ADMINISTRATIVE REGISTER OF KENTUCKY

LEGISLATIVE RESEARCH COMMISSION
FRANKFORT, KENTUCKY

VOLUME 20, NUMBER 8
TUESDAY, FEBRUARY 1, 1994

Administrative Regulation Review Subcommittee, February Agenda 2315
Regulation Review Procedure 2318

As Amended:
Board for Specialists in Hearing Instruments 2319
Board of Podiatry 2325
Board of Occupational Therapy 2325
Transportation 2329
Education 2331
Workforce Development 2336
Human Resources 2348

Amended After Hearing:
Education 2350
Housing, Buildings and Construction 2354
Human Resources 2354

Proposed Amendments Received Through Noon, January 14, 1994:
Teachers' Retirement 2358
Corrections 2358
Education 2361
Insurance 2368
Housing, Buildings and Construction 2377
Human Resources 2380

Proposed Regulations Received Through Noon, January 14, 1994:
Education 2456
Mines and Minerals 2457
Human Resources 2511

January Minutes of the Administrative Regulation Review Subcommittee 2515
Other Committee Reports 2523

CUMULATIVE SUPPLEMENT
Locator Index - Effective Dates H2
KRS Index H14
Subject Index H26

MEETING NOTICE: The Administrative Regulation Review Subcommittee is **tentatively** scheduled to meet on February 7, 1994 upon adjournment of the session.. See **tentative** agenda on pages 2315-2318 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 - February 7, 1994, upon adjournment
Room 131, State Capitol Annex

KENTUCKY LEGISLATIVE ETHICS COMMISSION

Legislative Ethics Commission

2 KAR 2:010 & E. Legislative agent or employer registration statement, legislative agent's updated registration statement, legislative agent's notice of termination of engagement, employer's updated registration statement, employer's notice of termination of engagement.

2 KAR 2:020 & E. Statement of financial disclosure.

2 KAR 2:030 & E. Rules of procedure.

DEPARTMENT OF STATE
Registry of Election Finance

Practice and Procedure

32 KAR 2:160E. Candidate with write-in opposition, revocation of exemption. (Deferred from January)

32 KAR 2:170. In-kind contributions. (Deferred from January)

32 KAR 2:180. Extension of credit to candidates, campaign committees, or political issues committee. (Deferred from January)

32 KAR 2:190. Committee affiliation. (Deferred from January)

32 KAR 2:200. Allowable campaign expenditures.

KENTUCKY EMPLOYEES' RETIREMENT SYSTEM

General Rules

105 KAR 1:010. Contributions and interest rates.

GENERAL GOVERNMENT CABINET

Board of Accountancy

201 KAR 1:140. Procedures for the reinstatement of a certificate and permit to practice public accounting.

Board for Specialists in Hearing Instruments

201 KAR 7:085. Repeal of 201 KAR 7:030, 201 KAR 7:060, 201 KAR 7:080, and 201 KAR 7:110.

Board of Embalmers and Funeral Directors

201 KAR 15:090. Hearings.

Board of Medical Licensure

201 KAR 9:023. Endorsement. (Deferred from January)

201 KAR 9:031. Examinations. (Deferred from January)

201 KAR 9:041. Fee schedule. (Deferred from January)

201 KAR 9:051. License renewal and registration; reregistration of inactive license. (Deferred from January)

201 KAR 9:061. Limited licenses. (Deferred from January)

201 KAR 9:081. Disciplinary proceedings. (Deferred from January)

201 KAR 9:084. Fee schedule. (Deferred from January)

201 KAR 9:136. Procedure for certification of paramedics from other states; graduate paramedics; issuance of temporary certificate. (Deferred from January)

201 KAR 9:141. Denial, revocation and suspension of certification. (Deferred from January)

201 KAR 9:151. Contracts for support services; establish a fee schedule; and establish a paramedic advisory committee. (Deferred from January)

201 KAR 9:175. Emergency permits. (Deferred from January)

Board of Nursing

201 KAR 20:070. Licensure by examination.

201 KAR 20:090. Temporary work permit.

201 KAR 20:240. Fees for applications and for services.

201 KAR 20:370. Applications for licensure and registration.

Kentucky Real Estate Appraisers Board

201 KAR 30:010. Definitions for 201 KAR Chapter 30.

201 KAR 30:030. Types of appraisers required in federally related transactions; certification and licensure.

201 KAR 30:040. Standards of practice administrative regulation.

201 KAR 30:050. Examination, education, and experience.

201 KAR 30:140. Transitional licensed real property appraiser.

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION CABINET
Department for Environmental Protection

Public Water Supply

401 KAR 8:010. Definitions for Title 401 Chapter 8.

401 KAR 8:020. Public and semipublic water supplies - general provisions.

401 KAR 8:040. Laboratory certification.

401 KAR 8:060. Variances and exemptions.

401 KAR 8:070. Public notification.

401 KAR 8:100. Design, construction and approval of facilities.
401 KAR 8:150. Disinfection and filtration.
401 KAR 8:200. Microbiological monitoring.
401 KAR 8:250. Inorganic chemical sampling, analytical techniques and maximum contaminant levels.
401 KAR 8:300. Lead and copper.
401 KAR 8:400. Synthetic organic chemicals.
401 KAR 8:420. Volatile organic chemicals.
401 KAR 8:440. Special testing for unregulated inorganic and synthetic organic chemicals.
401 KAR 8:500. Disinfection by-products.
401 KAR 8:600. Secondary standards.

Division of Waste Management

Standards for Owners and Operators of Hazardous Waste Storage, Treatment and Disposal Facilities

401 KAR 34:090. Closure financial requirements. (Amended After Hearing) (Deferred from January)
401 KAR 34:100. Postclosure financial requirements. (Amended After Hearing) (Deferred from January)

Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities

401 KAR 35:090. Closure financial requirements (IS). (Amended After Hearing) (Deferred from January)
401 KAR 35:100. Postclosure financial requirements (IS). (Amended After Hearing) (Deferred from January)

Department for Surface Mining Reclamation and Enforcement

General Provisions

405 KAR 7:200. Disposal of coal combustion fly ash, bottom ash and scrubber sludge under special waste permit-by-rule at 401 KAR 45:060 Section 1(6). (Public Hearing in December)

DEPARTMENT OF CORRECTIONS

Jail Standards

501 KAR 3:080. Sanitation; hygiene.
501 KAR 3:120. Admission; release.

Office of the Secretary

501 KAR 6:020 & E. Corrections policies and procedures.
501 KAR 6:050. Luther Luckett Correctional Complex.
501 KAR 6:080 & E. Department of Corrections manuals.

