet operator" means the person who has the responsibility of obtaining registration for fleet vehicles.

(19) "Functional standard" means the evaporative system integrity standard (pressure standard) and the evaporative system purge standard.

(20) "Gross vehicle weight" or "GVW" means the combined manufacturer's weight of a vehicle and its maximum load to be carried.

(21) "Inspection station" is governed by the definition in KRS 224.20-710(5).

(22) "Measurable improvement" means a decrease in the emissions recorded during a retest when compared to the measured emissions obtained in the test.

(23) "Opacity" means the degree to which a motor vehicle's tailpipe exhaust gas plume obstructs the transmission of visible light, as measured by a full-flow, direct reading, continuous reading light extinction opacity meter, pursuant to Section 6(6) of this administrative regulation.

(24) "Opacity standard" means the maximum allowable opacity during an opacity test for the obstruction of visible light appropriate for a diesel vehicle, pursuant to Section 5(3) of this administrative regulation.

(25) "Operator" means a person who owns, leases, or operates a vehicle.

(26) "Owner" is governed by the definition in KRS 186.010(7).

(27) "Person" is governed by the definition in KRS 224.01-010(17).

(28) "Program area" means the county or the contiguous counties which are designated nonattainment for ozone (except marginal) or carbon monoxide pursuant to 401 KAR 51:010, in which a vehicle inspection and maintenance program has been established, pursuant to Section 13 of this administrative regulation.

(29) "Retest" means any test performed after repair.

(30) "Tampering" means removing, reducing the effectiveness, or rendering inoperative or ineffective the catalytic converter, unvented fuel cap, air pump system, fuel inlet restrictor, exhaust gas recirculation (EGR) valve, positive crank case ventilation (PCV) system, or evaporative system, except to replace the device with a device which is equivalent in design and function to that which was originally installed on the vehicle and which has been approved by an independent, state, or federal laboratory recognized by the U.S. EPA.

(31) "Test equipment" means the analyzers and diagnostic equipment used to test a vehicle's compliance with the emission and functional standards of Section 5 of this administrative regulation, which are approved by the U. S. EPA pursuant to the U.S. EPA Technical Guidance, "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications", May 1993, which is incorporated by reference in Section 14 of this administrative regulation.

(32) "Test" or "testing" means the use of test equipment and the application of techniques and methods, approved by the cabinet pursuant to Section 6 of this administrative regulation, to determine compliance with the allowable exhaust emission standards, the functional standards, and the antitampering and antimisfueling standards, pursuant to Section 5 of this administrative regulation.

(33) "Testing period" means the period of time during which a vehicle is scheduled to be tested to receive a compliance certificate or exemption certificate. This period consists of a three (3) month period that commences ninety (90) days prior to the expiration date of the vehicle's current certificate of registration. The cabinet shall publish notices of the testing periods pursuant to Section 3(2) of this administrative regulation. (34) "Transient exhaust emissions test" means the analysis of vehicle exhaust emissions during a series of accelerations and decelerations while a vehicle's power axle is mounted on a dynamometer with the vehicle's engine and transmission engaged, pursuant to the test procedures in Section 6(5) of this administrative regulation.

(35) "Vehicle" is governed by the definition in KRS 224.20-710(6).

(36) "Vehicle emission control program" is governed by the definition in KRS 224.20-710(7).

(37) "Vehicle identification number" or "VIN" means the number assigned to the vehicle by the vehicle's manufacturer.

(38) "Vehicle repair facility" means a repair facility which is open to the general public for the repair of automobiles or other vehicles, is legally licensed to be in business, has a published telephone number, and has a federal employer's identification number (FEID number) or Kentucky business tax number if there is no FEID number.

(39) "Vehicle inspection and repair form" means the form issued to the owner or operator of a vehicle when the vehicle is presented for inspection, pursuant to Section 9(2) of this administrative regulation.

Section 2. Applicability. (1) The owner or operator of a 1968 or newer model year vehicle shall not renew a certificate of registration for that vehicle in a county located in a program area unless a current certificate of compliance, issued pursuant to Section 9(1) of this administrative regulation, or a current exemption certificate issued pursuant to Section 4 of this administrative regulation, is presented to the county clerk. This administrative regulation shall apply to:

(a) Owners or operators, including fleet operators, of vehicles that are registered in a county that has been designated nonattainment for ozone (except marginal) or carbon monoxide, pursuant to 401 KAR 51:010; and

(b) Owners or operators of vehicles owned exclusively by a county; city; urban-county; board of education; emergency and ambulance vehicles operated by nonprofit corporations organized by the local, state, or federal government; and vehicles owned exclusively by a nonprofit volunteer fire department, volunteer fire prevention unit, or volunteer fire protection unit, when the vehicles are assigned to a person or office located in a program area.

(2) The provisions of this administrative regulation which relate to basic program requirements shall apply to the county or counties in which the cabinet has implemented a basic inspection and maintenance program.

(3) The provisions of this administrative regulation which relate to enhanced program requirements shall apply to the county or counties in which the cabinet has implemented an enhanced inspection and maintenance program.

(4) The provisions for tampering shall become applicable:

(a) On the date the vehicle emission control program commences testing vehicles in those program areas that had an antitampering and antimisfueling program in effect before January 31, 1991; and

(b) One (1) year from the date that a vehicle emission control program commences testing vehicles in other program areas.

(5) The contractor who enters an agreement with the cabinet to operate an emission inspection station shall be subject to the applicable requirements of this administrative regulation.

(6) Personnel of a permitted inspection station shall be subject to the requirements of Section 12 of this administrative regulation.

(7) Vehicles registered in a nonattainment county governed by a vehicle inspection and maintenance program implemented by a local air pollution control agency established pursuant to KRS Chapter 77 shall be exempt from this administrative regulation.

Section 3. Inspection Frequency and Notification. (1) Inspection frequency.

(a) Owners or operators of vehicles subject to this administrative regulation shall present their vehicles for testing annually at a permitted inspection station located in the program area.

(b) A vehicle shall not be tested to receive a compliance certificate pursuant to Section 9(1) of this administrative regulation, or shall not receive an exemption certificate pursuant to Section 4 of this administrative regulation, prior to the vehicle's testing period, except as provided in Section 4(2) and (3) of this administrative regulation.

(c) If a vehicle is inspected after the vehicle's testing period to

receive a compliance or exemption certificate, the owner or operator shall pay the additional fee provided in Section 8(5) of this administrative regulation.

(d) The owner or operator shall pay the applicable fees, pursuant to Section 8 of this administrative regulation, when each vehicle is presented for testing. A compliance certificate, exemption certificate, or vehicle inspection and repair form shall not be issued until all applicable fees are paid, except as provided in paragraph (f) of this subsection.

(e) An owner or operator of a vehicle that has been issued an exemption certificate by the cabinet or contractor, shall be exempt from paragraph (a) of this subsection for the period of time indicated on the exemption certificate, pursuant to Section 4 of this administrative regulation.

(f) Federal, state and local agencies and public or private corporations with vehicles bearing official license plates, assigned to an office or individual in the program area, shall identify a contact person and shall submit, in writing, to the cabinet an initial listing of all assigned vehicles as of January 1 of each year. The listing shall be submitted to the contractor by January 31 of each year and shall include for each vehicle, at a minimum, the vehicle make, model year, VIN, license plate number, and a requested testing period. The contractor shall notify the contact person responsible for approval of changes to the requested testing period by February 15 of each year. The vehicles shall be subject to applicable emission and functional standards and the antitampering and antimisfueling standard of Section 5 of this administrative regulation, to the applicable testing requirements of Section 6 of this administrative regulation, and to the fees provided in Section 8 of this administrative regulation. Fees shall be paid at the time of testing or in a schedule acceptable to the contractor and the cabinet.

(2) Notification.

(a) The cabinet shall notify owners of the testing period assigned to their vehicles by mailing a notice to each owner's address as listed with the Kentucky Transportation Cabinet and shall publish a legal notice or classified advertisement at least one (1) day each month in the newspaper with the largest circulation that is distributed daily in the program area.

(b) The mailed notice shall advise owners that, pursuant to KRS 224.20-720(2), the county clerk shall not renew a vehicle's certificate of registration without a compliance certificate or an exemption certificate issued by a permitted inspection station located in the program area, and shall notify owners that a vehicle shall be rejected from the inspection station if tampering has occurred.

(c) In addition to the information required in paragraph (c) of this subsection, the notice in the newspaper shall also advise the public of their obligation to have each vehicle tested prior to having the vehicle's certificate of registration renewed and shall specify the testing period for vehicles with certificates of registration due for renewal in the next three (3) months.

(d) Failure of the owner or operator to receive a notice shall not excuse the owner or operator from complying with this administrative regulation.

Section 4. Exemption Certificates. A person shall not issue or use an exemption certificate in violation of this administrative regulation. The following types of exemption certificates shall be issued by the contractor or the cabinet pursuant to the procedures in this section:

(1) Permanent exemption certificate.

(a) The owners or operators of vehicles equipped to operate exclusively on fuels other than gasoline or diesel fuel shall present the vehicle for inspection by the contractor during the initial testing period.

(b) If the cabinet confirms that the vehicle is not equipped to operate with gasoline or diesel fuel, a permanent exemption certificate shall be issued.

(c) The owner or operator of a vehicle, for which a permanent exemption certificate has been issued, shall not operate the vehicle if it is altered so that it may operate using gasoline or diesel fuel, without presenting the vehicle for testing at a permitted inspection station within thirty (30) days after the vehicle has been altered.

(2) Temporary exemption certificate.

(a) A temporary exemption certificate shall be issued by the cabinet if the owner or operator demonstrates and affirms to the cabinet, pursuant to subsection (4) of this section, that the vehicle will not be available for testing during the testing period. The owner or operator of a vehicle shall not seek a temporary exemption certificate to avoid testing which would otherwise be required.

(b) The owner or operator shall notify the cabinet when the vehicle will be available for testing and provide the VIN, proof of ownership, and the driver's license of the owner.

(c) The temporary exemption certificate shall expire thirty (30) days after the date the owner or operator indicates that the vehicle will be available for testing, except that the cabinet may extend the temporary exemption certificate upon further demonstration and affirmation by the owner or operator that the vehicle remains unavailable for testing. A temporary exemption certificate shall not be valid beyond the last day of the certification year in which it was issued.

(d) Prior to the expiration of a temporary exemption certificate, the owner or operator shall present the vehicle and the current temporary exemption certificate to a permitted vehicle inspection station when the vehicle is available for testing, and shall pay the test fee specified in Section 8(1) of this administrative regulation and the additional fee specified in Section 8(5) of this administrative regulation.

(e) The owner or operator shall obtain a compliance certificate or a repair cost exemption certificate, as applicable, before the temporary certificate expires. Failure of the owner or operator to obtain a compliance certificate or exemption certificate prior to the expiration of the temporary exemption certificate shall result in the cabinet's denial of another temporary exemption certificate and shall subject the owner or operator to penalties for failure to comply with KRS 224.20-710 to 224.20-765.

(3) Certification period exemptions.

(a) An exemption certificate shall be issued by the cabinet if the owner or operator demonstrates and affirms to the satisfaction of the cabinet, pursuant to subsection (4) of this section, that the vehicle will not be operated in the program area for more than thirty (30) days during a certification period.

(b) The owner or operator shall present to the cabinet the documentation demonstrating that the vehicle will not be operated in the program area, the VIN, proof of ownership, the driver's license number of the owner, and the location of the vehicle during the certification period. The owner or operator shall pay the exemption certificate fee specified in Section 8(1) of this administrative regulation.

(c) An exemption certificate shall be issued by the cabinet for a given certification period if the owner or operator demonstrates to the satisfaction of the cabinet that the vehicle has a valid compliance or exemption certificate issued by an equivalent emission control program approved by the U.S. EPA as part of a state implementation plan. The certificate shall be valid for the period that the certificate would have been valid if it had been issued pursuant to this administrative regulation. The owner or operator shall pay the exemption certificate fee specified in Section 8 of this administrative regulation.

(4) Acceptable proof for temporary and certification period exemptions.

(a) Requests for a temporary or certification period exemption shall be in the form of an affidavit signed by the owner or operator, stating the reason and the length of time the vehicle will be located out of the program area, or otherwise unavailable for testing, and shall include the address where the vehicle will be located during the period.

(b) Military personnel who are on active duty and who will be

stationed 250 miles or more from a program area during a certification period may be granted an exemption if the cabinet receives a copy of the military orders or letter from their commanding officer or executive officer verifying that the assignment is 250 miles or more from the program area and that the assignment will continue during the period for which the exemption is requested.

(c) Owners or operators of vehicles subject to this administrative regulation who are registered as full-time students at a college, university, or other school, which is 250 miles or more from a program area, may be granted an exemption if the school's registrar verifies in writing the student's school address and the period of enrollment.

(d) Owners or operators of vehicles subject to this administrative regulation may request temporary or certification period exemption certificates by mail provided the owner or operator and vehicle meet the applicable requirements of this subsection. The request must be received no less than twenty (20) working days prior to the vehicle registration expiration date.

(5) Repair cost exemption certificates. The contractor may issue a repair cost exemption certificate, valid for the stated certification period, to the owner or operator of a vehicle subject to this administrative regulation if the following criteria have been met:

(a) The vehicle has achieved at least a measurable improvement in the amount of emissions for each pollutant or opacity standard for which the vehicle was failed, as measured from the first exhaust emission test; and

(b) The owner or operator of the vehicle which failed the retest has spent at least the following amounts for repairs on the applicable model year vehicle in attempting to have the vehicle pass a retest in the applicable program area:

1. For 1980 or older model years, the owner or operator has spent at least seventy-five (75) dollars;

2. For 1981 and newer model years, the owner or operator has spent at least $200;

3. For vehicles covered by 42 USC 7541(b), the owner or operator has spent at least $200, including the manufacturer's or dealer's warranty.

4. In a basic or enhanced program area, the owner or operator of a diesel vehicle has spent at least seventy-five (75) dollars.

(c) The costs applied toward a cost exemption certificate shall be only for repairs based on appropriate diagnostics to correct problems related to an emission test failure, and shall not include costs to replace or repair components as a result of tampering. The cost of repairs to correct leaking, defective, or detached exhaust systems shall not be included in receiving a repair cost exemption certificate. Costs for repairs that are covered under a manufacturer's or dealer's warranty shall be included in determining if a repair cost exemption certificate shall be issued.

(d) An owner or operator may appeal the denial of a repair cost exemption certificate pursuant to the provisions of Section 11 of this administrative regulation.

Section 5. Standards of Performance for Vehicles. (1) Basic program area. The owner or operator of a vehicle subject to the requirements of a basic program area shall be issued a compliance certificate, pursuant to Section 9(1) of this administrative regulation, if the vehicle meets the applicable emission, functional, and antitampering and antimisfueling standards of this subsection and the applicable testing requirements of Section 6 of this administrative regulation.

(a) Exhaust emissions standard. The maximum allowable levels of carbon monoxide (CO) and hydrocarbons (HC), as measured by the idle exhaust emissions test, pursuant to Section 6(3) of this administrative regulation, for the applicable vehicle type, model year, pollutant, and gross vehicle weight (GVW) shall be as listed in the following table:

Vehicle Model Year	Vehicles Registered as Automobiles		* Vehicles having GVW of 6,000 lbs or less		Vehicles with GVW greater than 6,000 lbs but equal to 10,000 lbs or less		Vehicles with GVW greater than 10,000 lbs but equal to 18,000 lbs or less	
	HC (ppm)	CO (%)	HC (ppm)	CO (%)	HC (ppm)	CO (%)	HC (ppm)	CO (%)
1968	950	8.5	1300	8.0	1500	9.0	1500	9.0
1969	900	8.5	1200	8.0	1100	8.0	1300	8.5
1970	850	8.4	1100	8.0	1100	8.0	1300	8.5
1971	850	8.1	1000	8.0	1000	8.0	1200	8.5
1972	800	8.0	1000	7.8	950	7.5	1000	7.0
1973	800	7.8	1000	7.8	950	7.5	1000	7.0
1974	800	7.6	950	7.8	950	7.5	1000	7.0
1975	700	7.5	900	7.0	950	7.5	1000	7.0
1976	700	6.5	700	7.0	900	7.5	1000	7.0
1977	650	6.3	700	7.0	850	7.5	900	6.5
1978	600	5.5	700	6.3	700	6.0	900	6.5
1979	600	4.5	450	5.5	650	5.5	900	6.5
1980	250	2.5	450	4.0	550	5.0	900	6.5
1981	220	1.2	350	1.7	450	4.0	500	3.5
1982	220	1.2	220	1.2	400	2.5	400	3.0
1983	220	1.2	220	1.2	350	2.0	400	3.0
1984	220	1.2	220	1.2	220	1.5	250	1.5
1985 & newer	220	1.2	220	1.2	220	1.2	250	1.5

* Other than vehicles registered as automobiles.

(b) Evaporative system integrity standard (pressure standard). For 1981 and newer model gasoline vehicles, the pressure standard for the evaporative emission control system shall be a minimum sustainable pressure of eight (8) inches of water for a maximum period of two (2) minutes, as measured by the evaporative system integrity test, pursuant to Section 6(4) of this administrative regulation.

(c) Antitampering and antimisfueling standard. Vehicles shall be inspected by inspection station or cabinet personnel for tampering and misfueling, pursuant to Section 6(2) of this administrative regulation. A vehicle which shows evidence of tampering or misfueling shall be determined as not achieving this standard.

(2) Enhanced program area. The owner or operator of a vehicle subject to the requirements of an enhanced program area shall be issued a compliance certificate, pursuant to Section 9(1) of this administrative regulation, if the vehicle meets the emission, functional, and antitampering and antimisfueling standards of this subsection and the applicable testing requirements of Section 6 of this administrative regulation.

(a) Exhaust emissions standard.

1. For 1980 and older model year vehicles, the maximum allowable levels of carbon monoxide (CO) and hydrocarbons (HC), as measured by the idle exhaust emissions test, pursuant to Section 6(3) of this administrative regulation, for the applicable vehicle type, model year, pollutant, and gross vehicle weight (GVW) shall be as listed in the table in subsection (1)(a) of this section.

2. For 1981 and newer model year vehicles, the maximum allowable grams per mile (gpm) of carbon monoxide, hydrocarbons, and oxides of nitrogen, as measured by the transient exhaust emissions test, pursuant to Section 6(5) of this administrative regulation, for the applicable vehicle type, model year, and pollutant shall be as listed in Section 85.2205(a) of the U.S. EPA Technical Guidance, "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications", May 1993, which is incorporated by reference in Section 14 of this administrative regulation.

(b) Evaporative system purge standard. For 1981 and newer model year vehicles, the purge standard for the evaporation emission control system shall be a minimum flow of one (1.0) standard liter at the conclusion of the transient exhaust emissions test, as measured by the test equipment, pursuant to Section 6(5)(a) of this administrative regulation.

(c) Evaporative system integrity standard (pressure standard). For 1981 and newer model gasoline vehicles, the pressure standard for the evaporative emission control system shall be a minimum sustainable pressure of eight (8) inches of water for a maximum period of two (2) minutes, as measured by the evaporative system integrity test, pursuant to Section 6(4) of this administrative regulation.

(d) Antitampering and Antimisfueling standard. Vehicles shall be inspected by inspection station or cabinet personnel for tampering and misfueling, pursuant to Section 6(2) of this administrative regulation. A vehicle which shows evidence of tampering or misfueling shall be determined as not achieving the standard.

(3) Emission standard for diesel vehicles for basic and enhanced program areas. A diesel vehicle shall not emit visible emissions in excess of ten (10) percent opacity for ten (10) or more consecutive seconds, as measured by the test equipment pursuant to Section 6(6) of this administrative regulation, when tested at idle engine speed.