TRANSPORTATION CABINET

Department of Vehicle Regulation

Commercial Driver's License

601 KAR 11:030. Restrictions and endorsements on commercial driver's licenses.
601 KAR 11:080. Limited commercial driver's license for farm-related service industries.

EDUCATION, ARTS AND HUMANITIES CABINET

Department of Education

Office of Chief State School Officer

701 KAR 5:050. Summary hearing procedures. (Deferred from January)
701 KAR 5:110. Use of local monies to reduce unmet technology need. (Not Amended After Hearing) (Deferred from December)

Facilities Management

702 KAR 4:160. Capital construction process. (Repeals 702 KAR 4:010; 702 KAR 4:020; 702 KAR 4:030; 702 KAR 4:040) (Deferred from January)

Office of Learning Programs Development

Office of Instruction

704 KAR 3:285. Programs for the gifted and talented. (Public Hearing in December)

Office of Education for Exceptional Children

Exceptional and Handicapped Programs

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 1:220. Placement in the least restrictive environment. (Deferred from January)

PUBLIC PROTECTION AND REGULATION CABINET

Department of Housing, Buildings and Construction

Plumbing

815 KAR 20:020. Parts or materials list.

Hazardous Materials

815 KAR 30:010. LP gas license; financial responsibility required. (Amended After Hearing)

CABINET FOR HUMAN RESOURCES

Administration

900 KAR 1:015. Laetrile manufacturing standards.

Long-Term Care

900 KAR 2:030. Quality of care rating system for long-term care facilities.
900 KAR 2:040. Citations and violations; criteria and specific acts.

Personnel Policies

900 KAR 3:011. Repeal of 900 KAR 3:010, Cabinet for Human Resources personnel policies.

Department for Health Services

Sanitation

902 KAR 10:050. Refuse bins.
902 KAR 10:071. Repeal of 902 KAR 10:070.

Medical Laboratories

902 KAR 11:010. Application for licensure; fee.
902 KAR 11:020. Reports and standards of health and safety.
902 KAR 11:030. Personnel standards.
902 KAR 11:035. Proficiency test procedures.
902 KAR 11:040. Specialty test procedure.
902 KAR 11:045. Test and specimen records.
902 KAR 11:050. Equipment, methods, and samples.

Emergency Medical Technicians

902 KAR 13:090 & E. Disciplinary actions.

Health Services and Facilities

902 KAR 20:004 & E. Certificate of need process.

Food and Cosmetics

902 KAR 45:030. Bakery products.
902 KAR 45:050. Food packaging and labeling.
902 KAR 45:060. Cosmetic packaging and labeling.

Hazardous Substances

902 KAR 47:010. Definitions.
902 KAR 47:020. Labeling and identification standards.
902 KAR 47:030. Exemptions.

Milk and Milk Products

902 KAR 50:031 & E. Standards for producer eligibility for manufacturing grade milk. (Repeals 902 KAR 50:030)
902 KAR 50:032 & E. Standards for farm requirements for manufacturing grade milk.
902 KAR 50:033 & E. Standards for enforcement procedures for manufacturing grade milk.
902 KAR 50:040. Hauler requirements.
902 KAR 50:080. Open dating requirements.
902 KAR 50:120. Unpasteurized goat milk.

Controlled Substances

902 KAR 55:065. Return of prescription drugs prohibited, exceptions.
902 KAR 55:070. Storage of controlled substances in an emergency medication kit in certain long-term care facilities.

Department for Social Insurance

Public Assistance

904 KAR 2:001. Definitions.
904 KAR 2:006. Technical requirements; AFDC.
904 KAR 2:015. Supplemental programs for the aged, blind, and disabled.
904 KAR 2:016. Standards for need and amount; AFDC.
904 KAR 2:017. Job opportunities and basic skills (JOBS) child care and supportive services.
904 KAR 2:020. Child support enforcement program: confidentiality and cooperative agreements.
904 KAR 2:046. Adverse action; conditions.
904 KAR 2:060. Delegation of power for oaths and affirmations.
904 KAR 2:116 & E. Home energy assistance program.
904 KAR 2:141. Repeal of 904 KAR 2:140.
904 KAR 2:171. Repeal of 904 KAR 2:170.
904 KAR 2:380. Child support enforcement program application process.
904 KAR 2:390. Child support enforcement program paternity establishment.
904 KAR 2:400. Establishment, review, and modification of child support and medical support orders.
904 KAR 2:410. Child support collection and distribution.
904 KAR 2:420. Repeal of 904 KAR 2:022.
904 KAR 2:430. Supplemental policy for money payment programs.

Food Stamp Program

904 KAR 3:030. Application process.
904 KAR 3:110. Supplemental policy for the food stamp program.

Department for Medicaid Services

Medicaid Services

907 KAR 1:004. Resource and income standard of medically needy. (Not Amended After Hearing)
907 KAR 1:027. Payments for dental services. (Not Amended After Hearing)
907 KAR 1:040. Payments for vision care services. (Not Amended After Hearing)
907 KAR 1:540. Eligibility requirements and benefits under the Kentucky hospital care program (KHCP). (Amended After Hearing)
907 KAR 1:615. Supplemental policy for the Medicaid program.

Department for Mental Health and Mental Retardation Services

Mental Health

908 KAR 2:010. Local board authority.

908 KAR 2:020. Personnel rules of local board.

908 KAR 2:030. Board structure and operation; eligibility for state grants.

908 KAR 2:050. Formula for allocation of funds.

908 KAR 2:060. Mental health and mental retardation manuals for funding instructions, program policies and standards, billing instructions, reporting requirements, and reimbursement guidelines.