(4) Cause for rejection of vehicles. In a basic or an enhanced program area, a vehicle shall be rejected from the inspection station if:

(a) The inspection station or cabinet personnel are unable to determine readily that the vehicle presented at the inspection station is the vehicle identified in the VIN, certificate of registration, or license tag; or

(b) The vehicle, its contents, load, passengers, or operator causes, or has the appearance of causing, an unsafe condition at the inspection station. The test shall not be performed until the condition is corrected. The conditions for rejection shall include, but shall not be limited to, the following:

1. Leaking fuel;
2. The leaking of potentially toxic or hazardous materials, other than normal drive-train fluid;
3. Excessive noise;
4. Operator incapacity;
5. Operator or passenger misconduct;
6. The vehicle tire cords are visible;
7. The vehicle has a space-saver spare tire mounted on the drive axle;
8. The vehicle is pulling a detachable trailer or load;
9. The vehicle stalls repeatedly;
10. The vehicle has leaking, defective, or detached exhaust systems;
11. The vehicle has exhaust tailpipes altered from those of the original manufacturer of the vehicle so that proper access by the test equipment required in Section 6 of this administrative regulation is not possible; or
12. The inspection would cause inspection station personnel to be in an unsafe position, as determined by the contractor. Inspection station personnel shall document all rejections and the reasons for the rejection.

Section 6. Test Procedures for Vehicles. (1) Operator procedures for gasoline vehicles. The operator shall operate the vehicle for testing pursuant to the conditions specified in this section and at the direction of inspection station personnel as follows:

(a) Unless otherwise directed, the operator shall remain in the vehicle while the vehicle is in the test lane.

(b) During testing, the engine shall be at normal operating temperatures and shall not be overheating (as indicated by a gauge or warning light or boiling radiator), with all accessories turned off.

(c) Vehicles shall be approximately level during testing.

(d) If the engine stalls during testing, the test shall be restarted.

(2) Antitampering and antimisfueling inspection. The inspection station personnel shall perform an antitampering and antimisfueling inspection on all 1980 and newer model year vehicles presented to the inspection station for compliance with KRS 224.20-710 to 224.20-765. The procedure shall consist of a visual inspection for the presence of tampering and tail pipe lead deposits indicating the use of leaded fuel.

(a) If tampering or misfueling is found, the owner or operator shall be so informed and shall be issued a vehicle emission repair form.

1. Missing or damaged components shall be repaired, regardless of expense. The cost of repair or replacement of these components is not subject to a repair cost exemption certificate provided in Section 4(5) of this administrative regulation.

2. Upon repair or replacement of tampered, inoperable, missing or malfunctioning components (except for an unvented fuel cap), the owner or operator shall present the vehicle for inspection and the completed vehicle inspection and repair form, signed by a mechanic of a vehicle repair facility, demonstrating that the components have been repaired or replaced and are in proper operating condition.

(b) Tampered or misfueled vehicles shall complete the applicable exhaust emission and functional procedures of this section.

(3) Idle exhaust emission test procedure for gasoline vehicles. The idle exhaust emissions test shall measure vehicle exhaust gas emissions for carbon monoxide (CO), carbon dioxide (CO_2), and hydrocarbons (HC) and shall be performed pursuant to 40 CFR 51, Subpart S, as promulgated in the Federal Register, of November 5, 1992 (57 FR 52987) which is incorporated by reference in Section 14 of this administrative regulation, and the following:

(a) Analyzers shall be warmed up, in stabilized operating condition, and adjusted according to manufacturer's specifications.

(b) If the vehicle is capable of being operated with gasoline or other fuels, the test shall be conducted using gasoline.

(c) Multiple exhaust vehicles shall be tested by sampling all exhaust points simultaneously or by other methods approved by the cabinet.

(d) Inspection station personnel shall attach the tachometer. With the engine operating at idle speed, the emergency brake on, and the transmission in "neutral" for vehicles with manual transmissions or "park" for vehicles with automatic transmissions, the sampling probe of the gas analytical system shall be inserted at least ten (10) inches into the tail pipe. If the probe cannot be inserted at least ten (10) inches, exhaust pipe extension boots shall be used.

(e) First chance to pass. The initial idle mode shall have a maximum duration of ninety (90) seconds and a minimum duration of thirty (30) seconds.

1. The analysis shall begin after an initial time delay of ten (10) seconds. If, within thirty (30) seconds the hydrocarbon reading is equal to or less than 100 parts per million and the carbon monoxide reading is five-tenths (0.5) percent or less, the vehicle shall pass the test. If these readings are not obtained within the first thirty (30) seconds, the test shall be continued for up to an additional sixty (60) seconds. If at any time during the sixty (60) second period, the readings for both hydrocarbons and carbon monoxide meet the emission standards for the applicable vehicle model year and GVW, the vehicle shall pass the test.

2. If at any time during the test the carbon monoxide plus carbon dioxide concentration falls below six (6) percent, the test shall be voided.

(f) Second chance to pass. If the vehicle does not pass the procedure in paragraph (e) of this subsection, the test probe shall be removed, the test timer shall be reset to zero, and a second chance test shall be performed after using one (1) of the following preconditioning procedures:

1. The power axle of the vehicle shall be mounted on a dynamometer. The mode timer shall initiate when the dynamometer speed is within the limits specified for the vehicle engine size. The mode shall continue for a minimum of thirty (30) seconds. The dynamometer test schedule for engine preconditioning prior to a second-chance idle test shall be within the following limits:

Engine Size	Roll Speed	Normal Loading
4 or fewer cylinders	22 - 25 mph	2.8 - 4.1 brake horsepower
5 - 6 cylinders	29 - 32 mph	6.8 - 8.4 brake horsepower
7 or more cylinders	32 - 35 mph	8.4 - 10.8 brake horsepower

2. Full-time four (4) wheel drive vehicles shall be preconditioned with the engine speed at 2500 revolutions per minute (2500 rpm) plus or minus 300 revolutions per minute (±300 rpm) for thirty (30) seconds with the transmission in either "park" or "neutral."

3. Immediately following the preconditioning mode and when the vehicle's wheels are no longer moving, the mode timer shall be started and run for a period not to exceed ninety (90) seconds. The test probe shall be reinserted and the procedures described in paragraph (f) of this subsection shall be repeated.

4. If any pair of readings shows passing scores for both hydrocarbons and carbon monoxide, the vehicle shall pass the test. If all readings exceed the hydrocarbon limit or the carbon monoxide limit, or both, the vehicle shall fail the test. The operator shall be informed of the results, and the repairs recommended to correct the system deficiencies shall be included on the vehicle emission repair form.

(4) Evaporative system integrity test (pressure test).

(a) An evaporative system integrity test shall be performed on all 1981 and newer model gasoline powered vehicles presented for the purpose of compliance with this administrative regulation as follows:

(b) Inspection station personnel shall direct the operator of the motor vehicle to shut off the vehicle's engine. The operator shall allow inspection station personnel access to the motor vehicle engine compartment by releasing the hood latch or other method.

(c) Inspection station personnel shall disconnect all components and lines leading from the fuel tank at the junction of the evaporative canister. All lines and components, other than the main vent line, shall be sealed and made air tight. Vehicles with evaporative canisters that are inaccessible to inspection station or cabinet personnel, due to factory design of the vehicle, shall have the pressure test portion of this administrative regulation waived by the cabinet. A missing or damaged evaporative canister shall result in failure of the pressure test.

(d) The main vent line shall be pressurized to fourteen (14) inches of water, not to exceed twenty-six (26) inches of water system pressure, with commercial grade nitrogen. After the pressure is stabilized, the main vent line shall be sealed and the system pressure monitored for a maximum of two (2) minutes. An evaporative system that maintains a constant internal pressure equal to or greater than eight (8) inches of water for a duration of two (2) minutes shall be deemed acceptable.

(e) At the end of the two (2) minute monitoring period the unvented fuel cap shall be removed the monitoring equipment shall be observed for a decrease of internal pressure.

(f) Inspection station personnel shall:

1. Remove all monitoring equipment from the main vent line;

2. Remove all seals from all other components and lines disconnected from the evaporative canister; and

3. Reconnect the system in the configuration in which the vehicle was presented for inspection.

(g) Upon successful completion of paragraphs (d) and (e) of this subsection, the vehicle shall pass the test.

(h) If any of the following occurs, the vehicle shall fail the test. The operator shall be informed of the results, and the repairs recommended to correct the system deficiencies shall be included on the vehicle emission repair form.

1. An internal system pressure of fourteen (14) inches of water is not obtained;

2. The internal system pressure drops below eight (8) inches of water at any time during the two (2) minute monitoring period; or

3. Upon removal of the unvented fuel cap, a decrease in internal pressure is not observed.

(i) The cost of repairs performed on the evaporative emission control system, that are not a result of tampering, may be applied to a repair cost exemption certificate, pursuant to Section 4(5) of this administrative regulation.

(5) Transient exhaust emissions test and evaporative emission purge test of gasoline vehicles. The transient exhaust emissions test and evaporative emission purge test shall be performed pursuant to the procedures prescribed in Sections 85.2205 and 85.2221 of the U.S. EPA Technical Guidance, "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications", May 1993, and the following: (The U.S. EPA Technical Guidance is incorporated by reference in Section 14 of this administrative regulation.)

(a) Evaporative emission purge test. Inspection station personnel shall direct the operator of the motor vehicle to shut off the vehicle's engine. The operator shall allow inspection station personnel access to the motor vehicle engine compartment by releasing the hood latch or other method.

1. Inspection station personnel shall connect a flow measurement device where the purge line intersects with the canister. The flow measurement device shall measure the flow of gasoline vapor (in standard liters) during the transient exhaust emissions test procedure.

2. A vehicle shall fail the evaporative emission purge procedure if the flow of gasoline vapor is less than one (1) liter at the completion of the transient exhaust emissions test.

3. Vehicles with evaporative canisters that are inaccessible to inspection station or cabinet personnel, due to factory design of the vehicle, shall have the evaporative emission purge test portion of this administrative regulation waived by the cabinet. A missing or damaged evaporative canister shall result in failure of the purge test.

(b) Transient exhaust emissions test. The operator of the vehicle shall surrender control of the vehicle to inspection station or cabinet personnel to conduct the transient exhaust emissions test procedure.

1. The vehicle engine shall be restarted and the power axle of the vehicle shall be mounted on a dynamometer. The dynamometer rolls shall be rotated until the vehicle laterally stabilizes on the dynamometer.

2. Restraining devices shall be applied to the vehicle to minimize lateral and forward movement of the vehicle.

3. An external engine cooling fan shall be positioned to direct air to the vehicle cooling system.

4. The exhaust collection system shall be positioned to ensure capture of the entire exhaust stream from the tailpipe during the transient driving cycle.

5. The dynamometer power absorption and inertia weight settings shall be selected from the U.S. EPA-supplied table based upon the vehicle type and number of cylinders or cubic inch displacement of the engine. Vehicles not listed in the table shall be tested using the default power absorption and inertia settings provided in the table in Section 85.2221(5) of the U.S. EPA Technical Guidance, "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications", May 1993, which has been incorporated by reference in Section 14 of this administrative regulation.

6. Transient driving cycle. The vehicle shall be driven over the cycle specified in the table in Section 85.2221(e)(1), of the U.S. EPA Technical Guidance, "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications", May 1993, which has been incorporated by reference in Section 14 of this administrative regulation.

7. Inspection station or cabinet personnel shall follow a trace (an electronic, visual depiction) of the time/speed relationship of the transient driving cycle. The trace shall be of sufficient magnification and detail to allow accurate tracking and anticipate upcoming speed changes. The trace shall also clearly indicate gear shifts as specified in subparagraph 8 of this paragraph.

8. Shift schedule for manual transmissions. Inspection station or cabinet personnel shall shift gears of vehicles according to the schedule in Section 85.2221(e)(3) of the U.S. EPA Technical Guidance, "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications", May 1993, which has been incorporated by reference in Section 14 of this administrative regulation. Gear shifts shall occur at the points in the driving cycle where the specified speeds are obtained except for the shift at 119.0 seconds, which shall occur at the specified time.

9. Inspection station or cabinet personnel shall idle the vehicle for ten (10) seconds as the exhaust analysis equipment samples the ambient air.

10. The lane control computer shall signal the inspection station personnel to initiate the driving cycle. The drive cycle shall have a duration of approximately four (4) minutes.

11. The test equipment shall collect samples of the mass of each pollutant for each second of the following sampling mode and phase schedules:

a. Composite Analysis Schedule

MODE	CYCLE PORTION
1	0 to 60 seconds
2	61 to 119 seconds
3	120 to 174 seconds
4	175 to 239 seconds; and

b. Second-by-second mass analysis schedule

PHASE	CYCLE PORTION
1	0 to 93 seconds
2	94 to 239 seconds

12. If at the completion of the driving cycle, the composite emission analysis in subparagraph 1 of this paragraph exceeds the enhanced emission standards for a pollutant in Section 5(2) of this administrative regulation, the second-by-second emission analysis results of Phase 2 in subparagraph 11b of this paragraph shall be compared to those standards. If the composite emission level for a pollutant is below the enhanced emission standard in Section 5(2) of this administrative regulation, or if the Phase 2 emission level is below the enhanced emission standard, the vehicle shall pass the test for that pollutant.

(c) The owner or operator of a vehicle that fails to meet the emission standard, pursuant to Section 5(2)(a) of this administrative regulation, for any specified pollutant or the evaporate emission purge standard, pursuant to Section 5(2)(c) of this administrative regulation, shall be so informed and the repairs recommended to correct the deficiency shall be included on the vehicle inspection and repair form.

(d) Equivalent methods which have been approved by the cabinet and the U.S. EPA for the Transient Exhaust Emissions Test and Evaporative Emission Purge Test of Gasoline Vehicles may be substituted for the procedures prescribed in this section.

(6) Test procedures for diesel vehicles. The operator of a diesel vehicle shall allow the vehicle to be operated for testing pursuant to the conditions specified Section 6(1) of this administrative regulation and the following:

(a) Diesel-powered vehicles shall be inspected with an opacity meter that is a full-flow, direct reading, continuous reading light extinction type using a collimated light source and photo-electric cell, accurate to within plus or minus five (5) percent.

(b) Separate measurements shall be made on each exhaust outlet on diesel vehicles equipped with multiple exhaust outlets. The reading taken from the outlet giving the highest reading shall be used for comparison with the standard for the vehicle being tested.

(c) A diesel vehicle shall meet the opacity standard specified in Section 5(3) of this administrative regulation to pass the test. If the vehicle fails the test, the operator shall be so informed and the repairs required to correct the deficiency shall be included on the vehicle inspection and repair form.

Section 7. Testing of Fleet Vehicles. (1) The owner or operator of a fleet operating a fleet inspection station to test vehicles that are in that fleet shall comply with this section.

(a) A fleet inspection station shall not be operated without a fleet inspection permit issued by the cabinet.

1. The fleet owner or operator shall submit a complete application for a permit to the cabinet, using Form DEP-V001, Permit Application to Operate a Fleet Vehicle Inspection Station, which has been incorporated by reference in Section 14 of this administrative regulation.

2. The permit shall be valid for one (1) year and may be renewed by the cabinet. For renewal of the permit, the fleet operator shall submit to the cabinet an updated fleet inspection station application form at least forty-five (45), but no more than sixty (60) days, prior to the permit's expiration.

3. The fee for a fleet inspection station permit or permit renewal shall be $200, pursuant to Section 8(6)(d) of this administrative regulation.

(2) The fleet operator shall:

(a) Submit to the cabinet a schedule for the testing of the fleet vehicles and payment of the inspection fees, pursuant to Section 8(7)(a) through (c) of this administrative regulation;

(b) Test the vehicles in the fleet according to the schedule in the fleet inspection permit. The schedule shall contain the following information:

1. The number of vehicles to be tested;
2. The VINs of the vehicles to be tested;
3. The months the vehicles will be tested; and
4. The operating hours and location of the fleet inspection station;

(c) Use the forms and compliance certificates issued by the cabinet;

(d) Issue exemption certificates pursuant to Section 4 of this administrative regulation;

(e) Use test equipment and procedures approved by the cabinet pursuant to Sections 5 and 6 of this administrative regulation and assure that the test equipment provides a recordkeeping mechanism to record the results of all tests;

(f) Maintain records of all operations associated with the testing of the fleet vehicles, including but not limited to the repairs to fleet vehicles that failed the test;

(g) Make available to the cabinet and the contractor the results of the tests performed by the fleet inspection station;

(h) Provide a procedure for integrating the results of the tests performed by the fleet operator into the recordkeeping system of the contractor who operates the vehicle emission control program in the program area where the fleet is located;

(i) Perform the daily and hourly quality assurance procedures that are prescribed in the contract between the cabinet and the contractor, each day the analyzers are in operation, and allow the cabinet or the contractor to perform the other quality assurance activities as prescribed in the contract; and

(j) Maintain an in-house program for the maintenance of vehicles.

(3) A fleet operator may enter into an agreement with the contractor who holds the contract for testing vehicles within the program area where the fleet is located, for testing the fleet vehicles by the contractor outside public testing hours or at mobile inspection stations. The agreement shall not be implemented unless it has been approved by the cabinet.

Section 8. Fees. (1) The fee for testing a vehicle shall be based upon the contract that is awarded and the cabinet's costs of implementing the vehicle emission control program in the program area, unless other fees are also applicable. The fee shall be paid each year that an owner or operator is required to obtain a compliance or exemption certificate.

(2) Unless the vehicle is tested at a fleet inspection station or pursuant to an agreement with the contractor, the fee shall be collected before the testing commences or before an exemption certificate is issued. If the vehicle fails the first test, the first retest shall be provided at no cost if the appropriate vehicle inspection and repair form is satisfactorily completed and returned. Each test performed in addition to the first test and first retest shall be subject to the additional fee specified in subsection (5) of this section. The owner or operator shall submit the properly completed vehicle inspection and repair form for the last failed test at the time of the new test.

(3) The fee for having a vehicle tested before or after its testing period shall be five (5) dollars.

(4) The fee for the issuance of a duplicate compliance certificate or exemption certificate, pursuant to Section 10 of this administrative regulation, shall be five (5) dollars.

(5) The fee for issuing an exemption certificate shall be equal to the cost of the test. A fee shall not be charged for the issuance of a permanent exemption certificate.

(6) The additional fee for the issuance of a compliance certificate or exemption certificate, the year after a temporary exemption certificate was issued to an owner or operator, who did not present the vehicle for testing prior to the expiration of the temporary exemption certificate, shall be twenty-five (25) dollars.

(7) Fees for testing fleet vehicles.

(a) The fee for a compliance or exemption certificate for a fleet vehicle which is tested at a fleet inspection station shall be no less than the fee established by the contract between the cabinet and the contractor.

(b) The fee for a compliance or exemption certificate for a fleet vehicle which is tested by the contractor under an agreement implemented pursuant to subsection (3) of this section, shall be no less than the fee established by the contract between the cabinet and the contractor. The contractor may charge an additional fee which shall not exceed the contractor's additional cost of testing the fleet.

(c) The fees for compliance or exemption certificates issued to fleet vehicles may be paid on a weekly or monthly basis, or as otherwise approved by the cabinet or agreed to by the contractor and the fleet operator, as applicable.

(d) The fee for renewal of a fleet inspection station shall be $200.

Section 9. Forms and Certificates. The contractor shall use only forms, compliance certificates, and other materials that are approved by the cabinet. The following documents may be issued to the owner or operator according to this administrative regulation.

(1) Compliance certificate. The operator of each vehicle which meets the applicable emission, functional, and antitampering and antimisfueling standards specified in Section 5 of this administrative regulation, complies with the testing requirements of Section 6 of this administrative regulation, and has paid the applicable fee specified in Section 8 of this administrative regulation shall be issued a compliance certificate. Compliance or repair cost exemption certificates issued by the contractor for fleet vehicles, or issued pursuant to a test by a mobile station, shall be issued within one (1) month of the vehicle's being eligible for the certificate, and after payment of the certification fee pursuant to Section 8 of this administrative regulation. The compliance certificate shall contain at least the following information:

(a) Inspection station identification;

(b) Date and time of test;

(c) Identification number of the inspector;

(d) Vehicle license number;

(e) VIN, vehicle model year, and vehicle make;

(f) Applicable emission standards;

(g) Emission test results (hydrocarbon, carbon monoxide, sum of carbon monoxide and carbon dioxide percentage, and if applicable, oxides of nitrogen);

(h) Applicable pressure standards;

(i) Evaporative integrity test results (minimum sustained pressure);

(j) Applicable evaporative system purge standards;

(k) Evaporative system purge test results (minimum flow);

(l) Whether the test results are from the first test, first retest, or subsequent retest; and

(m) A unique, encoded test identification number.

(2) Vehicle inspection and repair forms.