Institutional Care

908 KAR 3:100. Policies and procedures of Eastern State Hospital.

908 KAR 3:110. Policies and procedures of Central State Hospital.

908 KAR 3:120. Policies and procedures of Western State Hospital.

OTHER BUSINESS

DEPARTMENT OF FISH AND WILDLIFE RESOURCES: Game

301 KAR 2:260. Crow hunting season. (Found deficient by ARRS, October 4, 1993)

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.

ADMINISTRATIVE REGULATIONS AMENDED BY PROMULGATING ADMINISTRATIVE BODY AND REVIEWING SUBCOMMITTEE

COMPILER'S NOTE: The following administrative regulations were amended by the promulgating agency and the Administrative Regulation Review Subcommittee on January 5, 1994, unless otherwise noted.

GENERAL GOVERNMENT CABINET
Licensing Board for Specialists in Hearing Instruments
(As Amended)

201 KAR 7:020. Educational and health qualifications of applicants.

RELATES TO: KRS 334.050, 334.080, 334.090, 334.160(3)
STATUTORY AUTHORITY: KRS 334.150
NECESSITY AND FUNCTION: The purpose of this administrative regulation is to delineate and clarify the procedures required of all applicants and to specify the requirements of compliance with the educational and health qualifications of applicants.

Section 1. Applications. The following principles and procedures shall govern all applicants:

(1) Applications shall be made directly to the board [~~office on forms supplied by the board~~] and shall be accompanied by [~~a recent photograph of the applicant and payment of~~] the required fee.

(2) Fees required with applications are application fees and are not refundable.

(3) In determining an applicant's fitness and qualifications, the board **shall** [~~may~~] require:

(a) **A listing of references;** [~~Letters of reference;~~]

(b) A physician's statement that the applicant is free of infectious or contagious disease;

(c) Verification of age; or

(d) Other supporting information or documents. [~~The board may require letters of reference, physician's statement that applicant is free of infectious or contagious disease, verification of age or other supporting information or documents as may be required or necessary in determining an applicant's fitness and qualification.~~]

Section 2. Health Requirements. Affliction with a contagious or infectious disease, which renders the practice of fitting hearing instruments [~~aids~~] by the licensee, apprentice [~~trainee~~] or applicant dangerous to the public health or safety shall be cause for denial, nonrenewal, suspension or revocation of an apprentice permit or [~~,~~] license [~~or certificate of endorsement~~].

Section 3. Request for Hearing. The board shall hold a hearing upon request of any person directly affected by the board's decision to deny an application for licensure or an apprentice [~~trainee~~] permit.

STEVE BARLOW, Board Chairman
APPROVED BY AGENCY: November 12, 1993
FILED WITH LRC: November 15, 1993 at noon

GENERAL GOVERNMENT CABINET
Licensing Board for Specialists in Hearing Instruments
(As Amended)

201 KAR 7:040. Examinations [~~and grading~~].

RELATES TO: KRS 334.060, 334.070, 334.080, 334.090, 334.150
STATUTORY AUTHORITY: KRS 334.150
NECESSITY AND FUNCTION: The purpose of this administrative regulation is to clarify and delineate the procedures[~~, times, and places~~] for administering [~~and grading of applicants~~] examinations.

Section 1. The board or its designee shall [~~will~~] administer a qualifying examination[~~, prepared, graded and classified by the board,~~] to all qualifying applicants in accordance with the following rules:

(1) Applicants for examination shall furnish two (2) forms of identification, one (1) of which contains a picture, before being allowed to sit for the examination. [~~Examinations shall be conducted in such manner that the result shall be entirely fair and impartial, the applicants being known by numbers only, so that no member of the board shall be able to identify the written examination of any applicant until it has been graded. All applicants examined at the same time shall have the same written questions asked them.~~]

(2) The examination shall consist of the following:

(a) The National Examination in Hearing instrument studies;

(b) Sstate written examinations on laws and ethics, ear molds and acoustics; and

(c) state practical examinations on ear impressions, audiometric testing, and defective hearing instruments. [~~one (1) written, and one (1) or more practical sections.~~]

(3) A passing grade shall consist of a [~~composite~~] score of seventy-five (75) [~~(70)~~] percent[~~, with not less than a minimum score of seventy (70) percent~~] on each [~~any~~] section. Candidates shall be required to retake only those portions of the examination on which they fail to achieve a passing score.

(4) [~~(3)~~] A notification of examination results shall [~~will~~] be issued by the board to each applicant taking [~~all persons who take~~] the qualifying examination.

(5) An apprentice [~~(4) A trainee~~] shall take the next qualifying examination held subsequent to one (1) year [~~six (6) months~~] after the effective date of his apprentice [~~trainee~~] permit.

(6) **An applicant who fails to pass any section of the examination three (3) times** [~~If an applicant fails to pass any section of the examination three (3) times, he~~] shall be required to sit for all portions of the examination. The applicant may sit for the examination only after providing evidence of additional education and training as approved by the board.

[~~(5) If an applicant fails to pass the examination twice, he shall not be permitted to take the examination again without proof of further adequate study. Until such proof is given and the examination passed, the applicant may not deal in hearing aids.~~

~~(6) Examinations will be held regularly on the third Saturday of May each year and at such other times as the board shall determine.~~

~~(7) If an applicant is required to be reexamined the board shall designate those sections to be retaken.~~]

STEVE BARLOW, Board Chairman
APPROVED BY AGENCY: November 12, 1993
FILED WITH LRC: November 15, 1993 at noon

GENERAL GOVERNMENT CABINET
Licensing Board for Specialists in Hearing Instruments
(As Amended)

201 KAR 7:070. License renewal.

RELATES TO: KRS 334.110
STATUTORY AUTHORITY: KRS 334.150
NECESSITY AND FUNCTION: To enumerate certain requirements for renewals.

Section 1. Responsibility for filing for renewal of licenses or apprentice [,] permits [~~or certificates~~] and for paying fees shall rest with the individual holder. The board shall [~~is~~] not be responsible for sending a letter of reminder.

Section 2. **To renew a license, the holder shall send to the board with the renewal application the following:**

(1) A copy of a certificate of calibration for the holder's audiometric testing equipment, completed within the twelve (12) months immediately preceding the date of the renewal application; and

(2) Satisfactory evidence of continuing education as required by 201 KAR 7:075. [~~For renewal of a license [or certificate] the holder shall send the board with his renewal application, a copy of a certificate of calibration for his audiometric testing equipment completed within the last twelve (12) months, and satisfactory evidence of continuing education hours as required in 201 KAR 7:075.~~]

STEVE BARLOW, Board Chairman
APPROVED BY AGENCY: November 12, 1993
FILED WITH LRC: November 15, 1993 at noon

GENERAL GOVERNMENT CABINET
Licensing Board for Specialists in Hearing Instruments
(As Amended)

201 KAR 7:075. Continuing education requirements.

RELATES TO: KRS 334.150
STATUTORY AUTHORITY: KRS 334.150
NECESSITY AND FUNCTION: The purpose of this administrative regulation is to establish a continuing education program for licensed hearing instrument specialists; to set forth the basic requirements, methods of accreditation, and manner of reporting.

Section 1. Each licensee shall be required to complete a minimum of ten (10) continuing education hours in order to renew his license each year. Continuing education hours for hearing instrument specialists in excess of the number required at the time of renewal of license may not be applied to future requirements.

Section 2. A minimum of five (5) of the required ten (10) continuing education hours shall be attained through programs sponsored by entities listed in Section 3(1) of this regulation. The remaining continuing education hours may be attained through any of the sources listed in Section 3 of this regulation.

Section 3. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of hearing instrument specialists. They may be earned by completing any of the following educational activities:

(1) Relevant offerings provided by the following organizations or institutions and approved by the board:

(a) The Hearing Aid Association of Kentucky (HAAK);

(b) The Kentucky Speech-Language and Hearing Association (KSHA);

(c) The International Hearing Society (IHS), or any of its affiliated state chapters;

(d) The American Speech-Language and Hearing Association (ASHA), or any of its affiliated state chapters;

(e) The Academy of Dispensing Audiologists (ADA), or any of its affiliated state chapters; [~~or~~]

(f) The American Academy of Audiology (AAA), or any of its affiliated state chapters; or

(g) The American Academy of Otolaryngology, or any of its affiliated state chapters.

(2) Relevant offerings of the following types that have been reviewed and approved by the board:

(a) Manufacturers professional seminars;

(b) Accredited schools' continuing education programs.

(3) Related areas not specifically a part of the field of hearing instruments may be approved for up to two (2) continuing education hours, if the board believes that **the** [~~said~~] related areas may serve to enhance the licensee's ability to practice.

Section 4. Sponsors of continuing education programs shall be responsible for obtaining from the board accreditation for their respective continuing education programs.

(1) A sponsor shall be any person, school, association, company, corporation, or group who wishes to develop a continuing education program.

(2) Programs shall be submitted to the board at least sixty (60) days prior to planned participation so the participants can know the value of the [~~such an~~] experience prior to actual participation.

(3) Requests for program changes shall be made to and accredited by the board. **Failure to make requests for program changes to the board in compliance with this subsection shall render the evaluation and accreditation of the program null and void.** [~~, or the evaluation and accreditation of the program becomes null and void.~~]

(4) Repetitious completion of a program shall not entitle the participant to additional continuing education credit.

(5) Sponsors shall maintain for three (3) years records of the name of those participants who complete a program.

Section 5. Sponsors and licensees requesting approval of continuing education for hearing instrument specialists shall submit an application to [~~containing such information as the board may require on forms provided by~~] the board. Licensees shall keep valid records, receipts, and certifications of continuing education hours completed for three (3) years and submit [~~such~~] certification to the board on request.

Section 6. Submission of fraudulent statements or certificates concerning continuing education shall subject the licensee to revocation or suspension of his license as provided in KRS Chapter 334.

Section 7. Each licensee shall submit, with the annual renewal, on forms provided by the board, a list of accredited continuing education hours completed by the licensee during the previous license year. **If** [~~In the event~~] any licensee shall fail to submit a list of continuing education hours by the first of February, the board secretary shall notify the licensee at his last known address that his license shall be subject to suspension. Upon proper application to the board a licensee may be granted a deferral on a year to year basis at the discretion of the board for [~~such~~] reasons as illness, incapacity, or other similar extenuating circumstances. A licensee shall be exempt from the continuing education provisions for the calendar year during which his license is first issued by the board.

Section 8. Each licensee shall keep the board informed of his correct address.

STEVE BARLOW, Board Chairman
APPROVED BY AGENCY: November 12, 1993
FILED WITH LRC: November 15, 1993 at noon

GENERAL GOVERNMENT CABINET
Licensing Board for Specialists in Hearing Instruments
(As Amended)

201 KAR 7:100. Procedure for processing complaints [~~denial, suspension, nonrenewal or revocation hearings~~].

RELATES TO: KRS 334.120, 334.150
STATUTORY AUTHORITY: KRS 334.150
NECESSITY AND FUNCTION: The purpose of this regulation is to outline the administrative [~~adjudication~~] procedure [~~before the Board~~] for the processing of complaints. [~~Licensing Hearing Aid Dealers in trainee permit, license and certificate of endorsement denial, suspension, nonrenewal and revocation hearings.~~]

Section 1. [~~Scope and~~] Definitions. (1) "Chairman" means the chairman of the board. [~~These regulations govern the procedure for the Kentucky Board for Licensing Hearing Aid Dealers in all proceedings before the board in which the legal rights, duties or privileges of any person is required by statute or by these rules to be determined after an opportunity for a hearing. These rules shall be construed to secure a just, speedy and inexpensive determination of every proceeding.~~]

(2) "Complaint" means any written allegation alleging misconduct which might constitute a violation of KRS Chapter 334 or the administrative regulations promulgated thereunder by a licensee or other person. [~~For purposes of administrative adjudicatory procedure unless the context otherwise requires:~~

~~(a) "Party" means any person or agency named or admitted as a party, to any proceedings of the board and shall include only persons who have a real interest in a matter before the board.~~

~~(b) "Person" means any individual, partnership, corporation, association or public or private organization of any character other than an agency.~~

~~(c) "Order" means the whole or any part of a final disposition of an adjudication.~~

~~(d) "Contested case" means an adjudicatory proceeding before the board in which the legal rights, duties or privileges of any person are required by law to be determined after an opportunity for a hearing, without regard to whether the proceeding is instituted by the board or by some other person.~~

~~(e) "Board" means the Kentucky Board for Licensing Hearing Aid Dealers.~~]

(3) "Charge" means a specific allegation contained in a formal complaint issued by the board alleging a violation of KRS Chapter 334 or the regulations promulgated thereunder.