(a) A vehicle inspection and repair form shall be issued to the operator of each vehicle which fails a test. The contractor shall indicate the recommended repairs to be performed. The vehicle inspection and repair form is incorporated by reference in Section 14 of this administrative regulation. The form shall be completed and returned to the inspection station personnel at the time of the retest. The owner shall indicate the following items on the vehicle inspection and repair form with supporting documentation:

1. Proof that repairs were performed and repair costs were incurred which were reasonable. Repairs made earlier than thirty (30) days prior to the first test failure for the current testing period shall not be included; and

2. A list of the repairs in sufficient detail for the contractor to determine that the repairs are related to the type of failure shown on the vehicle inspection and repair form.

(b) The person performing repairs on a vehicle shall indicate on the repair form the repairs performed and the itemized costs. The person shall affirm that all the repairs, checks, and adjustments were properly performed in accordance with requirements on the form by signing and printing his name and the date of repairs on the vehicle inspection and repair form. If the repairs were performed by a mechanic at a vehicle repair facility, the repair facility's name, federal employer's identification number (FEID number), or Kentucky

business tax number if there is no FEID number, repair date, and business telephone number shall be included on the vehicle inspection and repair form. In the appeals process, if the cabinet determines that the work claimed to have been completed was not done or was not in accordance with stipulations on the vehicle inspection and repair form, the cabinet may withhold issuance of a repair cost exemption certificate, and the owner or operator may be subject to penalties under KRS 224.20-765.

Section 10. Duplicate Certificates. The cabinet may issue a duplicate compliance, exemption, temporary exemption, or repair cost exemption certificate if the original certificate is lost. The owner shall notify the cabinet as soon as possible after the loss is noticed. The fee for a duplicate certificate shall be as prescribed in Section 8(4) of this administrative regulation.

Section 11. Appeals. (1) An owner or operator may appeal the denial of a repair cost exemption certificate if the following conditions have been met:

(a) The owner or operator has spent at least the amount specified in Section 4(5)(b) of this administrative regulation and no measurable improvement in emissions was achieved; or

(b) The owner or operator has spent less than the amount specified in Section 4(5)(b) of this administrative regulation and a mechanic employed at a repair facility affirms that no additional repairs can be performed that would improve the vehicle's emissions or that additional repairs would result in a total repair cost greater than the amount specified in Section 4(5)(b) of this administrative regulation for the vehicle age.

(2) The owner or operator shall present the vehicle to the cabinet and the vehicle shall undergo a comprehensive diagnostics check by the cabinet. Vehicles shall also be subject to an inspection for tampering and misfueling, pursuant to Section 6(2) of this administrative regulation.

(3) The cabinet may require that other repairs in this subsection be performed, if the diagnostics check in subsection (2) of this section verifies that the repairs are necessary and may result in an improvement in the vehicle's emissions. Repairs that the cabinet may require include, but are not limited to: replace the air filter; replace the positive crankcase ventilation valve; replace the evaporative canister; replace the NO_x sensor; adjust the air-to-fuel mixture; adjust the idle speed; adjust or repair the choke; repair float, power valves, needles, seats, and jets; repair vacuum hoses; replace spark plugs; replace plug wires; replace distributor, rotor cap, or points; adjust dwell or timing; replace oxygen sensor; or repair or replace the exhaust gas recirculation valve, carburetor, fuel injector, catalytic converter, electronic control module computer, or secondary air system, if the repair or replacement is covered under a manufacturer's or dealer warranty. The cabinet may issue a repair cost exemption certificate to vehicles that comply with this section if all the required repairs have been performed and the vehicle does not meet the emission and functional standards in Section 5 of this administrative regulation.

(4) Requests for an appeal of a denial of a cost repair waiver shall be made in writing and delivered to the contractor's inspection station manager or other contractor designee who shall promptly forward the request to the cabinet and a cabinet test date shall be scheduled and performed.

Section 12. Inspection Station Personnel Requirements. (1) All inspection station personnel shall successfully complete a training course approved by the cabinet. The training course shall include at least the following components:

(a) Causes and affects of air pollution;

(b) The purposes, functions, and goals of the vehicle emission inspection program;

(c) KRS 224.20-710 to 224.20-765 and this administrative regulation;

(d) Technical details of the test procedures and the rationale for their design;

(e) Emission control device function, configuration, and inspection;

(f) Test equipment operation, calibration, and maintenance;

(g) Quality control procedures and their purpose;

(h) Methods of providing courteous, fair, and efficient service to the public; and

(i) Safety and health issues related to the inspection process.

(2) Successful completion of the training course shall be determined by a written examination with a score of eighty (80) percent or more and successful performance of a complete unassisted vehicle inspection demonstrating proper procedures.

(3) The cabinet shall certify all contractor personnel that successfully complete the requirements of subsection (2) of this section. The certification shall expire two (2) years from the date of issuance. Contractor personnel whose certifications have expired are prohibited from inspecting vehicles until they complete the training requirements in this section and are recertified.

(4) Inspection station personnel shall wear identification tags visible to the public.

(5) Neither the contractor nor any employee of the contractor shall engage in the business of manufacturing, selling, maintaining, or repairing vehicles. The contractor may maintain or repair his own vehicles.

Section 13. Vehicle Emission Control Program Areas, Established. (1) The cabinet shall establish a basic vehicle emission control program in counties in which the entire county has been designated moderate ozone nonattainment in 401 KAR 51:010.

(2) The cabinet shall establish an enhanced vehicle emission control program in counties in which the entire county has been designated a serious, severe, or an extreme ozone nonattainment area and in counties in which the entire county was designated an urban ozone nonattainment area prior to the Clean Air Act Amendments of 1990.

(3) The vehicle emission control programs established pursuant to this administrative regulation shall continue upon redesignation of the program areas to attainment for ozone in 401 KAR 51:010.

Section 14. Incorporation by Reference. (1) The following forms required for vehicle emission control programs are hereby incorporated by reference:

(a) Form DEP V001, Permit Application to Operate a Fleet Vehicle Inspection Station, July 15, 1993; and

(b) Form DEP-V002, Vehicle Inspection and Repair Form.

(2) The following guidance documents which contain test methods and equipment specifications to be used by the contractor are hereby incorporated by reference:

(a) U.S. EPA Technical Guidance, "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications", May 1993;

(b) 40 CFR 51, Subpart S, as promulgated in the "Federal Register" of November 5, 1992, (57 FR 52987).

(3) Copies of the materials incorporated by reference in this administrative regulation shall be available for inspection and copying between the hours of 8 a.m. and 4:30 p.m. Monday through Friday at the following offices of the Division for Air Quality:

(a) The Division for Air Quality, 316 St. Clair Mall, Frankfort, Kentucky, 40601, (502) 564-3382;

(b) Ashland Regional Office, 3700 Thirteenth Street, Ashland, Kentucky, 41105, (606) 325-8569;

(c) Bowling Green Regional Office, 1508 Westen Avenue, Bowling Green, Kentucky, 42104, (502) 843-5475;

(d) Florence Regional Office, 7964 Kentucky Drive, Suite 8, Florence, Kentucky, 41042, (606) 292-6411;

(e) Hazard Regional Office, 233 Birch Street, Suite 1, Hazard,

Kentucky, 41701, (606) 439-2391;

(f) Owensboro Regional Office, 311 West Second Street, Owensboro, Kentucky, 42301, (502) 686-3304; and

(g) Paducah Regional Office, 4500 Clarks River Road, Paducah, Kentucky, 42003, (502) 898-8468.

PHILLIP J. SHEPHERD, Secretary
JUDITH A. VILLINES, Commissioner

APPROVED BY AGENCY: July 15, 1993

FILED WITH LRC: July 15, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing to receive comments on the proposed regulation will be conducted on August 30, 1993, at 10 a.m. (ET) in the Auditorium of the Capital Plaza Tower, Frankfort, Kentucky. Those persons interested in attending this public hearing shall contact in writing, at least five days prior to the hearing, John E. Hornback, Director, Division for Air Quality, 316 St. Clair Mall, Frankfort, Kentucky 40601. To request appropriate accommodations for the public hearing (such as an interpreter), or alternate formats of the printed material, please call (502) 564-3382, ext 346. The cabinet does not discriminate on the basis of race, color, national origin, sex, religion, age, or disability in employment or the provision of services and provides, upon request, reasonable accommodation including auxiliary aids and services necessary to afford individuals with disabilities an equal opportunity to participate in all programs and activities.

REGULATORY IMPACT ANALYSIS

Agency Contact: John E. Hornback

(1) Type and number of entities affected: This administrative regulation will affect owners, operators, or fleet operators of vehicles (automobiles and trucks with gross vehicle weight (GVW) of less than 18,000 pounds) in ozone nonattainment counties where the U.S. EPA requires a vehicle inspection and maintenance program and where the county fiscal court has affirmatively authorized the cabinet to implement a program. The cabinet will implement the program by issuing a contract to an independent contractor for the construction, equipment, establishment, maintenance, and operation of official vehicle emission inspection stations. Approximately 250,000 vehicle registrations are renewed annually in Boone, Campbell, Kenton and Boyd Counties. After this regulation is promulgated and the program is implemented by an independent contractor, the owners or operators of these vehicles will be required to their vehicles inspected to obtain a compliance or exemption certificate.

(a) Direct and indirect costs or savings to those affected: The direct costs to the owners or operators will be the cost of receiving a compliance or exemption certificate. The indirect cost will be the cost of repairing the vehicle if the vehicle does not pass the first test.

1. First year: We presently anticipate that the annual cost for the certificates will be from $10 to $20, although the actual cost will be determined by the contract that is issued by the cabinet and any additional costs necessary for the cabinet to implement the vehicle emission control program in that program area. The owner or operator will be required to pay the same fee for each test beyond the second test. Also, there are additional fees if the owner or operator has the vehicle tested outside of the vehicle's testing period. The indirect cost will be incurred if the vehicle does not pass the first emission test and the owner or operator is required to repair the vehicle so that emissions will be reduced. In 1989, under Jefferson County's VET (Vehicle Emissions Testing) program, the average cost of having a vehicle repaired was approximately $42. Average repair costs will be somewhat higher under this program since the repair cost exemption level is higher under this regulation. The repair cost exemption level has also been raised in the amended Jefferson County regulation. This regulation provides that if a measurable improvement in emissions is achieved after the first test, there is a maximum repair cost of between $75 to $200 for vehicles. There is no maximum cost for repairing the components that show evidence of tampering. The components that were damaged or removed must be repaired or replaced and the vehicle pass a retest before the vehicle's registration can be renewed. The provision regarding tampering will be effective upon start-up of the program in counties in which there was an antitampering and antimisfueling program as of January 31, 1991 (Boone, Campbell and Kenton Counties); in other program areas, the provision will become effective one year from the start-up of the program.

2. Continuing costs or savings: The costs will be the same for subsequent years, although the repair costs generally decrease as a vehicle reaches a specific age.

3. Additional factors increasing or decreasing costs (Note any effects upon competition): There are no known additional increasing or decreasing costs.

(b) Reporting and paperwork requirements: There are no reporting requirements. In order to receive a repair cost exemption, the owner or operator must maintain records of repairs (including receipts of equipment purchased and labor) that were performed in order for the vehicle to pass a retest. Each compliance certificate or exemption certificate must be kept until the owner or operator renews the registration on his vehicle.

(2) Effects on the promulgating administrative body: Most of the costs required for the implementation of vehicle emission control programs will be incurred by the independent contractors, although there will be costs necessary for the cabinet's oversight of the programs.

(a) Direct and indirect costs or savings: Direct costs are the salaries for those cabinet employees hired to manage the program in Northern Kentucky and Boyd County, and the office equipment and supplies necessary to maintain the program. Indirect costs will include the "hidden" personnel cost - such as the cost to the cabinet of hiring those persons.

1. First year: First year costs will mainly be administrative costs involved in developing the Request For Proposal (RFP), and issuing the contract for the construction, equipment, establishment, maintenance, and operation of official vehicle emission inspection stations. Those tasks will be performed by present personnel. There will also be some start-up costs in providing personnel, administrative office supplies, and other costs to oversee the contractor and performing the cabinet's responsibilities in each program area. These first year costs will be absorbed by the cabinet and could be approximately $500,000. The costs for office space and some equipment and supplies necessary to interface with the contractor's program will be provided by the contractor.

2. Continuing costs or savings: Subsequent personnel and administrative office supplies and other costs incurred by managing the program will be recovered from the cabinet's portion of the compliance or exemption certificate.

3. Additional factors increasing or decreasing costs: The are no known additional factors that will increase or decrease costs.

(b) Reporting and paperwork requirements: The independent contractor will manage most of the reporting and paperwork requirements by making periodic reports to the cabinet. The cabinet will submit these reports to the U.S. EPA as part of its annual reporting requirements.

(3) Assessment of anticipated effect on state and local revenues: State revenues will increase annually by approximately $750,000. This will be placed in the Vehicle Emission Control Fund that was established by KRS 224.20-730 and will be used by the cabinet for overseeing and administering the Vehicle Emission Control Program in program areas.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative of having local counties administer their own programs, under the cabinet's and the U.S. EPA's review, was considered and attempted. In Jefferson County, the local program is administered through the Air Pollution Control District of Jefferson

County, and it is working quite well. In the northern Kentucky area of Boone, Campbell, and Kenton Counties, however, a local program which provided for antitampering and antimisfueling inspections was implemented, but the U.S. EPA determined that the program could not meet the minimum requirements of Reasonably Available Control Technology (RACT) without substantial improvements. Subsequently, the three counties' fiscal courts discontinued the program on March 1, 1991. Faced with the possibility of funding and program sanctions being imposed against the three counties and the cabinet for failure to implement an approvable vehicle inspection and maintenance program, the cabinet determined that it would manage the vehicle inspection and maintenance program in Northern Kentucky. The promulgation of this regulation is a first step towards changing the previous program into a program that is approvable by the U.S. EPA.

(5) Identify any statute, rule, regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, rule, regulation, or government policy which is in conflict, overlapping, or duplication.

(a) Necessity of proposed regulation if in conflict: This administrative regulation is not in conflict.

(b) If in conflict, was effort made to harmonize the proposed regulation with conflicting provisions: This administrative regulation is not in conflict.

(6) Any additional information or comments: Under the Clean Air Act Amendments of 1977, states were required to implement vehicle inspection and maintenance programs ("Basic" I/M programs) in areas that could not demonstrate attainment of the ozone or carbon monoxide standard by 1982. In Kentucky, Basic I/M programs were required in Jefferson County and in the northern Kentucky counties of Boone, Campbell, and Kenton. Jefferson County implemented its program, and the cabinet and the U.S. EPA approved it. The U.S. EPA determined that the Northern Kentucky program that was implemented in 1986 for Boone, Campbell, and Kenton Counties was not adequate and therefore the counties or the cabinet would have to change the program to be approvable. This regulation will allow an approvable program to be implemented in those northern Kentucky counties and in other areas required by the U.S. EPA. An enhanced program in Northern Kentucky is necessary to achieve mandated VOC emission reductions. Boyd County was designated a moderate ozone nonattainment area by U.S. EPA and subsequently in 401 KAR 50:010. Therefore, Boyd County is required by the Clean Air Act Amendments of 1990 to implement a Basic I/M Program. These I/M programs must be implemented by July 1, 1994.

TIERING: Was tiering applied? Yes. Tiering was applied in that there are different emission standards for different vehicle years and types. Also, some owners or operators may be issued exemption certificates indicating that they are exempt from having the vehicle tested during the certification period. Other owners or operators may be issued an exemption from the emission standards, if they have spent the required amount in repairs and if a measurable improvement in emission levels was achieved. Finally, some specific vehicles may be immediately retested in the testing lane, if they failed the first test. This provision is included to prevent an exceptional burden from being imposed on owners of vehicles which may not pass a first test without being adequately warmed up.

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. This administrative regulation will affect all local governments in counties where vehicle emission control programs are implemented.

3. State the aspect or service of local government to which this administrative regulation relates. This administrative regulation will affect all local governments in the counties where a vehicle emission control program is implemented that are responsible for the maintenance of official automobiles and trucks with a gross vehicle weight less than 18,000 pounds.

4. How does this administrative regulation affect the local government or any service it provides? Vehicles owned or operated by a local government will be required to be tested to receive either a compliance or exemption certificate. The local agency is responsible for the fee for each compliance or exemption certificate. The vehicles may be tested as a fleet so that the testing can be evenly distributed throughout the year, thus alleviating any administrative burden on the local agency or the testing station. Fees may be paid at the time of each test or in a schedule acceptable to the cabinet, contractor, and local agency.

FEDERAL MANDATE COMPARISON

1. Federal statute or regulation constituting the federal mandate. The Clean Air Act Amendments of 1977 (Section 172(a)(2)) required the implementation of vehicle emission control (I/M) programs for the northern Kentucky area (Boone, Campbell, and Kenton Counties) and Jefferson County. The Clean Air Act Amendments of 1990 (Section 103) continued the requirement for I/M Programs in these areas and added the requirement for and I/M Program in Boyd County.

2. State compliance standards. Kentucky's standards are contained in KRS 224.20-710 to 224.20-765 and in this administrative regulation.

3. Minimum or uniform standards contained in the federal mandate. Under the Clean Air Act Amendments of 1977, states were required to implement vehicle inspection and maintenance programs ("Basic" I/M programs) in areas that could not demonstrate attainment of the ozone or carbon monoxide standard by 1982. In Kentucky, these programs were required in Jefferson County and the northern Kentucky counties of Boone, Campbell, and Kenton. The Clean Air Act Amendments of 1990 requires states to implement the "basic" I/M programs immediately in areas that were required to have I/M Programs pursuant to the 1977 Clean Air Act, and as expeditiously as possible in new areas. The only new area in Kentucky that will be affected is Boyd County.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? In the Northern Kentucky area, owners or operators will be subject to an "Enhanced" I/M program, consisting of stricter emission standards and an additional requirement that they not "tamper" with some of the emission control equipment. This is a continuation of the anti-tampering or anti-misfueling program which was in effect in those counties prior to January 31, 1991. Vehicles will be visually inspected to ensure that the catalytic converter and unvented fuel cap are in place. One year after the implementation of a vehicle emission control program in other program areas, vehicles will also be inspected for evidence of tampering.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. A more stringent vehicle emission control program is necessary in order for Kentucky to meet federally mandated emission reduction credits. No credit is given for a basic program in northern Kentucky toward meeting the mandated level of reduction.

EDUCATION, ARTS, AND HUMANITIES CABINET
Department of Education
Bureau of Learning Results Services

703 KAR 3:060. Procedures for determining rewards and sanctions.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455
STATUTORY AUTHORITY: KRS 156.070, 158.6455
NECESSITY AND FUNCTION: KRS 158.6455 gives the State Board for Elementary and Secondary Education the authority to promulgate administrative regulations to establish a system of determining successful schools and a system of rewards and sanctions for certified staff in schools and for certified staff who are not assigned to a school in a local school district. Successful schools shall be defined in terms of student achievement of the goals set forth in KRS 158.6455, and these goals were adopted by the State Board for Elementary and Secondary Education on December 19, 1991, pursuant to KRS 158.6451. Finally, successful schools shall be defined with reference to the statewide assessment program set forth in KRS 158.6453.

Section 1. Definitions. (1) "School" means the administrative unit of grades for which a school-based council may be established by 1996 pursuant to KRS 160.345.

(2) "School district" means the administrative unit of schools under the jurisdiction of a board of education pursuant to KRS 160.160.

(3) "Accountability index" means the statistic which is the average of the cognitive and noncognitive indices for a school or school district.

(4) "Baseline" means the accountability index score which describes the school or school district's percentage of successful students at the beginning of each biennium.

(5) "Threshold" means the accountability index score which describes the amount of growth required for a school or school district for the biennium.

(6) "Year two (2) accountability index" means the accountability index a school or school district obtains in the second year of the biennium.

(7) "Maximum reward amount" means the percentage of salary set by the General Assembly pursuant to KRS 158.6455. "Maximum reward amount" also may be called "Reward level 51 amount."

(8) "Minimum reward amount" is half of "maximum reward amount." "Minimum reward amount" also may be called "Reward level 1 amount."

(9) "Declines by five (5) percent or more" means obtains an average accountability index for the biennium of five (5) or more points below its baseline for that biennium and obtains a year two (2) accountability index below its threshold goal for the biennium.

(10) "Declines by less than five (5) percent" means obtains an average accountability index for the biennium of less than five (5) points below its baseline for that biennium and obtains a year two (2) accountability index below the threshold goal for the biennium.