(4) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensee or other person and commences a formal disciplinary proceeding.

(5) "Hearing officer" means the person designated and given authority by the board to preside over all proceedings pursuant to the issuance of any formal complaint.

(6) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching an informal disposition of any matter without further recourse to formal disciplinary procedures.

(7) "Investigative assistant" means an appropriately licensed individual designated by the board to assist the board's attorney in the investigation of a complaint or an investigator employed by the Attorney General or the board.

Section 2. Receipt of Complaints [~~and Investigations~~]. (1) Complaints may be submitted by an individual, organization, or entity. [~~Complaints. A complaint may be made by any person against the holder of a permit, license or certificate of endorsement by the filing of written charges with the board's offices in Frankfort, Kentucky. The written complaint shall contain the name and address of any person making charges as well as the name and address of the person or persons against whom charges are being made and a clear and concise statement of the facts giving rise to the complaint. Any complaint or charge filed with the board will be forwarded to the dealer or licensee involved and the dealer or licensee will be given thirty (30) days to resolve the problem or to make a full satisfactory reply thereto. Any defamatory matter in a formal written complaint will be exercised by the board prior to being forwarded to the dealer or licensee. The person filing the complaint or charge will be informed of the resolution or reply received from the dealer or licensee.~~]

(2) Complaints shall be in writing and shall be signed by the person offering the complaint. [~~Investigations. Upon the receipt of a complaint and following the expiration of the thirty (30) days provided for in subsection (1), the board or its appointed committee may cause an investigation to be made by an individual board member, by any investigation committee, by the full board or by any agent or representative appointed by the board. Upon the completion of any investigation, the person or persons making such investigation shall submit a full written report to the board containing a succinct statement of the facts disclosed by the investigation.~~]

(3) The board may file a complaint based on information in its possession.

(4) A copy of the complaint shall be sent to the licensed individual named in the complaint along with a request for that individual's response to the complaint and a copy of the following documentation:

(a) Sales contract;
(b) Audiogram;
(c) Signed medical waiver;
(d) Delivery statement; and
(e) Record of service to the client.

(5) The response of the individual shall be required for the next regularly scheduled meeting of the board except that the individual shall be allowed a period of fifteen (15) days from the date of receipt to make a response.

(6) Failure to respond in a timely fashion may constitute unethical conduct as set forth by administrative regulation.

(7) The board shall also request from the complaining party, a copy of the following documents:

(a) Sales contract;
(b) Audiogram; and
(c) Delivery statement.

Section 3. Board Review and Decision on Hearing. (1) After the receipt of a complaint, and the time period for the responses has expired, the board shall review the material received pursuant to Section 2 of this administrative regulation and shall make a determination as to the proper assignment of the complaint. At this point the board may make a preliminary determination that one (1) or more of the following conditions exist:

(a) The consumer appears to be entitled to a refund of some or all moneys paid for the hearing instrument;

(b) The individual may have violated one (1) or more sections of the statutes or regulations, but there is not enough evidence to proceed without further investigation;

(c) The individual may have violated one (1) or more sections of the statutes or regulations and there is sufficient evidence to proceed;

(d) The individual appears to be practicing without benefit of appropriate licensure and the matter may be pursued through criminal prosecution or injunctive relief within the court system; or

(e) The individual appears to have functioned in compliance with all appropriate statutes and administrative regulations and there appears to be no cause of action for the board to pursue.

(2) When in the opinion of the board, the complaining party appears to be entitled to a refund of some or all moneys, the board may direct the individual to make a refund.

(3) When in the opinion of the board, the information gathered indicates that a violation of the statutes or administrative regulations may have occurred, but the board does not have sufficient evidence to file a formal complaint, the board shall authorize its attorney and a designated investigative assistant to investigate the matter and report their findings to the board at their earliest opportunity.

(4) When in the opinion of the board, the information gathered indicates that the filing of a formal complaint is warranted, the board shall cause a complaint to be prepared stating clearly the charge or charges to be considered at the hearing. The formal complaint shall be signed by the chairman and served upon the individual as required by Section 5 of this administrative regulation.

(5) When in the opinion of the board a complaint warrants the issuance of a formal complaint against a person who may be selling and fitting hearing instruments without proper licensure, the board shall cause a complaint to be prepared and signed by the chairman of the board, stating the board's belief the charges are based upon reliable information. The complaint shall be forwarded to the county attorney of the county where the alleged violation may have occurred alleging the selling and fitting hearing instruments without appropriate licensure with a request that appropriate action be taken under KRS 334.990. The board may also initiate action in Franklin Circuit Court for injunctive relief to stop the unauthorized **sale and fitting of hearing instruments** [~~practice of veterinary medicine~~]. [~~Commencement of Adjudicatory Proceedings. Upon the receipt of any investigative report referred to in Section 2(2) of this regulation or after the expiration of the thirty (30) day period referred to in Section 2(1) of this regulation where an investigation is not made, the board may begin formal adjudicatory proceedings in accordance with the following procedure:~~

~~(1) If it is determined that the facts alleged in the complaint and/or investigative report could constitute grounds for the suspension, probation or revocation of a permit, license or certificate of endorsement a hearing shall be scheduled before the board on these allegations. In any case in which the board has denied an application for or failed to renew a permit, license or certificate of endorsement a hearing will only be scheduled upon receipt by the board of a written request submitted by or on behalf of the person whose application for permit, license or certificate of endorsement was denied or not renewed. Any required hearing will be held within three (3) months, or as soon thereafter as practicable, after the announcement of the proceedings by receipt of a complaint or after receipt of the investigation report, whichever is later, or within three (3) months, or as soon thereafter as practicable, after the board's receipt of a written request for a hearing. In any contested case, whether it be instituted by the board or by some other person, all the parties to the proceeding shall be given reasonable notice and an opportunity to be heard.~~

~~(2) Notice. The notice provided for shall be issued in the name of the board by the chairman thereof and shall state:~~

~~(a) The time, date, place and nature of the hearing;~~

~~(b) The legal authority and jurisdiction under which the hearing is to be held;~~

~~(c) The particular sections of the statutes or rules involved; and~~

~~(d) A short and plain statement of the complaint or charges which are being preferred and the remedy which is being sought. The notice shall be personally served or mailed to the last known address of the party or parties not less than twenty (20) days before the date of the hearing.~~

~~(3) Appearance and service. In any contested case, the parties to the proceeding shall have the right to appear personally at the hearing and by counsel, and shall have the right to cross-examine witnesses appearing against them and to produce witnesses on their own behalf. When a party has appeared by an attorney, or otherwise designated an attorney as his representative, all communications, notices, orders or other correspondence shall be served on such attorney; service on the attorney will be considered as service on the party and the board shall be notified of any change in such attorney.~~

~~(4) Hearing tribunal. Any member or members of the board who were appointed as individuals or as a committee for investigation of a complaint or charge against a licensee or dealer will not sit on the board for adjudicatory purposes in connection with the same complaint or charge investigated. The remaining members of the board will constitute a hearing committee which will conduct all hearings before the board. The chairman of the board or his designate will preside over the hearing proceedings; if the chairman is unavailable or ineligible to preside at such hearing the vice chairman of the board shall preside.~~

~~(5) Authority to administer oaths. In hearings before the board any oath or affirmation required may be administered by any person authorized to administer oaths by the laws of the Commonwealth of Kentucky.~~

~~(6) Presentation of evidence. The evidence against the licensee or dealer or other person concerning the pending complaint or charge will be presented by the individual member or committee of the board who conducted the investigation, if any, or by any other qualifying person or persons. Additionally or in the alternative, any witness or other evidence may be questioned or introduced by any member or members of the hearing committee of the board.~~]

Section 4. Settlement by Informal Proceedings. (1) The board, through counsel may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately disposing of the matter.

(2) Any agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman of the board. [~~Conduct of Hearings; Witnesses; Burden of Proof; Evidence. (1) The board may hear testimony of any person present at the hearing who has information to offer bearing on the subject matter of such hearings. The board may ask any witness questions as may be required for a full and true disclosure of the facts. The board shall have only one (1) witness before them at any one (1) time and other witnesses may be excluded from the hearing room while any one (1) witness is being questioned.~~

~~(2) The hearing in a contested case involving a suspension, probation or revocation of a license, permit or certificate of endorsement shall proceed in the following order, unless the board, for special reasons otherwise directs:~~

~~(a) The party filing the complaint or preferring the charges or the persons appointed or designated to present the evidence against the licensee must briefly state the substance of the charges and the evidence by which he expects to sustain them.~~

~~(b) The party against whom a complaint has been filed or charges otherwise preferred may briefly state the substance of his defense and the evidence which he expects to offer in support of it.~~

~~(c) The party filing the complaint or otherwise preferring the charges or the person(s) appointed or designated to present the evidence against the licensee or dealer shall have the burden of proof in the whole action, therefore he must produce his evidence first; the party against whom a complaint has been filed or charges preferred may then produce his evidence. The board, however, may regulate the order of proof in any proceeding to expedite the hearing and to enable the board to obtain a clear view of the whole evidence.~~

~~(d) The parties will then be confined to rebuttal evidence, unless the board, in its discretion, permits them to offer additional evidence in chief.~~

~~(e) The parties may then submit the matter to the board for~~

~~decision, or present arguments on the issues involved. In the arguments, the party filing the complaint or otherwise preferring the charges or the person appointed or designated to present the evidence against the licensee or dealer shall have the conclusion and the party against whom the complaint was filed or charges otherwise preferred shall have the opening.~~

~~(3) In a hearing requested in writing by a person whose application for a permit, license of certificate of endorsement has been denied or not renewed the burden of proof and order of proceedings, delineated in subsection (2) of this section, shall be reversed.~~

~~(4) In any contested case, the board will as far as practical, adhere to the following rules of evidence.~~

~~(a) Any evidence which would be admissible under the statutes of the Commonwealth of Kentucky, and under the rules of evidence followed by circuit courts of the Commonwealth of Kentucky, will be admitted in hearings before the board; however, in the board's discretion, matter may be admitted if the board deems it necessary for a full and true disclosure of the facts and the matter will be of assistance to the board in determining the rights of the parties.~~

~~(b) Every party shall have the right to present such oral or documentary evidence exhibits and rebuttal evidence and conduct such cross examination as may be required for a full and true disclosure of the facts. Documentary evidence may be introduced in the form of copies or excerpts, if the original is not readily available; provided that upon request the parties or the board shall be given an opportunity to compare the copy with the original.~~

~~(c) When a hearing will be expedited and the interests of the parties will not be substantially prejudiced thereby, all or part of the evidence may be received in written form by affidavit or prepared statement. Prepared statements shall not be read or made a part of the record until the party against whom the statement is offered has been given a reasonable time for review and objection.~~

~~(d) Irrelevant, immaterial or unduly repetitious evidence will be excluded and the board will give effect to the rule of privilege recognized by the laws of the Commonwealth of Kentucky.~~

~~(e) The board may take notice of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the board's specialized knowledge; provided, however, the parties shall be afforded an opportunity to contest the facts so noticed.~~

~~(f) Objections to evidentiary offers may be made and shall be noted in the record.~~

~~(g) When necessary to ascertain facts which cannot otherwise be proved, evidence not admissible under the foregoing rules may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.~~

~~(5) The parties to any hearing may agree to waive any one or more of the procedural steps which would otherwise precede the reaching of a final decision by the board, but such waiver shall not be binding on the board.~~]

Section 5. Notice and Service of Process. (1) Any notice required by KRS Chapter 334 or this administrative regulation shall be in writing, dated and signed by the chairman of the board.

(2) Service of notice and other process shall be made by hand-delivery or delivery by certified mail, return receipt requested, to the individual's last known address of which the board has record or if known, by service on the named individual's attorney of record, if appropriate. Refusal or service avoidance shall not prevent the board from pursuing proceedings as may be appropriate.