(11) "Maintains the previous percentage of successful students" means obtains an average accountability index for the biennium not less than its baseline nor equal to or greater than its threshold for that biennium.

Section 2. When a school does not have an accountability grade (grades four (4), eight (8) or twelve (12)), that school shall be combined with the school having an accountability grade its students would subsequently attend.

Section 3. When a school has more than one (1) accountability grade, the school's accountability index shall be the weighted average of the accountability indices for each accountability grade in the school.

Section 4. A school district's accountability index shall be the weighted average of its schools' accountability indices.

Section 5. Certified staff in a school or school district shall earn the minimum reward amount when the school or school district's average accountability index for the biennium exceeds its threshold by one (1) point and when at least ten (10) percent of its novices, on average across the cognitive areas, move to apprentice or higher.

Section 6. Certified staff in a school or school district shall earn the maximum reward amount when the school or school district's average accountability index for the biennium exceeds its threshold by one (1) point plus the difference between the threshold and the baseline and when at least ten (10) percent of its novices, on average across the cognitive areas, move to apprentice or higher.

Section 7. Fifty-one (51) reward levels are established as follows:

Reward Level	Example	Reward Criteria	Amount
One	38	One point above threshold	50% of maximum
Two	38.14	One point above threshold plus 2% of differences between threshold and baseline	51% of maximum
Three	38.28	One point above threshold plus 4% of the difference between threshold and baseline	52% of maximum
Four	38.42	One point above threshold plus 6% of the difference between threshold and baseline	53% of maximum
↓	↓	↓	↓
Fifty-one	45	One point above threshold plus 100% of the difference between threshold and baseline goal	100% of maximum

Section 8. Sanctions shall be applied to schools and school districts pursuant to KRS 158.6455(3)-(7) and the definitions provided in Section 1(9), (10), and (11) of this administrative regulation.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the State Board for Elementary and Secondary Education, as required by KRS 156.070(4).

Thomas C. Boysen
Commissioner of Education

JOSEPH W. KELLY, Chairman
APPROVED BY AGENCY: July 14, 1993
FILED WITH LRC: July 15, 1993 at 10 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 25th at 10 a.m. in the State Board Room, First Floor, Capital Plaza Tower, Frankfort, Kentucky.

Individuals interested in being heard at this hearing shall notify this agency in writing by August 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 cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to Mr. Kevin M. Noland, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Ed Reidy

(1) Type and number of entities affected: 176 local school districts and approximately 1380 local public schools.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: Approximately $40,000,000 will be expended from the school rewards escrow account.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Alternatives were widely reviewed and considered by the board. This alternative was consistent with statute and legislative intent.

(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: 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:

TIERING: Was tiering applied: No. Tiering was not applicable, as the regulation applies equally to all 176 school districts and 1380 local public schools.

PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Racing Commission

810 KAR 1:031. Intertrack simulcasting.

RELATES TO: KRS 230.300

STATUTORY AUTHORITY: KRS 230.300(1)

NECESSITY AND FUNCTION: The Kentucky Racing Commission is required to license all racing associations by KRS 230.300. This regulation is necessary to establish criteria to be considered when an association is requesting dates for the first time or when an association is requesting dates and does not yet have a completed facility.

Section 1. An application for race dates by a person, partnership, corporation, or other entity that has never been licensed to conduct live races within the Commonwealth shall submit the following information in addition to any other information required by other statutes and regulations. The information in this regulation shall also be required for any previous licensee who relocates his track or requests race dates without a completed facility.

Section 2. Identification. (1) Applicant.

(a) Name;

(b) Address;

(c) Business telephone number.

(2) Individual to whom the commission may make inquiry who is authorized to make the representations contained in the application on applicant's behalf:

(a) Name;

(b) Position;

(c) Address;

(d) Business telephone number;

(e) Authorized signature.

(3) Attach evidence of authority to act on behalf of applicant acknowledged by notary public as an exhibit.

(4) The applicant shall provide the name, business address, and the telephone number for the applicant's representatives for:

(a) Legal services;

(b) Accounting services;

(c) Banking and finance.

Section 3. Ownership and Control. The application for live race dates shall contain the following information regarding the disclosure of ownership and control:

(1) The type of organizational structure of the applicant, whether individual, business corporation, nonprofit corporation, partnership, joint venture, trust, association, or other.

(2) If the applicant is an individual, the applicant's legal name and address, whether applicant is a United States citizen, Kentucky resident, any aliases, and business names currently used by the applicant. Attach copies of Kentucky and federal tax returns for the past five (5) years as an exhibit.

(a) List all businesses and business entities owned in whole or in part or operated by the applicant.

(3) If the applicant is a corporation:

(a) The applicant's full corporate name and any trade name currently or formerly used by the applicant.

(b) The name of the state in which incorporated.

(c) The location of the applicant's principal place of business.

(d) The date the applicant commenced doing business in Kentucky and, if the applicant is incorporated outside Kentucky, attach a copy of the applicant's certificate of authority to do business in Kentucky as an exhibit.

(e) Attach a certified copy of the applicant's articles of incorporation, a good-standing certificate or certificate of existence for each jurisdiction in which the applicant is licensed to do business, dated not earlier than the year in which the application is made, the applicant's bylaws, and federal and state (Kentucky, and any other state where applicant's principal place of business is located) corporate tax returns for the past five (5) years or since incorporation, if formed within such five (5) year period attach as an exhibit.

(f) The general nature of the applicant's business, summarizing the business activities that the applicant has engaged in within the past five (5) years.

(g) Whether the applicant is publicly held within the meaning of the rules and regulations of the United States Securities and Exchange Commission ("SEC").

(h) The classes of stock of the applicant. As to each class: the number of shares authorized, issued, and outstanding; par value per share, issue price, current market price, or fair market value, number of shareholders, terms, preferences, rights, and privileges, must be disclosed. Rights should include dividend rights, voting rights, liquidation rights, preemptive rights, conversion rights, and redemption provisions.

(i) The terms of any voting trust in which any stock may be held

and the name, address, class of stock, and number of shares held in such voting trust.

(j) The terms of any proxy by which any stock is held, the holder of the proxy and the name, address, class of stock, and number of shares for all such stock held by proxy.

(k) If the applicant has any other obligations, options, or securities authorized or outstanding which bear voting rights, either absolutely or upon any contingency, the nature thereof, face or par value, exercise price, and expiration date, number of units authorized, number of outstanding, and conditions under which they may be voted.

(l) The names and addresses, in alphabetical order, of each director and officer of the applicant. As to each director and officer as of the application date, the number of shares or other securities held directly or indirectly and the percentage and ownership of each class of stock, including stock options, subscription rights, units, and any other obligations or securities must be disclosed.

(m) The names and addresses, in alphabetical order, of each record and beneficial holder, as of the date of the application, of shares, stock options, subscription rights, units, or other obligations or securities of the applicant, whether debt or equity and whether voting or nonvoting. As to each such holder, the number and class or type or securities and percentage of ownership must be disclosed.

(n) State whether five (5) percent or more of the applicant's assets, or whether any of the applicant's securities have been pledged as security for any debt. Explain fully, by stating names and addresses of parties holding security interests or promissory notes from the applicant and the stockholders, where the stock is pledged as security, and include a copy or any agreements creating the security interests as an exhibit.

(o) Whether the requirements of the Securities Act of 1933 and Securities and Exchange Act of 1934, as amended, and SEC rules and regulations have been met in connection with registration and issuance of applicant's securities, if applicable. Attach copies of most recent registration statement, annual report, quarterly report, and any other periodic report filed with the last year with the SEC as an exhibit.

(p) Whether the securities registration and filing requirements of the applicant's jurisdiction of incorporation or any other jurisdiction other than Kentucky in which such filings are required have been met or whether an exemption from such registration has been relied on. Attach a copy of most recent registration statement or notice of exemption, if any, filed with the securities regulator in that jurisdiction as an exhibit.

(q) Whether the securities registration requirements of the Commonwealth of Kentucky or requirements for an exemption therefrom have been met. If they have not, the applicant must disclose the reasons why. Attach copies of all securities filings made with the Kentucky Secretary of State, Securities Division, during the past five (5) years, as an exhibit.

(r) If the applicant was organized as a corporation within the past five (5) years, furnish the following information: the names of the individuals who formed the corporation; the nature and amount of anything of value received or to be received by each individual, directly or indirectly, from the applicant; and the nature and amount of assets, services, or other consideration therefore received or to be received by the applicant.

(s) List all parent corporations of an applicant, if applicable, showing basis of control and as to each parent, the percentage of voting securities owned or other basis of control by any such parent corporations.

(t) A financial statement of the applicant showing the applicant's net worth, as prepared and certified by a certified public account in accordance with sound accounting principles for the past five (5) fiscal years, or for the fiscal years since the formation of the applicant is formed within such five (5) year period as an exhibit.

(u) List all businesses, whether corporations, partnerships, joint ventures or other types of entities owned or operated by any entity holding or owning more than one (1) percent of the applicants outstanding stock.

(4) If the applicant is an organization other than a corporation:

(a) The applicant's full name and any trade names currently or formerly used by the applicant.

(b) The jurisdiction of organization of the applicant.

(c) The date the applicant commenced doing business in Kentucky.

(d) The location of the applicant's principal place of business.

(e) Attach certified copies of any agreements creating or governing the applicant and a good-standing certificate or certificate of existence for each jurisdiction in which such applicant if licensed to do business if available, dated not earlier than ten (10) days prior to the date of this application, and a financial statement of the applicant showing the applicant's net worth, as certified by a certified public account in accordance with sound accounting principles for the past five (5) fiscal years, or from the fiscal years since the formation of the applicant if formed within such five (5) year period as an exhibit.

(f) Attach copies of the applicant's federal and state (Kentucky, and any other state where applicant's principal place of business is located) tax returns for the past five (5) years, or since formation if formed within such five (5) year period as an exhibit.

(g) The general nature of the applicant's business, summarizing the business activities that the applicant has engaged in within the past five (5) years.

(h) The names and addresses, in alphabetical order, of any officers, directors, partners, members, trustees and beneficiaries, other organizations or entities or any other persons who have or share policy making authority. As to each, the applicant must disclose the nature and extent of any ownership interest, including options, whether absolute or contingent in the applicant.

(i) The names and addresses, in alphabetical order, of any individual or other entity holding any record or beneficial ownership interest, including options, as of the date of the application, whether absolute or contingent in the applicant. As to each, the applicant must disclose the nature and extent of the interest.

(5) If a nonindividual record or beneficial holder of an ownership or other voting interest in the applicant is identified pursuant to subsections (3)(l) or (m) or (4)(h) or (i) of this section, the applicant shall disclose the information required by those clauses as to record or beneficial holders of an ownership or other voting interest in that nonindividual holder. The disclosure required by those clauses shall be repeated, in turn, until all indirect individual record and beneficial holders of ownership or other voting interests in the applicant are so identified.

(6) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant shall disclose the identity of the controlling entity and a description of the nature and extent of control.

(7) Whether the applicant controls, directly or indirectly, to any extent or any manner, any other entity. If so, the applicant shall disclose the identity of such entity and a description of the nature and extent of its control and ownership.

(8) Copies of any agreements or understandings which the applicant or any individual or entity identified pursuant to this part has entered into regarding ownership, operation, management, or sponsorship or applicant's facility. As to each such agreement or understanding, the names, in alphabetical order, addresses, and descriptions of business of all persons, corporations, or entities with which the applicant has contracted or reached an understanding, and a copy of any written agreement or understanding must be disclosed. Attach as an exhibit.

(9) Whether the applicant, any director, partner, officer, other policy maker, or holder of a direct or indirect record or beneficial ownership interest or other interest or control in the applicant has held

or holds or has been denied a license or permit issued by any other governmental authority to own or to operate a pari-mutuel facility. If so, the applicant must disclose the identity of the license or permit holder, nature of the license or permit, issuing authority, and dates of issuance and/or termination or denial.

(10) Copies of any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries, or other compensation by the applicant. Attach as an exhibit.

(11) Identify all loans made by the applicant. Describe the terms of the loan, including the name of the borrower, the amount of the loan and the nature and value of the collateral and terms.

(12) Describe any pending legal proceedings to which the applicant or any of its subsidiaries or parent corporation is party or which any of their property is subject. Include the name of the jurisdiction in which the proceedings are pending, the date instituted, and the principal parties involved.

(13) List remuneration paid by the applicant, if any, during the preceding twelve (12) months to:

(a) Each director of the applicant.

(b) Each officer of the applicant.

(c) Any other persons whose direct remuneration was more than $10,000.

(14) Attach a statement from the Kentucky Revenue Cabinet that there are no pari-mutuel taxes or other obligations owned by the applicant to the Commonwealth of Kentucky or any of its subdivisions or agencies as an exhibit.

(15) Attach a statement from the county treasurer of the county in which the applicant proposes to conduct horse racing meetings that there are no real or personal property taxes owned by any of the principals seeking the permit as an exhibit.

(16) Attach a statement of obligations that are owned or being contested, including salaries, purses, entry fees, laboratory fees and debts owned to vendors and suppliers as an exhibit.

(17) If the racing site or facility is leased a copy of the lease must be filed with the commission as an exhibit. If another corporation or partnership owns or controls five (5) percent or more of the stock of a corporation that files the information required above, that corporation or partnership shall file the same information.

Section 4. Disclosure of Character Information. The applicant must disclose whether the applicant or any other person or entity identified in Part II of this application has:

(1) Been charged in any criminal proceeding other than routine traffic violations, such as, but not limited to, a felony of fraud, misrepresentation, theft, larceny, embezzlement, tax evasion, robbery, burglary, bribery, extortion, jury tampering, obstruction of justice, perjury, an antitrust violation or conspiracy to commit any of the foregoing. If so, the applicant must disclose the date charged, court, disposition of charge, and sentence, if any.

(2) Been a party to or is currently a party in any civil proceeding, except for any divorce actions, such as, but not limited to, engaging in an unfair or anticompetitive business practice, a securities violation, or false or misleading advertising. If so, the date of commencement, court, circumstances, date of decision, and result.

(3) Had a pari-mutuel racing, gambling, or other business license or permit revoked or suspended or renewal denied or been a party in a proceeding to do so. If so, the applicant must disclose the date of commencement, circumstances, date of decision, and result.

(4) Been accused in an administrative or judicial proceeding of any state of violation of a statute or rule relating to a pari-mutuel racing or gambling. If so, the applicant must disclose the date of commencement, circumstances, date of decision, and result.

(5) Commenced in any state an administrative or judicial action against a governmental regulator of pari-mutuel racing or gambling. If so, the applicant must disclose the date of commencement, circumstances, date of decision, and result.

(6) Been the subject of voluntary or involuntary bankruptcy proceedings. If so, the applicant must disclose the date of commencement, forum, circumstances, date of decision, and result.

(7) Failed to satisfy and judgment, decree or order of an administrative or judicial tribunal. If so, the applicant must disclose the date and the circumstances.

(8) Been delinquent in filing a tax report required or remitting a tax imposed by any government. If so, the applicant must disclose the date and circumstances.

Section 5. Financial Disclosure. The applicant shall disclose the following with regard to the financial resources:

(1) An audited financial statement certified by a certified public accountant acceptable to the commission, reflecting the applicant's current assets, including investments in affiliated entities, loans, and advances receivable and fixed assets and current liabilities, including loans, and advances receivable and fixed assets and current liabilities, including loans and advances payable, long-term debt and equity. Attach as an exhibit.

(2) Equity and debt sources of funds to develop, own, operate, manage, and sponsor a pari-mutuel wagering facility. The following shall be identified and documented:

(a) With respect to each source of equity contribution, identification of source, amount, form method of payment, nature and amount of present commitment, and actions with the applicant will take to obtain more certain commitments and commitments for additional amounts.

(b) With respect to each source of debt contribution, identification of the source, amount, terms of debt, collateral, identity of guarantors, nature and amount of commitments, documentation and actions which the applicant will take to obtain more commitments and commitments for additional amounts. Attach requested documentation as an exhibit.

(3) Identification and description of sources of additional funds if needed due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues, or any other cause.

Section 6. Financial Disclosure; Operation. The applicant shall disclose the following information regarding the operation of racing meetings at the facility:

(1) All financial projections disclosed shall be prepared by a certified public accountant, with the applicant providing an information sheet detailing the background of the certified public accountant who provided the financial projections as an exhibit. The certified public accountant shall outline any and all assumptions made or used in the preparation of the financial projections.

(2) The applicant shall disclose the financial projections for each of the first five (5) racing years. On a separate schedule, the applicant shall state the minimum number of racing days' programs the applicant will require to meet all financial obligations. The disclosure must include:

(a) The projections for each item below should be accompanied by detailed support documentation listing the source(s) from which the projection is derived to the extent that each projection can be calculated from such documentation. Explain the reason for any difference between the source(s) of support documentation and the projection.

1. Average daily attendance;
2. Average daily handle;
3. Average per capita wager;
4. Admissions to the track, including ticket price;
5. Purses (excluding horsemen's contribution);
6. Pari-mutuel tax;
7. Breakage;
8. Outstanding tickets;
9. Bond;
10. Totalizator equipment expenses;
11. Real estate taxes;
12. State taxes;

13. Federal taxes;
14. Payroll;
15. Stewards/judges reimbursement;
16. Test barn assistants reimbursement;
17. Insurance;
18. Membership expense;
19. Operating supplies and services;
20. Repair and maintenance;
21. Legal and audit expense;
22. Takeout deductions retained by the permit holder for operating expenses;
23. Parking volume, fees and revenues;
24. Concessions, gift shop, and program sales;
25. Debt service;
26. Security expenses;
27. Utilities;
28. Others (list separately).

(3) The following profit and loss elements:

(a) Total revenue, including projected revenues from admissions, parking, concessions, gift and program operations.

(b) Total operating expenses, including projected expenses for:
1. Purses;
2. Pari-mutuel tax;
3. Breakage;
4. Outstanding tickets;
5. Bond;
6. Totalizator;
7. Real estate tax;
8. State taxes;
9. Federal taxes;
10. Local taxes;
11. Admission tax;
12. Sales tax;
13. Payroll;
14. Stewards, judges reimbursement;
15. Racing Commission reimbursement;
16. Insurance;
17. Cost of concessions;
18. Operating supplies and service;
19. Repairs and maintenance;
20. Legal and audit;
21. Security;
22. Advertising and promotion;
23. Others (list separately).

(c) Nonoperating expenses, including projected expenses for debt service, facility depreciation on and identification of method used, and equipment depreciation and identification of method used.

(4) Projected cash flow, including assessment of:

(a) Income, including equity contributions, debt contributions, interest income, operating revenue.

(b) Disbursements, including real estate, improvements, equipment, debt service, operating expense, initial organizational expenses.

(5) Projected balance sheets as of the first day of racing and as of the first day of racing for each of the first five (5) racing years thereafter, setting forth:

(a) Current, fixed, and other noncurrent assets;

(b) Current and long-term liabilities;

(c) Capital accounts.

Section 7. Physical Plant Design Requirements. The application shall contain the following information regarding the physical plant:

(1) The address of the facility, identifying the county and municipality.

(2) The actual legal description of the site.

(3) A statement of whether the site is owned or leased by the applicant; the name and address of the titleholders to the real property and names and addresses of all persons holding mortgages or other security interests in the property guaranteed by a title company authorized to do business in the state. Attach a copy of the title guarantee as an exhibit.

(4) A site map which reflects current and proposed highways and streets adjacent to the facility and their access to the track. Attach a copy of a professionally prepared map as an exhibit.

(5) A description of any architect(s) and/or engineer(s) that the applicant has contracted with to design or to consult with respect to the design of the facility, and the experience of such architect(s) and/or engineer(s) in designing horse racing facilities. Attach copies of any agreements, proposals and certificates of insurance as an exhibit.

(6) A description of any contractor(s), subcontractor(s), project manager(s), project engineer(s), or any other persons, firms or corporations with whom the applicant has contracted or proposes to contact with for the construction of the facility, giving:

(a) Specific information about the experience of each such contracting party, with respect to major projects performed in the past;

(b) With respect to each such contracting party, where the nature of the work requires the performance thereof to be secured by a bond, written confirmation from a recognized surety company that such contracting party can obtain a performance bond sufficient to cover the contract anticipated to be undertaken by such contracting party. Attach requested documentation as an exhibit.

(7) A description of the individual(s) who will oversee the design and construction of the racing surface and the experience of such individual(s) in the design and construction of race tracks.

(8) The applicant shall submit detailed track dimensions, including the following dimensions and specifications:

(a) Circumference;

(b) Width;

(c) Banking;

(d) Length of stretch;

(e) Distance between the finish line and first turn;

(f) Type of base and surface (including the percentage of material used and the depth of each layer);

(g) Winterization method for the surface;

(h) Location of the starting chutes and gaps;

(i) Rail.

(9) The applicant shall submit with the information requested in subsection (6) through (15) of this section at least one (1) copy of architect's plans for renderings, showing detail of any proposed construction as an exhibit.

(10) The applicant shall describe the size and type on construction of the grandstand, including:

(a) Total seating capacity detailing heated and air-conditioned areas: heated and air-conditioned areas for ITW purposes shall accommodate 250 percent of the projected average ITW attendance as used in the revenue estimates;

(b) Reserved and nonreserved seating capacity;

(c) Indoor and outdoor seating capacity;

(d) Configuration of the grandstand seating;

(e) Configuration and location of the pari-mutuel facilities;

(f) Configuration and location of the concession facilities;

(g) Number and location of men's and women's restrooms;

(h) Drinking fountains;

(i) Medical facilities available to patrons;

(k) Provisions for the handicapped;

(l) Description of public pedestrian traffic patterns.

(11) The applicant shall describe the parking facilities, detailing:

(a) Access to parking from surrounding streets and highways;

(b) Road surface on parking areas;

(c) Number and location of parking spaces, distinguishing between public and other;

(d) Proposed parking prices, including the type of parking and the fees to be charged;

(e) Distance between parking and the grandstand;

(f) A street map of the area, showing the relationship of parting to surrounding streets and highways;

(g) Public road improvements that must be completed to provide adequate access to the facility;

1. Who will perform the road improvements;

2. When the improvements will be completed.

(12) The applicant shall describe the facilities to accommodate horses by detailing the following:

(a) The location, number, design, dimensions, and construction of barns at the facility, including:

1. The location, number, dimensions, and construction of stalls, including floors;

2. The location, number, dimensions, and construction of stalls for stakes horses, overnights, and ship-ins;

3. The location, number, dimensions, and construction of tack rooms;

4. Washing facilities;

5. Ventilation and insulation plans;

6. The location and description of temperature and fire equipment in the barns;

7. Location of restrooms in barns.

(b) The location, design, dimensions, and construction of the detention barn at the facility, including:

1. Distance from detention barn to track and paddock;

2. Location, number, dimensions, and construction of sampling stalls;

3. Placement of viewing ports on each stall;

4. Location, number, dimensions of wash stall with hot and cold water and drains;

5. Availability of video monitors;

6. Location and description of working ring;

7. Communication services;

8. The office and facilities of the commission veterinarian(s) and staff.

(c) The location, design, dimensions, and construction of the paddock at the facility, including:

1. Number of stalls;

2. Height from the floor to the lowest point of the stall;

3. Public address and communication services;

4. Provisions for a walking ring;

5. The office or other facilities for the identifier and paddock judge.

(d) The location, design, dimensions, and construction of the jockeys' and drivers' quarters at the facility, including:

1. Location of the quarters in relation to the paddock;

2. Description of the changing areas;

3. Listing of equipment to be installed;

4. Communication services.

(13) Whether a horsemen's kitchen in the stable area is to be provided, and if so, include the location, design, dimensions and construction.

(14) Whether living quarters for stable employees are required to be provided, and if so, include the number of units, location, design dimensions and construction.

(15) A description of the pari-mutuel totalizator system, and approximate location of patrons' windows and cash security areas, and a description of the equipment, including:

(a) The provider's address, business telephone number, and a copy of any service contracts, if available. Attach requested contracts as an exhibit;

(b) A complete description of the totalizator equipment including the methods of showing the general public changes in odds and payoffs, and a description of the back-up system;

(c) Approximate number and type of totalizator machines and back-up machines;

(d) Proposed mutuel staffing plan;

(e) Number and location of information windows;

(f) Procedures to handle customer complaints.

(16) A description of the facilities for owners of animals and other racing personnel.

(17) A description of the height, type of construction, and materials of the perimeter area restricted fencing, including whether there is a clear zone at least four (4) feet wide around the outside of the perimeter fence.

(18) A description of security equipment and the location at the racetrack, exclusive of fencing, including the provider of equipment, if known.

(19) A description of office space and work areas for the commission.

(20) The applicant shall provide any agreement or proposals with concessionaires, setting forth arrangements for dining, concessions, and other facilities for patrons, including the design and locations. Attach as an exhibit.

(21) A description of the type of film patrol and video equipment to be used and the provider, including:

(a) Number of towers;

(b) Locations of each tower;

(c) Communications between the towers and master;

(d) Location of viewing room;

(e) Back-up procedure in the event a mechanical failure occurs to the primary video equipment;

(f) Video tape storage.

(22) A complete description of starting, timing, and photo-finish equipment, including the provider.

(23) A complete description of the telephone and other communications systems, including the provider.

(24) A complete listing and description of the track maintenance equipment.

(25) The applicant shall provide the proposed admission fee schedule for the racetrack, including but not limited to:

(a) Grandstand;

(b) Reserved grandstand;

(c) Grandstand box;

(d) Clubhouse;

(e) Reserved clubhouse;

(f) Clubhouse box.

(26) A description of access to the facility by public transportation, specifics of the type of transportation and schedule, road maps of the area, including pick-up and drop-off points. Attach requested documents as an exhibit.

Section 8. Construction Cost Estimate. The applicant shall disclose, with regard to development, the following information:

(1) The total cost of construction of the facility, distinguishing between fixed costs and estimated costs.

(2) The identification of the following costs for the facility, distinguishing between fixed costs and estimated costs, including, but not limited to:

(a) Facility design;

(b) Land acquisition;

(c) Site development, including:

1. Survey;

2. Soil and site work;

3. Utilities;

4. Parking lot;

5. Transportation access;

6. Track.

(d) Facility construction, including:

1. Grandstand;

2. Track;

3. Security and fire equipment;

4. Stables;

5. Detention barn;

6. Paddock;

7. Jockey/drivers quarters;
8. Tote board;
9. Horsemen's kitchen;
10. Living quarters.
(e) Equipment acquisition;
(f) Interim financing;
(g) Organization, administrative, accounting, and legal;
(h) Permanent financing;
(i) Marketing.
(3) Documentation of fixed costs.

Section 9. Construction Schedule. The applicant shall provide a construction schedule proposed for the facility, including the date the project will be fully operational and the number of months after the permit is granted that each of the following activities will be commenced or completed:
(1) Acquisition of land;
(2) Solicitation of bids;
(3) Awarding of construction contracts;
(4) Construction commencement;
(5) Completion of construction;
(6) Facility occupancy;
(7) Training of staff;
(8) Commission inspection of the facility for public and racing readiness.

Section 10. Facility Security and Public Safety. The application shall include the following information regarding security and public safety:
(1) The applicant shall provide a statement whether the security personnel are or will be direct or contractual employees.
(2) The applicant shall provide an organizational chart and complete job description of the security force, including each level of security and the location to which each level will be assigned.
(3) The applicant shall state whether the security force is or will be bonded. If the security force is bonded, attach a certified copy of any bond document and a statement of the amount and when the applicant will satisfy the bond conditions as an exhibit.
(4) The application shall provide a description of the applicant's security plan for the racing meeting and any other periods, including:
(a) The number and development of security personnel;
(b) The perimeter;
(c) The stable compound;
(d) Pari-mutuel wagering facilities;
(e) The money room;
(f) The coordination between the racetrack facility security and local law enforcement personnel, including approximate response time;
(g) The coordination between the racetrack facility security and the commission;
(h) Video monitoring equipment, including the type and location;
(i) Alarms, including the type and location:
(j) The testing or detention barn or paddock for horses;
(k) The stable area;
(l) The parking lot;
(m) The policy for admittance of persons to restricted areas at the facility;
(n) The control of traffic.
(5) The application shall provide a description of any emergency procedures, including ambulance, first aid or evacuation, and the approximate response time of local emergency medical services.
(6) The application shall describe a racetrack fire and safety policy, including:
(a) The standard operating procedures of security personnel to ensure the fire safety of all areas of the facility;
(b) The electrical safety devices, including number, type, uses, and locations;
(c) Inspections and inspection schedules designating the local or state governmental unit which will be responsible for all fire, health, and sanitation inspections and local requirements;
(d) Feed and bedding storage;
(e) Smoking;
(f) Sleeping quarters, if applicable;
(g) Barns and stable areas;
(h) Grandstand;
(i) Special patron areas, including clubhouse;
(j) Administrative offices;
(k) Type and location of firefighting equipment;
(l) Coordination between the track and the local fire department, including the approximate response time.

Section 11. Governmental Requirements and Actions. The application shall disclose and document the status of governmental action relating to the following:
(1) The city street, county road, and state highway improvements necessary to ensure adequate access to the applicant's facility, including:
(a) Estimate cost of improvements;
(b) The status and estimated date of completion;
(c) The identity of the party or parties responsible for the cost of the improvements;
(d) The proportionate distribution of the cost of the improvements if more than one (1) party is responsible for the cost.
(2) The sewer, water, and other public utility improvements necessary to serve the applicant's facility, including:
(a) The estimated cost of improvements;
(b) The status and estimated date of completion;
(c) The identity of the party or parties responsible for the cost of improvements;
(d) The proportionate distribution of the cost of the improvements if more than one (1) party is responsible for the cost.
(3) Any required government approvals for financing improvements under the subsections (1) and (2) of this section, and any required government approvals for its development, operation, management, and sponsorship, including:
(a) A description of the approval, unit of government, date and documentation. Attach requested documentation as an exhibit.
(b) A statement whether public hearings were held, including when and where the hearings were conducted or why the hearings were not held.
(c) A statement whether any required governmental approvals remain to be obtained, as well as a description of the approval, unit of government, status, likelihood of approval, and estimated date of approval.
(d) A copy of all ordinances or other actions of local government necessary for the proposed construction.
(4) A statement whether the applicant is in compliance with all statutes, resolutions, development, ownership, operation, management, and sponsorship of racing meetings at the facility. If the applicant is not in compliance, the applicant shall disclose the reason.

WAYNE G. LYSTER, III, Chairman
APPROVED BY AGENCY: July 13, 1993
FILED WITH LRC: July 15, 1993 at 11 a.m.
PUBLIC HEARING: A public hearing will be held on August 24, 1993 at 10 a.m. at the offices of the Kentucky Racing Commission located at the Kentucky Horse Park, 4063 Iron Works Pike, Building B, Lexington, Kentucky. Those interested in attending the hearing should contact in writing: Michael A. Fulkerson, Chief Administrative Officer, Kentucky Racing Commission, 4063 Iron Works Pike, Bldg. B, Lexington, KY 40511.

REGULATORY IMPACT ANALYSIS

Agency Contact: Mike Fulkerson

(1) Type and number of entities affected: Any person making a first-time application for racing dates or any person who applies for dates without a racetrack.

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

1. First year: Will cost a minimum to review to guidelines and respond to the requirements.

2. Continuing costs or savings: Will ultimately save money by assisting the applicant in considering many facets of a track that the applicant may not be aware of.

3. Additional factors increasing or decreasing costs (Note effects upon competition): Might affect competition if two people apply at the same time for the same location.

(b) Reporting and paperwork requirements: Minimum; one 30 page report that will assist the applicant and highlight any serious items they have not considered.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: There are none.

1. First year:

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: Helps the agency collect and log vital information.

(3) Assessment of anticipated effect on state and local revenues: Any new tracks will raise levels of state and local revenue.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Procedures from several states were used as the basis for this process.

(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: This will apply to any proposed thoroughbred, harness, or quarter horse track.

Tiering: Was tiering applied? Yes. Tiering was used to make allowances for tracks of different sizes.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services

907 KAR 1:536. Repeal of 907 KAR 1:480, 907 KAR 1:485, 907 KAR 1:490, 907 KAR 1:495, and 907 KAR 1:535.

RELATES TO: KRS 13A.224, 205.520

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility to administer the Medicaid Program in accordance with KRS 205.520. This administrative regulation acts specifically to repeal the Medicaid tax assessment schedules for physicians, dentists, optometrists, pharmacies, and mental health centers.

Section 1. 907 KAR 1:480, Tax assessment schedule for physicians; 907 KAR 1:485, Tax assessment schedule for dentists; 907 KAR 1:490, Tax assessment schedule for optometrists; 907 KAR 1:495, Tax assessment schedule for pharmacies; and 907 KAR 1:535, Tax assessment schedule for mental health centers, are repealed.

JANIE A. MILLER, Acting Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: June 30, 1993
FILED WITH LRC: July 1, 1993 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on August 24, 1993 at 9 a.m. in the Vital Statistics Conference Room, First Floor East, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by August 19, 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 cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: William K. Moore, Deputy Counsel for Administrative Law. Cabinet for Human Resources, 275 East Main Street 4 West, Frankfort, Kentucky 40621, (502) 5647900

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Janie A. Miller

(1) Type and number of entities affected: All physicians, dentists, optometrists, pharmacies, and mental health center providers participating in the Medicaid Program.

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

1. First year:

2. Continuing costs or savings:

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

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: None

1. First year

2. Continuing costs or savings:

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements None

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

(4) Assessment of alternative methods; reasons why alternatives were rejected: No viable alternatives were identified.

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

(a) Necessity of proposed regulation if in conflict:

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

(6) Any additional information or comments:

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 Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the July 2, 1993 Meeting

The June meeting of the Administrative Regulation Review Subcommittee was held on Monday, July 2, 1993, at 8 a.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 June 7, 1993 meeting were approved.

Present were:

Members: Representative Tom Kerr, Chairman; Senators Tom Smith, Nick Kafoglis and Gene Huff; Representatives Woody Allen, Jim Bruce and James Yates.

Guests: Paul P. Borden, Richard Casey, KHEAA; Anita Stanley, Registry of Election Finance; Susan Stopher, Board of Accountancy; Nathan Goldman, Board of Nursing; Lauren Schaaf, Department of Fish and Wildlife; Donna G. Dutton, Don L. Knotter, Department of Agriculture; Christopher W. Johnson, Charles R. Sayre, Justice Cabinet; Brenda Priestley, Jack Damron, Department of Corrections; Sandra Pullen, Lowell McCourt, Erik Sabina, Transportation Cabinet; Bill Ralston, Kembra Taylor; Labor Cabinet; Eugene D. Attkisson, Mines & Minerals; Judith Walden, Department of Housing, Buildings & Construction; Barbara F. White, Donna Demaree, David Crane, Eric Friedlander, Karen Doyle, Janice Kline, Mark Cornett, Cabinet for Human Resources; Bud Schardein, Louisville Metropolitan Sewer District; Timothy Kraus, Louisville & Jefferson County Municipal Sewer District; Michael J. Ruehling, CSX Transportation; Libby Harvey, Kentucky School Boards Association.

LRC Staff: Greg Karambellas, O. Joseph Hood, Patrice Carroll, Tom Troth, Susan Wunderlich, Peggy Jones, Donna Valencia.

The Subcommittee determined that the following administrative regulation did not comply with statutory requirements:

Board of Nursing

201 KAR 20:240. Fees for applications and for services. Senator Kafoglis asked why the fees needed to be increased so substantially. Board personnel stated that fees had not been increased since 1987. In response to a question by Senator Huff, Board personnel stated that the Board was not operating at a deficit, but that expenditures had increased because of the substantial increase in the number of nurses had resulted in an increase in administrative costs to the Board.

Chairman Kerr asked whether the Budget Memorandum provided for an increase in fees. Board personnel stated that it did not, and that the Board's revenue derived solely from its fees.

The Subcommittee approved a motion to find this administrative regulation deficient because it did not comply with legislative intent.

The Subcommittee determined that the following administrative regulations, as amended, complied with KRS Chapter 13A:

Kentucky Higher Education Assistance Authority: Kentucky Loan Program

11 KAR 3:100. Administrative wage garnishment. Section 1(3) of this administrative regulation was amended to correct the citation of subsection (1) of Section 1.

Department of State: Registry of Election Finance: Practice and Procedure

32 KAR 2:150. Three judge panel; appointment; procedure. Subcommittee staff explained that the: (1) requirement that the Chief Justice appoint three active or retired judges to serve on the three-person panel established by KRS 121.140 violates the: (1) separation of powers, Kentucky Constitution Section 28; and (2) Judicial Article of the Kentucky Constitution, which establishes the courts and duties of judges; and (2) Registry had agreed to an amendment to that would enable the panel to be established and function, until the General Assembly could consider amendments to KRS Chapter 121.

The Subcommittee approved a: (1) motion to amend Section 1 to provide that the Registry: (a) may request the Chief Justice to appoint three retired judges to the panel; and, (b) if the Chief Justice declines to appoint, the Registry shall request three judges to serve on the panel; and (2) motion to request LRC to refer the question of amending KRS Chapter 121 to conform to the Judicial Article of the Kentucky Constitution.

Board of Accountancy

201 KAR 1:045. Examination subjects, grading and reexamination. Section 8 of this administrative regulation: (1) contained a delayed enforcement date for Sections 9 to 11, governing examination subjects, grading and reexamination procedures, and transfer of credit; and (2) provided that Sections 9 to 11 would become "effective" on a date subsequent to the time period during which an administrative regulation shall become effective that is specified by KRS 13A.330.

This administrative regulation was amended to: (1) delete Section 8 in its entirety; and (2) insert in lieu thereof that "On and after February 3, 1994, Sections 9 to 11 shall apply to all examination candidates."

201 KAR 1:130. Examination application procedure. In response to a question by Representative Bruce, agency personnel stated that the fee established in the amendment to Section 2(4) was an increase of $15 for the entire examination, to reflect changes made in the national examination

The Subcommittee approved a motion to amend Section 2(4) to increase the examination fee to $140.

Board of Nursing

201 KAR 20:056. Advanced registered nurse practitioner registration, program requirements, recognition of a national certifying organization. The Subcommittee approved a motion to amend Section 1 of this administrative regulation to: (1) provide the edition date, June, 1993, of material incorporated by reference, as required by KRS 13A.2251(1)(a); and (2) add that the material may be inspected or copied, as required by KRS 13A.2251(1)(c).

201 KAR 20:057. Scope and standards of practice of advanced registered nurse practitioners. The Subcommittee approved a motion to amend this administrative regulation as follows: (1) Sections 1-3 were amended to comply with the format requirements of KRS 13A.220(4); (2) Sections 2 and 3 were amended to comply with: (a) KRS 13A.222(4)(c), prohibiting the use of "and/"; and (b) KRS 13A.222(4)(b), requiring the use of "shall" to express a duty or obligation; (3) Section 1, to incorporate the Standards of Practice for the Primary Health Care Nurse Practitioner", as required by KRS 13A.2251; (4) to comply with KRS 13A.222(4)(e) by: (a) in Section 2, deleting the definition of "established protocol"; and (b) adding a new Section 1, Definitions, to establish the definition of "established protocol".

201 KAR 20:161. Investigation and disposition of complaints. Senator Kafoglis stated that he believed that authority granted to a designee of the executive director of the Board to file a complaint could result in misinterpretation or misrepresentation of a complaint. Chairman Kerr asked why there was a need to permit a designee to file a complaint. Board personnel stated that: (1) in the absence of the executive director, someone needed the authority to file the complaint; and (2) this related to information received on technical or administrative violations, such as failure to complete continuing education requirements.

Board personnel was asked if the executive director had the authority to initiate complaints under statute. Board personnel

responded that they believed the statute granted such authority, and that the complaint was the initiating action, not the final action of the Board.

In response to a question by Senator Kafoglis, Board personnel stated that a complaint had to be in writing by the person initiating the complaint. Board personnel stated that a complaint filed by someone other than executive director would not be altered or interpreted by the executive director.

Senator Huff why a consent decrees, relating to an affidavit of reasonable cause on Aids and the required Aids education, did not have to be reported to another state. Board personnel stated that this related to compliance with required Aids education after the six month period required for completion of such education, and that the Board believed this type of violation was a technical, not a serious, violation.