(3) When notice of the initial date for the administrative hearing is given by either the board or the hearing officer, that notice shall be sent to the appropriate person at least twenty (20) days prior to the hearing. [~~Deliberations; Records; Final Order. (1) Deliberations. During any hearing and after the case has been submitted to the board for final decision, the deliberations of the board will be governed by the following principles:~~

~~(a) Ex parte investigations. Members of the board shall make findings of fact and conclusions of law in a contested case or who shall render a decision in a contested case, shall not, once a hearing has commenced, consult with any person or party in connection with any issue of fact or law, except upon notice and opportunity for all parties to participate; provided, however, that any board member may consult with other members of the board, and may have the aid and advice of one or more personal assistants, including the assistance of counsel.~~

~~(b) Separation of functions. No member, officer of employee of the board who is engaged in the performance of investigative or prosecuting functions for the board in a contested area shall, in that or a factually related case, participate or advise in the decision, except as a witness or counsel in the public hearing.~~

~~(c) Examination of evidence. The board shall personally consider the whole record or such portions thereof as may be cited by the parties, and the board's technical competence and specialized knowledge may be utilized in the evaluation of the evidence.~~

~~(d) The board at its discretion may recess a hearing for the taking of additional discovery and evidence as required.~~

~~(2) Record. The record shall include all pleadings, motions, exhibits, documentary and testimonial evidence received or considered, a statement of matters officially noticed and questions and offers of proof and rulings thereon. A record or transcript of the oral proceedings will need not be made by the board. Should any party desire a written transcript of the oral proceedings it will be necessary that they pay for said transcript.~~

~~(3) Final order. The final decision in any case in which a hearing is required or requested shall be in writing and shall be made a part of the office record. It shall include a concise and explicit statement of the findings of facts and conclusions of law, separately stated, and shall be signed by the presiding officer. The original thereof shall be filed as a part of the record of the case and shall be retained in the custody of the board unless an appeal is taken therefrom and one (1) copy of the order shall forthwith be served on each party to the proceeding.~~]

STEVE BARLOW, Board Chairman
APPROVED BY AGENCY: November 12, 1993
FILED WITH LRC: November 15, 1993 at noon

GENERAL GOVERNMENT CABINET
Kentucky Licensing Board for
Specialists in Hearing Instruments
(As Amended)

201 KAR 7:105. Hearing procedures.

RELATES TO: KRS 334.050, 334.120
STATUTORY AUTHORITY: KRS 334.120, 334.150
NECESSITY AND FUNCTION: KRS 334.120 mandates a hearing upon the filing of a complaint alleging a violation of KRS Chapter 334 or the regulations promulgated thereunder. This regulation establishes detailed procedures for the conduct of administrative hearings held pursuant to KRS 334.120.

Section 1. Composition of the Board for Purposes of a Hearing. (1) Disciplinary actions or appeals may be heard by a quorum of the board members eligible to hear that particular case, the board's designated hearing officer, or both.

(2) The board may appoint a **licensed attorney as a** hearing officer to preside over the hearing, conduct all prehearing activities, prepare findings of fact and conclusions of law at the direction of the board, and provide legal advice to the board.

(3) A board member who has participated in the investigation of

a disciplinary action or who has personal knowledge of the facts giving rise to a disciplinary action shall not sit as a member of the board hearing that particular action and shall not be considered an eligible member for purposes of determining a quorum.

(3) Staff members of the board, legal counsel for the board and a court stenographer may also be present for the hearing.

Section 2. Rights of the Respondent. (1) The respondent shall be the licensee, apprentice permit holder, or applicant.

(2) The respondent shall have the right to:

(a) Be present and to be heard at the hearing;

(b) Be represented by legal counsel;

(c) Present evidence;

(d) Cross-examine witnesses presented by the board;

(e) Make both opening and closing statements; and

(f) Have subpoenas issued in accordance with KRS 334.150(14).

Section 3. Prehearing Disclosure of Evidence. (1) By the board.

(a) The names, addresses, and phone numbers of witnesses expected to be called by the board shall be made available upon request of the respondent.

(b) Copies of documentary evidence may be obtained upon the payment of a reasonable charge therefore, except documents protected from disclosure by state or federal law.

(c) Nothing in this section shall be construed as giving the respondent the right to examine or copy the personal notes, observations, or conclusions of the board's investigators nor shall it be construed as allowing access to the work product of legal counsel for the board.

(d) The respondent shall also be permitted to examine any items of tangible evidence in the possession of the board.

(2) By the respondent.

(a) At least ten (10) days prior to the scheduled hearing date the respondent shall furnish to the investigator or legal counsel for the board copies of any documents which the respondent intends to introduce at the hearing, and a list of the names, addresses, and home and work telephone numbers of any witnesses to be presented to the board by the respondent.

(b) The respondent shall also produce for inspection any items of tangible evidence within his possession or control which he intends to introduce at the hearing.

(3) Sanctions for failure to comply with prehearing disclosure. Should a party fail to comply with this section the board hearing the disciplinary action may refuse to allow into evidence any items or testimony that have not been disclosed, may continue the action to allow the opposing party a fair opportunity to meet the new evidence, or may make an order as it deems appropriate.

(4) Continuing duty to disclose.

(a) After disclosure has been completed, each party shall remain under an obligation to disclose any new or additional items of evidence which the party intends to introduce or witnesses the party intends to have testify.

(b) Additional disclosure shall take place as soon as practicable.

(c) Failure to disclose may result in the exclusion of the new evidence or testimony from the hearing.

Section 4. Order of Proceeding. (1) Call to order.

(a) The hearing officer shall call the hearing to order.

(b) The hearing officer shall identify the parties to the action and the persons present.

(c) The hearing officer shall read the letter of notice and charges.

(d) The hearing officer shall then ask the parties to state any objections or motions.

(e) The hearing officer shall rule upon any objections or motions, subject to being overridden by a majority vote of the members of the board.

(f) Opening statements shall then be made, with the attorney for the board proceeding first. Either side may waive opening statement.

(2) The taking of proof on behalf of the board.

(a) The taking of proof shall commence with the calling of witnesses on behalf of the board.