Subcommittee staff stated that a question had been raised as to whether the statutes granted the Board or the executive director the authority to determine that a complaint should be filed away because it had been determined that there was insufficient evidence of a violation or its occurrence. Board personnel stated that they believed the statute permitted the executive director to make this determination.

The Subcommittee approved a motion to amend the NECESSITY AND FUNCTION paragraph to state clearly that the necessity and function of this administrative regulation was to: (1) govern limited licensees resulting from disciplinary action; and (2) to repeal 201 KAR 20:115, relating to the impairment of ability to safely perform nursing faced by persons with handicaps, because of its possible conflict with the Americans With Disabilities Act.

201 KAR 20:260. Organization and administration standards for prelicensure programs of nursing. Senator Kafoglis asked whether: (1) the ratio of students to faculty, that was decreased from 12 to 1, to 10 to 1, would be imposed on schools of nursing, and (2) if so, it was appropriate for the Board to impose this standard on the universities or whether this was a decision to be made by the universities. Board personnel stated that the statutes granted the Board the authority to approve pre-licensure nursing programs, and that the ratio was an aspect of such programs and the Board's statutory duty.

In response to a question by Senator Kafoglis, Board personnel stated that: (1) the new ratio should not increase costs to universities; (2) clinical instructors generally were part-time employees; (3) the universities had reviewed this administrative regulation and, while a ratio below 10 could cause financial problems, they did not find there to be a problem with the 10 to 1 ratio; and (4) most universities supported the new ratio out of a concern for the liability of the clinical instructor.

Representative Bruce: (1) stated that if it were shown that the universities did not object to the ratio, he could support the ratio; and (2) asked why the ratio had been changed and whether the change had been due to a high failure rate.

Board personnel stated that the primary reason for changing the ratio was the concern over liability, because of the large number of students for which each clinical instructor was responsible.

The Subcommittee approved a motion to request LRC to refer the issue of the fiscal impact of the 10 to 1 ratio on the universities and whether the ration conformed to legislative intent.

In response to a question by Senator Smith for an explanation of the liability question, Board personnel stated that the clinical instructors believed: (1) they could not adequately supervise 12 students performing clinicals at a hospital; and (2) the quality of education received by students was impaired at a 12 to 1 ratio. Senator Smith suggested that tort reform might be an answer to the liability problems raised by the ratio of student to instructor.

Chairman Kerr stated that: (1) it was rare for nurses to be held liable in a negligence action; (2) judgments against them were relatively minimal; and (3) liability insurance for nurses was inexpensive.

The Subcommittee agreed with a recommendation by Senator Kafoglis that the Interim Joint Committee on Health and Welfare be requested to look into questions raised concerning the new ratio.

The Subcommittee approved a motion to amend Section 1(3)(i) of this administrative regulation to delete the phrase, "but not be limited to", because KRS 13A.100 required an administrative regulation to contain: (1) all conditions, standards, requirements imposed by an administrative regulation; or (2) a standard that: (a) would give clear notice of the conditions, standards or requirements imposed by an administrative regulation; or (b) could be applied to the facts of a case or an issue to determine whether compliance with the administrative regulation was required and, if required, had occurred.

Economic Development Cabinet: Department of Agriculture: Livestock Sanitation

302 KAR 20:054. Fee basis schedule. This administrative regulation was amended to: (1) Change the title to "Fee basis schedule for brucellosis testing"; (2) Delete "and" and insert "or" in Section 4(3) after the semicolon; and (3) Delete "must" and insert "shall" in the last sentence of Section 3 and in the first sentence of Section 5, pursuant to KRS 13A.222(4)(b).

Representative Bruce asked what kind of fees were being charged by the Department. Department personnel stated that: (1) this administrative regulation allows a veterinarian to charge a twenty ($20) dollar stop fee for going to the farm to test animals; and that (2) a veterinarian can then charge a maximum of three ($3) dollars per head for each animal tested on the farm. If a farmer had fifty (50) animals to be tested then the veterinarian would be paid a twenty ($20) dollar stop fee, plus three ($3) for each head of cattle tested.

Representative Allen asked why these fees were being charged since the state is almost brucellosis free. Department personnel stated that: (1) this administrative regulation is a part of the process of winding down the brucellosis program in the state; (2) an analysis of the state of Kentucky over the past three (3) years identified 6 areas in the state that have high incidence of brucellosis; (3) time schedules have been set for requiring all these areas to have their cattle tested for brucellosis and to have repeat testing of trouble areas; (4) the Department felt it was advantageous to get the veterinarians in the area involved in the testing procedure; (5) veterinarians had tested for the Department in the past; and (6) the objective of this testing is to find negative animals and prove to the federal government that Kentucky has brucellosis under control.

Representative Allen asked if the state hires its own veterinarians. The Department stated that the: (1) state has only two veterinarians on staff; (2) federal government employs six (6) veterinary medical officers (VMO's) in Kentucky, who are assigned specific areas in the state.

In response to a question from Representative Allen, Department personnel stated that: (1) the state payment is made directly to the practicing veterinarian for his work in the brucellosis eradication effort; and (2) for testing for the state under the state brucellosis program, a veterinarian can charge only the amount established in this administrative regulation.

Department of Corrections: Office of the Secretary

501 KAR 6:030. Kentucky State Reformatory. Jack Damron appeared representing the cabinet. An amendment was approved to make grammatical changes to comply with the drafting provisions of KRS chapter 13 A.

501 KAR 6:050. Luther Luckett Correctional Complex. An amendment was approved to make grammatical changes to comply with the drafting provisions of KRS chapter 13 A.

501 KAR 6:140. Bell County Forestry Camp. An amendment was approved to make grammatical changes to comply with the drafting provisions of KRS chapter 13 A and to add appropriate reference citations.

Department of Training: Law Enforcement Foundation Program Fund

503 KAR 5:130. Base salaries and undue hardship. Chris Johnson and Charles Sayre were present to represent the cabinet. An amendment was approved to end Section 1 "definitions" after the first sentence of Section 1(2). The remainder of the material begins as a new Section 2. This material is regulatory and now stands alone as Section 2. Other grammatical changes were made to comply with the drafting provisions of KRS Chapter 13A. The department also agreed to amend the regulation to require certain information to determine if there is undue financial hardship by stating in the regulation that the cabinet "shall request" certain information rather than "may request".

Transportation Cabinet: Department of Highways: Division of Planning

603 KAR 9:010. Railroad crossing closure procedure. Sandy Pullen appeared before the subcommittee representing the cabinet. Chairman Kerr raised several questions concerning this administrative regulation. Chairman Kerr began by stating that it was his understanding that these regulations should have been promulgated by December 31, 1992. He asked Ms. Pullen why that had not been done. She responded that the person working on these regulations had died and that it had been very difficult for the department to find anyone with the knowledge necessary to prepare the administrative regulations. The department has now found someone and the administrative regulations have been prepared. Chairman Kerr then stated that it was his understanding that the statute requires input from local governments concerning the standards to be used and he asked Ms. Pullen how this was accomplished. She stated that the cabinet had sent letters to all county judges in the state, to approximately 100 municipalities, and to all the railroad companies that operate within the state. She stated that they had received some responses and the cabinet now has a tentative list to be sent to the appropriate local officials.

Chairman Kerr asked Ms. Pullen how the cabinet was going to comply with the requirement that the list be published in the Kentucky Administrative Register. She responded that once the tentative list is adjusted to become the final list, the cabinet will submit that list in the form of a regulation for publication. Chairman Kerr stated that this regulation concerns closure only, whereas the statute concerns closure, relocation, overpasses, underpasses, or other alternatives, including safety prevention improvements. Ms. Pullen responded that she had an amendment to offer that addressed that concern.

At this point the amendment was discussed at length between Ms. Pullen and several members of the subcommittee regarding the content of the regulation, the intent of Senate Bill 50, and the question of whether the proposed amendment would enable the administrative regulation to adequately implement the intent of Senate Bill 50. Senator Kafoglis stated that it was his understanding that the intent of Senate Bill 50 was to eliminate dangers at railroad crossings.

Ms. Pullen responded that the statute mentioned, among other things, two methods of eliminating dangers: the installation of gates and the closing of crossings. She stated that the administrative regulation uses the criteria of volume of traffic and availability of alternative crossing within a specified distance.

Chairman Kerr questioned Ms. Pullen on a provision in Section 1(2) that paragraph (c) allowed closure without any reference to the two criteria of traffic volume or alternatives. Ms. Pullen asked Eric Sabina and Lowell McCourt, other representatives of the cabinet, to join her at the table to respond. Eric Sabina stated that paragraph (c) was inserted into the regulation for the cabinet to be able to deal with unusually hazardous crossings and for some degree of flexibility. Chairman Kerr stated that it was his concern that any crossing with unsafe conditions would always be subject to the economic reality that it's much more economical to close the crossing than to correct the unsafe condition and keep the crossing open. After extensive discussion it was agreed that paragraph (c) would be amended to provide that any closure affected by the use of paragraph (c) would be required to comply with the availability of an alternative crossing as specified in paragraphs (a) and (b) of that subsection.

The title of this administrative regulation was amended to "Railroad Crossing Alteration and Closure Procedure" to adequately reflect that the procedure deals with both closures and other appropriate action, to comply with the mandate of the statute. Section 1 was amended to state that "The Transportation Cabinet shall consider action other than closure when the conditions set forth in subsection (2) are not met at a particular crossing, but when there are unusual safety concerns about the crossing." Section 3 was amended to "provide notification to the jurisdictional local government unit and appropriate railroad company of the potential for closure of the crossing." Section 5 was amended by inserting "The Official Order shall have an effective date far enough in advance of its issuance to allow the local government unit having jurisdiction to comply with the requirements of KRS 178.050" to the end of the section. The amendment included various other conforming changes and grammatical and numbering changes to conform to the drafting requirements of KRS Chapter 13A.

Department of Housing, Buildings and Construction: Plumbing

815 KAR 20:130. House sewers and storm water piping; methods of installation. Judith Walden appeared representing the department. An amendment to change the format and thus clarify the reading and understanding of this administrative regulation was approved by the subcommittee.

The Subcommittee determined that the following administrative regulations complied with statutory requirements:

Board of Nursing

201 KAR 20:162. Procedure for disciplinary hearings pursuant to KRS 314.091.

201 KAR 20:215. Contact hours, record keeping and reporting requirements for renewal of licensure.

201 KAR 20:370. Applications for licensure and registration.

Tourism Cabinet: Department of Fish and Wildlife Resources: Game

301 KAR 2:111. Deer and turkey hunting on special areas. Lauren Schaaf was present representing the department. Representative Bruce asked for the reason for "special areas" for hunting. Representative Allen responded that that is where the deer are. Representative Allen then asked Mr. Schaaf if there are any fees involved, to which Mr. Schaaf responded that there are $5.00 application fees for the special areas, for example, Fort Knox special area. He stated that this application fee goes to the special area authority for the administration of the application process and does not go to the agency.

Economic Development Cabinet: Department of Agriculture: Livestock Sanitation

302 KAR 20:040E. Entry into Kentucky. (Expires 9/23/93) Representative Bruce asked what the Department intended to change by this administrative regulation. Department personnel stated that: (1) cattle entering Kentucky will still have to be retested for brucellosis within sixty (60) to (120) days; and (2) all will also be required to be retested for brucellosis within thirty (30) days after they are sold or otherwise change ownership.

Representative Allen stated that he had a problem with farmers having to submit to the sixty (60) to (120) retest when they buy cattle at the Bowling Green Stockyard. Department personnel stated that these emergency administrative regulations did away with the retest requirements.

Representative Bruce pointed out that the retest of cattle still applies if the cattle are brought into Kentucky from out of state.

Department personnel stated that the retesting program will remain in effect for out of state cattle because Kentucky must continue to monitor cattle that come from out of state.

302 KAR 20:055E. Brucellosis vaccination, testing and branding requirements. (Expires 9/23/93) In response to a question from Representative Allen, Department personnel stated that there were no fees associated with this administrative regulation.

302 KAR 20:065E. Sale and exhibition of livestock in Kentucky. (Expires 9/23/93)

302 KAR 20:070E. Stockyards. (Expires 9/23/93) In response to a question from Representative Bruce, Department personnel stated that this administrative regulation was relaxing requirements placed upon stockyards in Kentucky.

Senator Kafoglis asked if the testing requirements for brucellosis were being relaxed because the disease is being eradicated. Department personnel stated that the 60 to 120 day retest program was: (1) putting a great burden on the producer at the stockyard level and farm level; (2) not showing any newly infected herds as a result of the retest. Department personnel stated they believed they could spend Department money more effectively in other eradication efforts.

Department personnel stated that: (1) the number of newly infected herds had decreased substantially; and (2) while there is still some infection in the state, it is hoped that brucellosis will be completely under control in the near future.

Justice Cabinet: Telecommunicators

500 KAR 4:060. Basic training: graduation requirements; records.

Department of Corrections: Office of the Secretary

501 KAR 6:080. Department of Corrections Manuals.

Labor Cabinet: Occupational Safety and Health

803 KAR 2:307. Adoption of 29 CFR Part 1910.101-.120.

Public Protection and Regulation Cabinet: Department of Mines and Minerals: Division of Mining

805 KAR 5:010. Fees for licensure to mine. Gene Attkisson appeared representing the department. Senator Smith questioned the raising of the fees for mine licenses. Mr. Attkisson stated that the fees were being raised to conform to the budget bill. Senator Smith then responded that the budget bill is used to hide fee increases. Representative Allen commented that if you can't get the taxes, then you up the fees. He said he didn't vote for the budget bill and he wanted to record himself as not voting for this. On a question as to whether this increase was needed, Mr. Attkisson responded that there are over 1,200 mines licensed in the state and the statutes require a minimum of two inspections per year of each mine and we were encouraged to raise revenue by fee increases. Asked whose idea it was to increase these fees, Mr. Attkisson stated that it is his impression that it came from the Governor's office and the office of Policy and Management.

Chairman Kerr stated that the administrative regulation does conform to the budget bill, but noted the objections raised to it.

Cabinet for Human Resources: Office of Administrative Services: Vital Statistics

901 KAR 5:032. Repeal of 901 KAR 5:031.

Department for Health Services: Health Services and Facilities

902 KAR 20:016. Hospitals operation and services.

Department for Social Insurance: Food Stamp Program

904 KAR 3:010. Definitions.

The Subcommittee had no objections to emergency administrative regulations which had been filed.

The following administrative regulations were deferred to the August meeting upon agreement by the promulgating agency and the Subcommittee:

Education, Arts and Humanities Cabinet: Department of Education: Office of Learning Programs Development

704 KAR 7:120. Home or hospital instruction.

Office of Education for Exceptional Children: Exceptional and Handicapped Program

707 KAR 1:061. Repeal of existing regulations.
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.

Cabinet for Human Resources: Department for Medicaid Services

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

The Subcommittee adjourned at 10:15 a.m. until August 2, 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 ECONOMIC DEVELOPMENT
Meeting of June 25, 1993

The Interim Joint Committee on Economic Development met on Friday, June 25, 1993, and considered administrative regulations. 307 KAR 2:010 & E, regarding the Kentucky Jobs Development Authority, and 307 KAR 3:010 & E, regarding the Kentucky Industrial Revitalization Authority, were both unanimously approved.

INTERIM JOINT COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
Meeting of June 23, 1993

The Interim Joint Committee on Agriculture and Natural Resources met Wednesday, June 23, 1993, and submits the following report:

The Committee took no action on the following administrative regulations of the University of Kentucky Agricultural Experiment Station:

12 KAR 1:005, 12 KAR 1:010, 12 KAR 1:025, 12 KAR 1:055, 12 KAR 1:060, 12 KAR 1:065, 12 KAR 1:075, 12 KAR 1:080, 12 KAR 1:085, 12 KAR 1:090, 12 KAR 1:095, 12 KAR 1:100, 12 KAR 1:105.

The Committee determined that the following administrative regulations comply with KRS Chapter 13A:

Natural Resources and Environmental Protection Cabinet: 401 KAR 49:210
Kentucky Infrastructure Authority: 200 KAR 17:060
Department of Fish and Wildlife Resources: 301 KAR 2:211, 301 KAR 4:100

The Committee determined that the Department of Fish and Wildlife Resources administrative regulation 301 KAR 2:171 does not comply with KRS Chapter 13A.

The meeting adjourned June 23, 1993, at 3:50 p.m.

INTERIM JOINT COMMITTEE ON HEALTH AND WELFARE
Meeting of June 16, 1993

The Interim Joint Committee on Health and Welfare met on Wednesday, June 16, 1993, and submits the following report:

The Committee voted to approve the following LRC referred administrative regulations: 902 KAR 20:073, 907 KAR 1:016 & E, 907 KAR 1:505 & E, and 908 KAR 1:310. There were no objections.

INTERIM JOINT COMMITTEE ON APPROPRIATIONS AND REVENUE
Meeting of June 24, 1993

103 KAR 5:150 was promulgated by the Revenue Cabinet and relates to procedures for the removal of a property valuation administrator from office. The Administrative Regulation Review Subcommittee amended the regulation at their meeting. The Interim Joint Committee on Appropriations and Revenue also amended the amended regulation at its meeting.

The amendments made by this Committee to 103 KAR 5:150 are published in the August issue of the Administrative Register. This regulation as amended by the Committee, and the emergency, were approved by the Interim Joint Committee on Appropriations and Revenue at its meeting on June 24, 1993.

INTERIM JOINT COMMITTEE ON EDUCATION
Meeting of July 1, 1993

The Interim Joint Committee on Education met Thursday, July 1, 1993, and approved the following administrative regulations:

Kentucky Higher Education Assistance Authority
11 KAR 6:010, Work Study Program
11 KAR 8:030, Teacher Scholarships
11 KAR 12:070, Benefits payable from the Ky. Educational Savings Plan Trust Program Fund

Department of Education
701 KAR 5:070, Criteria for Commonwealth Institute for Teachers
704 KAR 3:303, Required Program of Studies

Education Professional Standards Board
704 KAR 20:198, Director of Special Education

Workforce Development Cabinet
780 KAR 3:040, Special Appointments

At the request of the Department of Education, the Interim Joint Committee on Education deferred 704 KAR 4:020, comprehensive school health, until the August meeting.

INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of July 8, 1993

The Interim Joint Committee on Transportation met on Tuesday, July 6, 1993 and submits this report:

The Committee determined that the following regulation complied with KRS Chapter 13A: 603 KAR 5:050 - Uniform traffic control devices.

The Committee adjourned at 2:15 p.m.

INTERIM JOINT COMMITTEE ON BUSINESS ORGANIZATIONS AND PROFESSIONS
Meeting of July 9, 1993

The Interim Joint Committee on Business Organizations and Professions met on Friday, July 9, 1993, and approved the following regulations as referred:

Kentucky State Board of Accountancy: 201 KAR 1:045; 201 KAR 1:130

Registry for Professional Engineers and Land Surveyors: 201 KAR 18:180 & E; 201 KAR 18:190 & E

Kentucky Real Estate Appraisers Board: 201 KAR 30:010; 201 KAR 30:020; 201 KAR 30:030; 201 KAR 30:040; 201 KAR 30:050; 201 KAR 30:060; 201 KAR 30:070; 201 KAR 30:080; 201 KAR 30:090

Kentucky Racing Commission: 810 KAR 1:009; 811 KAR 1:070

The Committee adjourned at 11:00 a.m.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates **B2**

The Locator Index lists all regulations published in VOLUME 20 of the Administrative Register from July, 1993 through June, 1994. 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 19 are those regulations that were originally published in the Volume 19 (last year's) issues of the Administrative Register but had not yet gone into effect when the 1993 bound Volumes were published.

KRS Index **B9**

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 20 of the Administrative Register.

Subject Index **B12**

The Subject Index is a general index of regulations published in VOLUME 20 of the Administrative Register, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	19 Ky.R Page No.	Effective Date

VOLUME 19

EMERGENCY REGULATIONS: (Note: Emergency regulations expire 120 days from publication or upon replacement or repeal, whichever occurs first)

9 KAR 1:010E	2375	3-17-93
Replaced	2611	6-7-93
9 KAR 1:020E	2375	3-17-93
Replaced	2611	6-7-93
9 KAR 1:030E	2375	3-17-93
Replaced	2349	6-7-93
103 KAR 5:150E	2376	3-26-93
Replaced		6-24-93
200 KAR 6:045E	2001	1-26-93
Replaced	2614	6-7-93
201 KAR 2:105E	862	8-18-92
Replaced	445	10-8-92
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
Replaced		6-25-93
307 KAR 3:010E	2609	4-15-93
Replaced		6-25-93
501 KAR 6:090E	2377	3-26-93
Replaced	2304	6-7-93
501 KAR 6:110E	2378	3-26-93
Replaced	2305	7-12-93
806 KAR 3:150E	2380	4-15-93
Replaced	2498	7-12-93
806 KAR 3:180E	2381	4-15-93
Replaced	2576	7-12-93
810 KAR 1:030E	1730	12-29-92
Replaced	2651	6-7-93
903 KAR 5:290E	2381	3-27-93
Replaced	2337	6-7-93
907 KAR 1:013E	2382	3-31-93
Expired		7-7-93
907 KAR 1:016E	2385	3-26-93
Replaced		6-16-93
907 KAR 1:031E	2012	1-21-93
Replaced	2148	6-7-93
907 KAR 1:505E	2386	3-25-93
Replaced	2340	6-16-93
907 KAR 1:512E	2387	3-26-93
Replaced	2653	6-7-93

ORDINARY REGULATIONS:

9 KAR 1:010	2348	
As Amended	2611	6-7-93
9 KAR 1:020	2348	
As Amended	2611	6-7-93
9 KAR 1:030	2349	6-7-93
11 KAR 3:100		
Amended	2475	
11 KAR 6:010		
Amended	2478	(See 20 Ky.R.)
11 KAR 8:030		
Amended	2480	7-1-93
11 KAR 12:070		
Amended	2482	7-1-93
12 KAR 1:005		
Amended	1812	(See 20 Ky.R.)
12 KAR 1:010		
Amended	1813	(See 20 Ky.R.)
12 KAR 1:025		
Amended	1813	(See 20 Ky.R.)
12 KAR 1:055		
Amended	1814	6-23-93
12 KAR 1:060		
Amended	1815	(See 20 Ky.R.)
12 KAR 1:065		
Amended	1816	(See 20 Ky.R.)
12 KAR 1:075		
Amended	1817	(See 20 Ky.R.)
12 KAR 1:080		
Amended	1818	(See 20 Ky.R.)
12 KAR 1:085		
Amended	1819	6-23-93
12 KAR 1:090		
Amended	1820	(See 20 Ky.R.)
12 KAR 1:095		
Amended	1822	6-23-93
12 KAR 1:100		
Amended	1823	6-23-93
12 KAR 1:105		
Amended	1824	6-23-93
14 KAR 1:010		
Amended	2075	
As Amended	2611	6-7-93
32 KAR 2:050	1236	
Amended	2484	(See 20 Ky.R.)
32 KAR 2:060		
Amended	2485	(See 20 Ky.R.)
32 KAR 2:120	2519	
Withdrawn	6-7-93	
32 KAR 2:130	2519	(See 20 Ky.R.)
32 KAR 2:140	2520	(See 20 Ky.R.)
32 KAR 2:150	2521	(See 20 Ky.R.)
103 KAR 5:150	2350	(See 20 Ky.R.)
105 KAR 1:010		
Amended	2288	6-7-93
105 KAR 1:170		
Amended	2290	6-7-93
105 KAR 1:270	2352	6-7-93
200 KAR 6:045	2160	
As Amended	2614	6-7-93
200 KAR 17:060	2522	(See 20 Ky.R.)
200 KAR 19:010	2161	(See 20 Ky.R.)
201 KAR 1:045		
Amended	2661	(See 20 Ky.R.)
201 KAR 1:130		
Amended	2662	(See 20 Ky.R.)
201 KAR 18:180	1697	(See 20 Ky.R.)

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	19 Ky.R Page No.	Effective Date
201 KAR 18:190	1697	(See 20 Ky.R.)
201 KAR 20:056		
Amended	2664	(See 20 Ky.R.)
201 KAR 20:057		
Amended	2666	(See 20 Ky.R.)
201 KAR 20:161		
Amended	2667	(See 20 Ky.R.)
201 KAR 20:162		
Amended	2669	
201 KAR 20:215		
Amended	2671	
201 KAR 20:235	2755	
201 KAR 20:240		
Amended	2672	
201 KAR 20:260		
Amended	2673	(See 20 Ky.R>)
201 KAR 20:370		
Amended	2674	
201 KAR 22:031		
Amended	2291	
As Amended	2614	6-7-93
201 KAR 22:106		
Amended	2293	6-7-93
201 KAR 27:012	1936	(See 20 Ky.R.)
201 KAR 30:010	2163	
Amended	2460	7-9-93
201 KAR 30:020	2164	
Amended	2460	7-9-93
201 KAR 30:030	2165	
Amended	2461	7-9-93
201 KAR 30:040	2166	
Amended	2461	7-9-93
201 KAR 30:050	2167	
Amended	2461	7-9-93
201 KAR 30:060	2169	
Amended	2463	7-9-93
201 KAR 30:070	2170	
Amended	2463	7-9-93
201 KAR 30:080	2171	
Amended	2465	(See 20 Ky.R.)
201 KAR 30:090	2173	7-9-93
201 KAR 30:100		
Repealed	2173	7-9-93
301 KAR 2:047		
Repealed	2239	4-7-93
301 KAR 2:111		
Amended	2675	
301 KAR 2:171	2525	(See 20 Ky.R.)
301 KAR 2:211	2529	(See 20 Ky.R.)
301 KAR 4:100	2531	(See 20 Ky.R.)
302 KAR 20:054	2756	(See 20 Ky.R.)
302 KAR 31:030	2174	
As Amended	2617	6-7-93
302 KAR 31:035	2175	
As Amended	2616	6-7-93
307 KAR 2:010	2533	(See 20 Ky.R.)
307 KAR 3:010	2536	(See 20 Ky.R.)
401 KAR 49:210	2538	(See 20 Ky.R.)
401 KAR 63:035	1466	
Amended	1789	
Witdrawn		6-3-93
500 KAR 4:060		
Amended	2678	
501 KAR 1:040		
Amended	2295	(See 20 Ky.R.)
501 KAR 3:010		
Amended	1844	
As Amended	2618	6-7-93
501 KAR 3:030		
Amended	1845	6-7-93
501 KAR 3:040		
Amended	1846	
As Amended	2619	6-7-93
501 KAR 3:050		
Amended	1847	
As Amended	2620	6-7-93
501 KAR 3:060		
Amended	1850	
As Amended	2623	6-7-93
501 KAR 3:090		
Amended	1852	6-7-93
501 KAR 3:100		
Amended	1853	
As Amended	2624	6-7-93
501 KAR 3:120		
Amended	1854	6-7-93
501 KAR 3:130		
Amended	1856	
As Amended	2625	6-7-93
501 KAR 3:150		
Amended	1857	
As Amended	2625	6-7-93
501 KAR 4:010		
Amended	1860	
As Amended	2628	6-7-93
501 KAR 4:040		
Amended	1860	
As Amended	2628	6-7-93
501 KAR 4:050		
Amended	1862	
As Amended	2629	6-7-93
501 KAR 4:060		
Amended	1865	
As Amended	2631	6-7-93
501 KAR 4:070		
Amended	1867	6-7-93
501 KAR 4:100		
Amended	1867	
As Amended	2632	6-7-93
501 KAR 4:120		
Amended	1868	6-7-93
501 KAR 4:140		
Amended	1869	6-7-93
501 KAR 5:001	1955	6-7-93
501 KAR 5:010		
Repealed	1955	6-7-93
501 KAR 5:020		
Repealed	1955	6-7-93
501 KAR 5:030		
Repealed	1955	6-7-93
501 KAR 5:040		
Repealed	1955	6-7-93
501 KAR 5:050		
Repealed	1955	6-7-93
501 KAR 5:060		
Repealed	1955	6-7-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	19 Ky.R Page No.	Effective Date
501 KAR 5:070		
Repealed	1955	6-7-93
501 KAR 5:080		
Repealed	1955	6-7-93
501 KAR 5:090		
Repealed	1955	6-7-93
501 KAR 5:100		
Repealed	1955	6-7-93
501 KAR 5:110		
Repealed	1955	6-7-93
501 KAR 5:120		
Repealed	1955	6-7-93
501 KAR 5:130		
Repealed	1955	6-7-93
501 KAR 6:020		
Amended	2298	6-7-93
501 KAR 6:030		
Amended	2300	6-7-93
Amended	2486	7-12-93
Amended	2679	
501 KAR 6:040		
Amended	2301	6-7-93
Amended	2488	7-12-93
501 KAR 6:050		
Amended	2681	
501 KAR 6:060		
Amended	2303	6-7-93
501 KAR 6:070		
Amended	2489	7-12-93
501 KAR 6:080		
Amended	2682	
501 KAR 6:090		
Amended	2304	6-7-93
501 KAR 6:110		
Amended	2305	7-12-93
501 KAR 6:130		
Amended	2307	6-7-93
501 KAR 6:140		
Amended	2308	6-7-93
Amended	2683	
501 KAR 7:040		
Amended	1876	
As Amended	2633	6-7-93
501 KAR 7:050		
Amended	1877	
As Amended	2634	6-7-93
501 KAR 7:060		
Amended	1879	
As Amended	2635	6-7-93
501 KAR 7:120		
Amended	1880	6-7-93
501 KAR 10:010	1956	
As Amended	2636	6-7-93
501 KAR 10:020	1957	6-7-93
501 KAR 10:030	1958	6-7-93
501 KAR 10:040	1959	
As Amended	2637	6-7-93
501 KAR 10:050	1961	
As Amended	2637	6-7-93
501 KAR 10:060	1964	
As Amended	2641	6-7-93
501 KAR 10:070	1966	6-7-93
501 KAR 10:080	1967	
As Amended	2642	6-7-93
501 KAR 10:090	1968	6-7-93
501 KAR 10:100	1969	
As Amended	2643	6-7-93
501 KAR 10:110	1970	6-7-93
501 KAR 10:120	1971	6-7-93
501 KAR 10:130	1972	
As Amended	2643	6-7-93
501 KAR 10:140	1973	6-7-93
503 KAR 5:130	2756	(See 20 Ky.R.)
603 KAR 5:050		
Amended	2490	7-6-93
603 KAR 5:070		
Amended	2309	
As Amended	2644	5-26-93
603 KAR 5:230		
Amended	2684	(See 20 Ky.R.)
603 KAR 9:010	2757	(See 20 Ky.R.)
605 KAR 1:130		
Amended	2313	5-26-93
701 KAR 5:070		
Amended	2492	7-1-93
704 KAR 3:303		
Amended	2493	7-1-93
704 KAR 4:020		
Amended	2494	(See 20 Ky.R.)
704 KAR 7:120	2539	(See 20 Ky.R.)
704 KAR 20:120		
Amended	2316	6-7-93
704 KAR 20:198		
Amended	2317	(See 20 Ky.R.)
704 KAR 20:320		
Amended	2319	6-7-93
704 KAR 20:510		
Amended	2322	
As Amended	2647	6-7-93
707 KAR 1:061	2540	
707 KAR 1:160	2541	(See 20 Ky.R.)
707 KAR 1:170	2543	(See 20 Ky.R.)
707 KAR 1:180	2545	(See 20 Ky.R.)
707 KAR 1:190	2551	(See 20 Ky.R.)
707 KAR 1:200	2554	(See 20 Ky.R.)
707 KAR 1:210	2558	(See 20 Ky.R.)
707 KAR 1:220	2561	(See 20 Ky.R.)
707 KAR 1:230	2564	(See 20 Ky.R.)
707 KAR 1:240	2569	
707 KAR 1:250	2572	(See 20 Ky.R.)
707 KAR 1:260	2574	
780 KAR 3:040		
Amended	2496	(See 20 Ky.R.)
780 KAR 9:020		
Amended	2497	
Withdrawn		6-7-93
781 KAR 1:030		
Amended	2323	6-7-93
803 KAR 2:307		
Amended	2734	
803 KAR 2:310		
Amended	2736	(See 20 Ky.R.)
805 KAR 4:005		
Recodified from 805 KAR 4:070		6-8-93
805 KAR 4:010		
Amended	2325	6-7-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	19 Ky.R Page No.	Effective Date
805 KAR 4:070		
Amended	2327	6-7-93
Recodified as 805 KAR 4:005		6-7-93
805 KAR 5:010		
Amended	2739	
805 KAR 7:030		
Amended	2740	
806 KAR 1:010		
Amended	2328	
As Amended	2648	6-7-93
806 KAR 3:150		
Amended	2498	7-12-93
806 KAR 3:180	2576	7-12-93
806 KAR 17:090	2353	(See 20 Ky.R.)
806 KAR 30:090	2355	6-7-93
806 KAR 30:100	2356	6-7-93
810 KAR 1:009		
Amended	2499	(See 20 Ky.R.)
810 KAR 1:030	1987	
As Amended	2651	6-7-93
811 KAR 1:070		
Amended	2502	(See 20 Ky.R.)
815 KAR 20:020		
Amended	2503	7-12-93
815 KAR 20:030		
Amended	2334	6-7-93
815 KAR 20:050		
Amended	2335	6-7-93
815 KAR 20:120		
Amended	2113	7-12-93
815 KAR 20:130		
Amended	2742	(See 20 Ky.R.)
815 KAR 45:100	2577	(See 20 Ky.R.)
901 KAR 5:032	2759	
902 KAR 8:040	2760	(See 20 Ky.R.)
902 KAR 8:050	2761	(See 20 Ky.R.)
902 KAR 8:060	2763	(See 20 Ky.R.)
902 KAR 8:070	2765	(See 20 Ky.R.)
902 KAR 8:080	2768	(See 20 Ky.R.)
902 KAR 8:090	2770	(See 20 Ky.R.)
902 KAR 8:100	2771	(See 20 Ky.R.)
902 KAR 8:110	2773	
902 KAR 8:120	2774	(See 20 Ky.R.)
902 KAR 8:130	2777	
902 KAR 8:140	2778	
902 KAR 20:004	659	
Amended	2745	
902 KAR 20:016		
Amended	2506	(See 20 Ky.R.)
902 KAR 20:073	2196	6-16-93
902 KAR 20:291	2199	
Amended	2466	6-7-93
903 KAR 5:290		
Amended	2337	6-7-93
904 KAR 3:010		
Amended	2750	
907 KAR 1:013		
Amended	2515	
Withdrawn		7-7-93
907 KAR 1:016		
Amended	2338	(See 20 Ky.R.)
907 KAR 1:031		
Amended	2148	6-7-93
907 KAR 1:428		
Amended	2339	
As Amended	2653	6-7-93
907 KAR 1:505		
Amended	2340	6-16-93
907 KAR 1:512	2357	
As Amended	2653	6-7-93
908 KAR 1:310		
Amended	2341	
Amended	2655	(See 20 Ky.R.)
908 KAR 2:070	2779	(See 20 Ky.R.)

*Statement of Consideration Not Filed by Deadline; Regulation Expired (KRS 13A.280(2))

VOLUME 20

EMERGENCY REGULATIONS: (Note: Emergency regulations expire 120 days from publication or upon replacement or repeal, whichever occurs first)

302 KAR 15:010E	4	5-18-93
501 KAR 6:020E	277	6-24-93
601 KAR 11:040E	2278	6-16-93
603 KAR 9:010E	7	5-19-93
806 KAR 2:120E	8	6-15-93
806 KAR 2:130E	8	6-15-93
902 KAR 8:040E	9	5-19-93
902 KAR 8:050E	10	5-19-93
902 KAR 8:060E	11	5-19-93
902 KAR 8:070E	13	5-19-93
902 KAR 8:080E	15	5-19-93
902 KAR 8:090E	17	5-19-93
902 KAR 8:100E	18	5-19-93
902 KAR 8:110E	19	5-19-93
902 KAR 8:120E	19	5-19-93
902 KAR 8:130E	23	5-19-93
902 KAR 8:140E	23	5-19-93
902 KAR 20:004E	24	5-18-93
903 KAR 5:270E	280	6-16-93
905 KAR 2:001E	29	6-7-93
905 KAR 2:011E	31	6-7-93
905 KAR 2:090E	31	6-7-93
905 KAR 2:100E	33	6-7-93
905 KAR 2:110E	36	6-7-93
905 KAR 2:120E	38	6-7-93
905 KAR 2:130E	42	6-7-93
907 KAR 1:013E	281	7-7-93
907 KAR 1:017E	284	6-16-93
907 KAR 1:022E	285	7-7-93
907 KAR 1:025E	288	7-7-93
907 KAR 1:031E	294	7-7-93
907 KAR 1:536E	296	7-7-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	19 Ky.R Page No.	Effective Date
ORDINARY REGULATIONS:		
11 KAR 3:100		
Amended	96	
11 KAR 6:010		
As Amended	44	7-1-93
11 KAR 10:010		
Amended	383	
11 KAR 10:020		
Amended	385	
12 KAR 1:005		
As Amended	45	6-23-93
12 KAR 1:010		
As Amended	46	6-23-93
12 KAR 1:025		
As Amended	47	6-23-93
12 KAR 1:060		
As Amended	47	6-23-93
12 KAR 1:065		
As Amended	47	6-23-93
12 KAR 1:075		
As Amended	48	6-23-93
12 KAR 1:080		
As Amended	48	6-23-93
12 KAR 1:090		
As Amended	50	6-23-93
32 KAR 2:050		
As Amended	50	7-12-93
32 KAR 2:060		
As Amended	50	7-12-93
32 KAR 2:130		
As Amended	51	7-12-93
32 KAR 2:140		
As Amended	51	7-12-93
32 KAR 2:150		
As Amended	297	
45 KAR 1:070	163	
103 KAR 5:150		
As Amended	52	
As Amended	297	6-24-93
109 KAR 10:010		
Amended	131	
200 KAR 17:060		
As Amended	53	6-23-93
200 KAR 19:010		
As Amended	55	7-12-93
201 KAR 1:045		
As Amended	300	7-9-93
201 KAR 1:130		
As Amended	301	7-9-93
201 KAR 9:310	163	
201 KAR 9:315	450	
201 KAR 18:180		
As Amended	56	7-9-93
201 KAR 18:190		
As Amended	56	7-9-93
201 KAR 20:056		
As Amended	302	
201 KAR 20:057		
As Amended	303	
201 KAR 20:161		
As Amended	304	
201 KAR 20:235		
Amended	312	
201 KAR 20:260		
As Amended	306	
201 KAR 20:390		
Amended	387	
201 KAR 25:031		
Amended	389	
201 KAR 27:012		
As Amended	60	6-11-93
201 KAR 30:080		
As Amended	60	7-9-93
201 KAR 31:020	451	
301 KAR 2:170		
Repealed	62	6-23-93
301 KAR 2:171		
As Amended	62	6-23-93
301 KAR 2:210		
Repealed	66	6-23-93
301 KAR 2:211		
As Amended	66	6-23-93
301 KAR 4:100		
As Amended	67	6-23-93
302 KAR 20:054		
As Amended	307	
307 KAR 2:010		
As Amended	69	6-25-93
307 KAR 3:010		
As Amended	70	6-25-93
401 KAR 49:210		
As Amended	72	6-23-93
401 KAR 57:041	164	
401 KAR 58:001	166	
401 KAR 58:020	168	
401 KAR 59:435	189	
401 KAR 59:450	190	
401 KAR 59:455	192	
401 KAR 59:465	193	
401 KAR 59:485	195	
401 KAR 59:490	197	
401 KAR 59:495	198	
401 KAR 59:500	200	
401 KAR 59:505	202	
401 KAR 59:535	203	
401 KAR 59:540	205	
401 KAR 59:545	207	
401 KAR 59:550	208	
401 KAR 59:555	210	
401 KAR 59:570	211	
401 KAR 59:575	213	
401 KAR 59:580	215	
401 KAR 59:585	216	
401 KAR 59:590	218	
401 KAR 59:595	220	
401 KAR 63:036	221	
401 KAR 65:001	451	
401 KAR 65:010	454	
405 KAR 10:050		
Amended	132	
405 KAR 12:001		
Amended	134	
405 KAR 12:010		
Amended	137	
501 KAR 1:040		
As Amended	72	7-12-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	19 Ky.R Page No.	Effective Date
501 KAR 6:020		
Amended	139	
Amended	390	
501 KAR 6:030		
Amended	141	
Amended	392	
501 KAR 6:060		
Amended	394	
501 KAR 6:130		
Amended	143	
501 KAR 6:140		
Amended	144	
501 KAR 6:150		
Amended	395	
503 KAR 5:130		
As Amended	307	
600 KAR 1:100	227	
600 KAR 3:010		
Amended	397	
601 KAR 9:012		
Amended	414	
601 KAR 9:015		
Amended	415	
601 KAR 9:020		
Amended	416	
601 KAR 9:060		
Amended	417	
601 KAR 9:065		
Amended	417	
601 KAR 9:085		
Amended	418	
601 KAR 9:095		
Amended	419	
601 KAR 11:040		
Amended	145	
602 KAR 50:010		
Amended	148	
603 KAR 3:080	236	
603 KAR 5:230		
Amended	313	
603 KAR 9:010		
As Amended	307	
702 KAR 3:190		
Amended	150	
703 KAR 3:060	465	
703 KAR 3:205	241	
704 KAR 3:405		
Amended	152	
704 KAR 4:020		
As Amended	75	
704 KAR 7:090		
Amended	420	
704 KAR 7:120		
Amended	98	
704 KAR 20:120		
Amended	423	
704 KAR 20:198		
As Amended	77	7-1-93
705 KAR 2:031	243	
707 KAR 1:160		
Amended	98	
707 KAR 1:170		
Amended	100	
707 KAR 1:180		
Amended	101	
707 KAR 1:190		
Amended	107	
707 KAR 1:200		
Amended	109	
707 KAR 1:210		
Amended	112	
707 KAR 1:220		
Amended	114	
707 KAR 1:230		
Amended	117	
707 KAR 1:250		
Amended	120	
780 KAR 2:015	244	
780 KAR 3:040		
As Amended	79	7-1-93
780 KAR 3:140		
Amended	154	
780 KAR 4:030	245	
780 KAR 7:035	246	
803 KAR 2:310		
Amended	367	
805 KAR 3:010		
Amended	424	
805 KAR 3:090		
Amended	426	
806 KAR 2:120	247	
806 KAR 2:130	248	
806 KAR 17:090		
As Amended	79	7-12-93
810 KAR 1:009		
As Amended	81	7-9-93
810 KAR 1:031	466	
811 KAR 1:015		
Amended	428	
811 KAR 1:055		
Amended	432	
811 KAR 1:070		
As Amended	83	7-9-93
815 KAR 20:130		
As Amended	309	
815 KAR 45:100		
As Amended	85	7-12-93
902 KAR 8:040		
Amended	367	
902 KAR 8:050		
Amended	369	
902 KAR 8:060		
Amended	369	
902 KAR 8:070		
Amended	371	
902 KAR 8:080		
Amended	373	
902 KAR 8:090		
Amended	375	
902 KAR 8:100		
Amended	376	
902 KAR 8:120		
Amended	377	
902 KAR 20:016		
Amended	121	
903 KAR 5:270		
Amended	155	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	19 Ky.R Page No.	Effective Date	Regulation Number	19 Ky.R Page No.	Effective Date
905 KAR 2:001	249				
905 KAR 2:010					
Repealed	31	6-7-93			
905 KAR 2:011	250				
905 KAR 2:090	251				
905 KAR 2:100					
Amended	155				
905 KAR 2:110	254				
905 KAR 2:120	256				
905 KAR 2:130	261				
907 KAR 1:013					
Amended	434				
907 KAR 1:016					
As Amended	87	6-16-93			
907 KAR 1:017					
Amended	161				
907 KAR 1:022					
Amended	437				
907 KAR 1:025					
Amended	441				
907 KAR 1:031					
Amended	447				
907 KAR 1:536	472				
908 KAR 1:310					
As Amended	88	6-16-93			
908 KAR 2:070					
Amended	380				

KRS INDEX

KRS SECTION	REGULATION		KRS SECTION	REGULATION	
13A.224	907 KAR	1:536		905 KAR	2:090
17.165	905 KAR	2:001		905 KAR	2:110
	905 KAR	2:090		905 KAR	2:120
	905 KAR	2:100		905 KAR	2:130
	905 KAR	2:110	199.898	905 KAR	2:100
	905 KAR	2:120	199.8982	905 KAR	2:100
	905 KAR	2:130	205.520	907 KAR	1:013
42.450-42.495	109 KAR	10:010		907 KAR	1:017
45A.800-45A.835	600 KAR	1:100		907 KAR	1:022
56.610-56.760	600 KAR	3:010		907 KAR	1:025
61.190	45 KAR	1:070		907 KAR	1:031
64.840	45 KAR	1:070		907 KAR	1:536
64.850	45 KAR	1:070	205.575	907 KAR	1:013
66.480	45 KAR	1:070	Chapter 224	401 KAR	63:036
68.300	45 KAR	1:070	224.01-010	401 KAR	58:001
132.601	45 KAR	1:070		401 KAR	63:036
151B.025	780 KAR	2:015		401 KAR	65:001
151B.030	780 KAR	2:015	224.10-100	401 KAR	57:041
151B.035	780 KAR	3:140		401 KAR	58:020
151B.110	780 KAR	2:015		401 KAR	59:435
	780 KAR	4:030		401 KAR	59:450
	780 KAR	7:035		401 KAR	59:455
151B.145	780 KAR	2:015		401 KAR	59:465
151B.150	780 KAR	7:035		401 KAR	59:485
156.035	704 KAR	7:090		401 KAR	59:490
	705 KAR	2:031		401 KAR	59:495
156.070	705 KAR	2:031		401 KAR	59:500
156.111	704 KAR	3:405		401 KAR	59:505
157.360	702 KAR	3:190		401 KAR	59:535
158.645	703 KAR	3:060		401 KAR	59:540
158.6451	703 KAR	3:060		401 KAR	59:545
158.6453	703 KAR	3:060		401 KAR	59:550
158.6455	703 KAR	3:060		401 KAR	59:555
158.780	703 KAR	3:205		401 KAR	59:570
158.785	703 KAR	3:205		401 KAR	59:575
160.350	704 KAR	3:405		401 KAR	59:580
161.020	704 KAR	20:120		401 KAR	59:585
161.028	704 KAR	20:120		401 KAR	59:590
161.030	704 KAR	20:120		401 KAR	59:595
161.100	704 KAR	20:120		401 KAR	63:036
164.744	11 KAR	10:010		401 KAR	65:001
	11 KAR	10:020		401 KAR	65:010
164.748	11 KAR	10:010	224.20-100	401 KAR	57:041
	11 KAR	10:020		401 KAR	58:001
177.830-177.890	603 KAR	3:080		401 KAR	58:020
183.861-183.990	602 KAR	50:010		401 KAR	59:435
Chapter 186	601 KAR	9:060		401 KAR	59:450
186.053	601 KAR	9:020		401 KAR	59:455
186.070	601 KAR	9:015		401 KAR	59:465
186.174	601 KAR	9:012		401 KAR	59:485
186.650	601 KAR	9:065		401 KAR	59:490
186A.115	601 KAR	9:085		401 KAR	59:495
186A.145	601 KAR	9:095		401 KAR	59:500
Chapter 196	501 KAR	6:020		401 KAR	59:505
	501 KAR	6:030		401 KAR	59:535
	501 KAR	6:060		401 KAR	59:540
	501 KAR	6:130		401 KAR	59:545
	501 KAR	6:140		401 KAR	59:550
	501 KAR	6:150		401 KAR	59:555
Chapter 197	501 KAR	6:020		401 KAR	59:570
	501 KAR	6:030		401 KAR	59:575
	501 KAR	6:060		401 KAR	59:580
	501 KAR	6:130		401 KAR	59:585
	501 KAR	6:140		401 KAR	59:590
	501 KAR	6:150		401 KAR	59:595
199.894-199.898	905 KAR	2:001		401 KAR	63:036
	905 KAR	2:011	224.20-110	401 KAR	57:041

KRS SECTION	REGULATION
	401 KAR 58:001
	401 KAR 58:020
	401 KAR 59:435
	401 KAR 59:450
	401 KAR 59:455
	401 KAR 59:465
	401 KAR 59:485
	401 KAR 59:490
	401 KAR 59:495
	401 KAR 59:500
	401 KAR 59:505
	401 KAR 59:535
	401 KAR 59:540
	401 KAR 59:545
	401 KAR 59:550
	401 KAR 59:555
	401 KAR 59:570
	401 KAR 59:575
	401 KAR 59:580
	401 KAR 59:585
	401 KAR 59:590
	401 KAR 59:595
	401 KAR 63:036
	401 KAR 65:010
224.20-120	401 KAR 57:041
	401 KAR 58:001
	401 KAR 58:020
	401 KAR 59:435
	401 KAR 59:450
	401 KAR 59:455
	401 KAR 59:465
	401 KAR 59:485
	401 KAR 59:490
	401 KAR 59:495
	401 KAR 59:500
	401 KAR 59:505
	401 KAR 59:535
	401 KAR 59:540
	401 KAR 59:545
	401 KAR 59:550
	401 KAR 59:555
	401 KAR 59:570
	401 KAR 59:575
	401 KAR 59:580
	401 KAR 59:585
	401 KAR 59:590
	401 KAR 59:595
	401 KAR 63:036
	401 KAR 65:010
224.20-300	401 KAR 58:020
224.20-320	401 KAR 58:020
224.20-710-224.20-765	401 KAR 65:010
224.99-010	401 KAR 58:020
230.300	810 KAR 1:031
230.630	811 KAR 1:015
	811 KAR 1:055
230.640	811 KAR 1:015
	811 KAR 1:055
230.660	811 KAR 1:015
230.700	811 KAR 1:015
230.720	811 KAR 1:015
281.600	601 KAR 11:040
Chapter 281A	601 KAR 11:040
304.2-250	806 KAR 2:120
304.2-260	806 KAR 2:130
304.2-270	806 KAR 2:130
311.450	201 KAR 25:031
311.565	
311.601	
314.025	
314.026	
314.027	
322A.020	
341.380	
Chapter 350	
350.020	
350.028	
350.050	
350.060	
350.064	
350.085	
350.093	
350.095	
350.113	
350.130	
350.131	
350.151	
350.465	
350.990	
351.010	
352.010	
352.220	
352.230	
Chapter 439	

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	401 KAR 59:585		
	401 KAR 59:590		
	401 KAR 59:595		
	401 KAR 65:001		
	401 KAR 65:010		
49 CFR	601 KAR 3:010		
	601 KAR 11:040		
23 USC	600 KAR 1:100		
	603 KAR 3:080		
30 USC	405 KAR 10:050		
	405 KAR 12:001		
	405 KAR 12:010		
42 USC	401 KAR 57:041		
	401 KAR 59:435		
	401 KAR 59:450		
	401 KAR 59:455		
	401 KAR 59:465		
	401 KAR 59:485		
	401 KAR 59:490		
	401 KAR 59:495		
	401 KAR 59:500		
	401 KAR 59:505		
	401 KAR 59:535		
	401 KAR 59:540		
	401 KAR 59:545		
	401 KAR 59:550		
	401 KAR 59:555		
	401 KAR 59:570		
	401 KAR 59:575		
	401 KAR 59:580		
	401 KAR 59:585		
	401 KAR 59:590		
	401 KAR 59:595		
	401 KAR 63:036		
	401 KAR 65:001		
	401 KAR 65:010		
	905 KAR 2:100		
42 USC 11432	704 KAR 7:090		

SUBJECT INDEX

AERONAUTICS
Airport Zoning Commission
Definitions; 602 KAR 50:010

AIR QUALITY
Asbestos
Controlling asbestos emissions; 401 KAR 58:020
Definitions, abbreviations; 401 KAR 58:001
General Standards of Performance
Stage II, gasoline dispensing facilities; 401 KAR 63:036
Hazardous Pollutants
Benzene waste operations; 401 KAR 57:041
Mobile Source Related Emissions
Definitions, abbreviations; 401 KAR 65:001
Vehicle emission control programs; 401 KAR 65:010
New Source Standards
Basic oxygen process furnaces after June 11, 1973; 401 KAR 59:500
Basic oxygen process steelmaking facilities after January 20, 1983; 401 KAR 59:505
Glass manufacturing plants; 401 KAR 59:585
Grain elevators; 401 KAR 59:590
Hot mix asphalt facilities; 401 KAR 59:465
Industrial-commercial-institutional steam generators; 401 KAR 59:435
Kraft pulp mills; 401 KAR 59:580
Metal furniture surface coating; 401 KAR 59:595
Nitric acid plants; 401 KAR 59:455
Phosphate fertilizer, diammonium phosphate plants; 401 KAR 59:545
Phosphate fertilizer, granular triple superphosphate storage facilities; 401 KAR 59:555
Phosphate fertilizer, superphosphoric acid plants; 401 KAR 59:540
Phosphate fertilizer, triple superphosphate plants; 401 KAR 59:550
Phosphate fertilizer, wet-process phosphoric acid plants; 401 KAR 59:535
Secondary brass, bronze production plants; 401 KAR 59:495
Secondary lead smelters; 401 KAR 59:490
Steel, electric arc furnaces after October 21, 1974, before August 17, 1983; 401 KAR 59:570
Steel, electric arc furnaces, argon-oxygen decarburization vessels after August 17, 1983; 401 KAR 59:575
Portland cement plants; 401 KAR 59:450
Volatile organic liquid storage vessels after July 23, 1984; 401 KAR 59:485

AUDITS
(See AUDITOR OF PUBLIC ACCOUNTS)

AUDITOR OF PUBLIC ACCOUNTS
Technical audit bulletins; 45 KAR 1:070

CONGRESSIONAL TEACHER SCHOLARSHIP PROGRAM
(See HIGHER EDUCATION ASSISTANCE AUTHORITY)

CORRECTIONS
Office of the Secretary
Bell County Forestry Camp; 501 KAR 6:140
Eastern Kentucky Correctional Complex; 501 KAR 6:150
Kentucky State Reformatory; 501 KAR 6:030
Northpoint Training Center; 501 KAR 6:060
Policies and procedures; 501 KAR 6:020
Western Kentucky Correctional Complex; 501 KAR 6:130

DISTRICT SUPPORT SERVICES (EDUCATION)
School Administration, Finance
Maximum class sizes; 702 KAR 3:190

ECONOMIC ASSISTANCE
(See Local Government)

EDUCATION AND HUMANITIES
Education
District Support Services
School administration, finance; 702 KAR Chapter 3
Learning Programs Development
Education professional standards board; 704 KAR Chapter 20
Instruction; 704 KAR Chapter 3
Learning support services; 704 KAR Chapter 7
Learning Results Services
Assistance, intervention services; 703 KAR Chapter 3
Special Instructional Services
Fiscal management; 705 KAR Chapter 2

EDUCATION PROFESSIONAL STANDARDS BOARD
(See LEARNING PROGRAMS DEVELOPMENT)

EMPLOYMENT SERVICES
Unemployment Insurance
Maximum weekly benefit rates; 903 KAR 5:270

GEOLOGISTS, BOARD FOR
Board member compensation; 201 KAR 31:020

HARNESS RACING
(See RACING COMMISSION)

HIGHER EDUCATION ASSISTANCE AUTHORITY
Congressional Teacher Scholarship Program
Deferment, reduction of payment; 11 KAR 10:020
Paul Douglas teacher scholarship program; 11 KAR 10:010

HIGHWAYS
Maintenance
Advertising devices; 603 KAR 3:080

HOMELESS CHILDREN
(See LEARNING PROGRAMS DEVELOPMENT)

HUMAN RESOURCES
Employment Services
Unemployment insurance; 903 KAR Chapter 5
Medicaid services; 907 KAR Chapter 1
Social Services
Day care; 905 KAR Chapter 2

INSURANCE
Administration
Filing of examination report; 806 KAR 2:120
Information disclosure, examinations; 806 KAR 2:130

JAIL STANDARDS
(See CORRECTIONS)

JUSTICE
Corrections (See CORRECTIONS)

LEARNING PROGRAMS DEVELOPMENT (EDUCATION)
Education Professional Standards Board
Emergency certification; 704 KAR 20:120
Instruction
Superintendent training program, assessment process; 704 KAR 3:405
Learning Support Services
Homeless children education program; 704 KAR 7:090

LEARNING RESULTS SERVICES (EDUCATION)
Assistance, Intervention Services
Determining rewards, sanctions; 703 KAR 3:060
Management improvement program; 703 KAR 3:205

LOCAL GOVERNMENT
Policy and Management
Economic assistance fund grants; 109 KAR 10:010

MEDICAID SERVICES
Home health services, payments; 907 KAR 1:031
Hospital indigent care assurance program; 907 KAR 1:017
Hospital inpatient services, payments; 907 KAR 1:013
Nursing facility, intermediate care facility, mentally retarded; 907 KAR 1:022
Nursing facility, intermediate care facility, mentally retarded, payments; 907 KAR 1:025
Repealer; 907 KAR 1:536

MEDICAL LICENSURE BOARD
Continuing medical education; 201 KAR 9:310
HIV/HBV infection control for physicians; 201 KAR 9:315

MINES AND MINERALS
Surface Mining Safety Standards
Definitions; 805 KAR 3:010
Electricity; 805 KAR 3:090

NATURAL RESOURCES, ENVIRONMENTAL PROTECTION
Environmental Protection
Air quality; 401 KAR Chapters 57 through 65
Surface Mining Reclamation, Enforcement; 405 KAR Chapters 10 through 12

NURSING, BOARD OF
Nursing incentive scholarship fund; 201 KAR 20:390

OCCUPATIONS AND PROFESSIONS
Geologists; 201 KAR Chapter 31
Medical licensure; 201 KAR Chapter 9
Nursing; 201 KAR Chapter 20
Podiatry; 201 KAR Chapter 25

PODIATRY, BOARD OF
Continuing education; 201 KAR 25:031

PUBLIC PROTECTION AND REGULATION CABINET
Insurance
Administration; 806 KAR Chapter 2
Mines and Minerals
Surface mining safety standards; 805 KAR Chapter 3
Racing Commission
Harness; 811 KAR Chapter 1
Thoroughbred; 810 KAR Chapter 1

RACING COMMISSION
Harness
Declaration to start, drawing horses; 811 KAR 1:055
Race officials; 811 KAR 1:015
Thoroughbred
Intertrack simulcasting; 810 KAR 1:031

SOCIAL SERVICES
Day Care
Child care discipline; 905 KAR 2:130
Child care facility health, safety standards; 905 KAR 2:120
Child care facility licensure; 905 KAR 2:090
Child care facility provider requirements; 905 KAR 2:110
Definitions; 905 KAR 2:001
Family child care homes certification; 905 KAR 2:100
Repealer; 905 KAR 2:011

SPECIAL INSTRUCTIONAL SERVICES (EDUCATION)
Fiscal Management
Repealer; 705 KAR 2:031

SURFACE MINING RECLAMATION, ENFORCEMENT
Bond and Insurance Requirements
Bond forfeiture; 405 KAR 10:050
Inspection and Enforcement
Definitions; 405 KAR 12:001
General provisions; 405 KAR 12:010

THOROUGHBRED RACING
(See RACING COMMISSION)

TRANSPORTATION
Administration
Professional engineering, related services procurement; 600 KAR 1:100
Aeronautics
Airport zoning commission; 602 KAR Chapter 50
Highways
Maintenance; 603 KAR Chapter 3
Property Acquisition and Uniform Relocation
Relocation assistance payments of the cabinet; 600 KAR 3:010
Vehicle Regulation
Commercial driver's license; 601 KAR Chapter 11
Motor vehicle tax; 601 KAR Chapter 9

VEHICLE REGULATION
Commercial Driver's License
Medical waivers, commercial vehicles intrastate operators; 601 KAR 11:040
Motor Vehicle Tax
AVIS information; 601 KAR 9:095
Certified motor vehicle inspector, procedures; 601 KAR 9:095
Commercial vehicle registration plates; 601 KAR 9:060
Demonstrator tag limitation; 601 KAR 9:020
Exempt devices; 601 KAR 9:065
Motor vehicle dealers, manufacturers registration; 601 KAR 9:015
Personalized license plates; 601 KAR 9:012

WORKFORCE DEVELOPMENT
Facilities and Equipment
Technical institute standards; 780 KAR 7:035
Instructional Programs
Technical degree requirements, postsecondary students; 780 KAR 4:030
Management of the Kentucky Tech System
Administration of technical institutes; 780 KAR 2:015
Personnel System, Certified and Equivalent Employees
Certification, professional development requirements; 780 KAR 3:140