(b) Each witness shall be examined first by the attorney for the board, then by the respondent or that person's attorney, and finally by members of the board.

(c) Rebuttal examination of witnesses shall proceed in the same order.

(d) Documents or other items may be introduced into evidence as appropriate.

(3) The taking of proof on behalf of the respondent.

(a) Upon conclusion of the case for the board, the respondent shall call its witnesses. These witnesses shall be examined first by the respondent or that person's attorney, then by the attorney for the board, and finally by the members of the board.

(b) Rebuttal examination of those witnesses shall proceed in the same order.

(c) Documents or other evidence may be introduced as appropriate.

(4) Closing statements. At the conclusion of the proof, the parties shall be afforded the opportunity to make a closing statement, with the attorney for the board always proceeding last. The hearing officer may impose reasonable limitations upon the time allowed for opening and closing statements.

(5) Decorum. The hearing officer shall also be responsible for enforcing the general rules of conduct and decorum and expediting the hearing by keeping the testimony and exhibits relevant to the case.

Section 5. Rules of Evidence. (1) The board shall not be bound by the technical rules of evidence.

(2) The board may receive any evidence which it considers to be reliable, including testimony which would be hearsay if presented in a court of law.

(3) Documentary evidence may be admitted in the form of copies or excerpts, and need be authenticated only to the extent that the board is satisfied of its genuineness and accuracy.

(4) Tangible items may be received into evidence without the necessity of establishing a technical legal chain of custody so long as the board is satisfied that the item is what it is represented to be and that it is in substantially the same condition as it was at the time of the events under consideration.

(5) The board shall retain the discretion to exclude any evidence which it considers to be unreliable, incompetent, irrelevant, immaterial or unduly repetitious.

(6) Rulings on objections to evidence shall be made by the hearing officer but may be overridden by a majority vote of the eligible members of the board.

Section 6. Decisions by the Board. (1) Upon the conclusion of the hearing, the board shall retire into closed session for the purpose of deliberations.

(2) At the conclusion of the board's deliberations it shall propose a motion based upon the evidence presented.

(3) The hearing officer shall draft a proposed order including findings of fact and conclusions of law consistent with the board's deliberations as well as a recommended order to be submitted to the full board at a subsequent meeting.

Section 7. Final Approval by the Board. The board, at its next meeting, or as soon thereafter as may be arranged, shall review the proposed order and consider it for final approval.

Section 8. Continuances; Proceedings in Absentia. (1) It is the policy of the board not to postpone cases which have been scheduled for hearing without good cause.

(2) A request by a respondent for a continuance may be considered if communicated to the staff reasonably in advance of the scheduled hearing date and based upon good cause.

(3) The decision whether to grant a continuance shall be made by the hearing officer or chairman of the board.

(4) The burden shall be on the respondent to be present at a scheduled hearing. Failure to appear at a scheduled hearing for which a continuance has not been granted in advance shall be deemed a waiver of the right to appear and the hearing shall be held as scheduled.

STEVE BARLOW, Chairman
APPROVED BY AGENCY: November 12, 1993
FILED WITH LRC: November 15, 1993 at noon

GENERAL GOVERNMENT CABINET
Kentucky State Board of Podiatry
(As Amended)

201 KAR 25:080. HIV/HBV infection control for podiatrists.

RELATES TO: KRS 311.410(4)
STATUTORY AUTHORITY: KRS 311.410(4)
NECESSITY AND FUNCTION: KRS 311.410(4) empowers the Kentucky State Board of Podiatry to promulgate administrative regulations as necessary to implement and enforce the provisions of KRS 311.390 to 311.510. The purpose of this administrative regulation is to encourage and promote infection control among all Kentucky podiatrists.

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 U.S. Centers for Disease Control Morbidity and Mortality Weekly Report, June 24, 1988, Volume 37, Number 24, 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 podiatrist 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 State Board of Podiatry.

Section 3. Review and Monitoring of HIV or HBV Positive Podiatrists. (1) The Kentucky State Board of Podiatry may convene a review panel to:

(a) Monitor the adherence of a HIV or HBV positive podiatrist to:

1. Universal precautions;

2. Clinical competency; and

3. Practice limitations or restrictions established by the review panel to monitor compliance with universal precautions; and

(b) Periodically evaluate the effects of the disease on the competency of the HIV or HBV positive podiatrist.

(2) The review panel shall include the:

(a) Primary care physician of the HIV or HBV positive podiatrist;

(b) A clinical infectious disease specialist; ~~[and]~~

(c) An epidemiologist representing the Kentucky Department of Health Services~~;~~ **and**

(d) One (1) or more licensed podiatrists.

~~[(3) The Kentucky State Board of Podiatry may appoint to the review panel professionals in addition to those specified in subsection (2) of this section.]~~

Section 4. Disciplinary Action. Any podiatrist who does not comply with **universal precautions,** the requirements of this administrative regulation or the limitations and restrictions established by the review panel, pursuant to administrative regulation, shall be subject to disciplinary action by the Kentucky State Board of Podiatry as set forth in KRS 311.480.

Section 5. Confidentiality. Information obtained by the Kentucky State Board of Podiatry pursuant to this administrative 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.

JOSEPH P. LEONE, President
APPROVED BY AGENCY: October 28, 1993
FILED WITH LRC: November 4, 1993 at 2 p.m.

GENERAL GOVERNMENT CABINET
Kentucky Occupational Therapy Board
(As Amended)

201 KAR 28:140. Unprofessional conduct and code of ethics. ~~[Grounds for denial, refusal to renew, suspension, revocation, or imposition of probationary conditions.]~~

RELATES TO: KRS 319A.160, 319A.190
STATUTORY AUTHORITY: KRS 319A.070(3), 319A.190(1), (6)
NECESSITY AND FUNCTION: KRS Chapter 319A provides~~[, in part,]~~ for the denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license for various violations of the Act and ~~[or]~~ violation of the administrative regulations promulgated pursuant thereto. This administrative regulation sets forth a description of unprofessional conduct and also a code of ethics. ~~[describes the type of conduct which may result in the denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license and the application of appropriate sanctions and the procedure for reinstatement of a license.]~~

Section 1. ~~[Grounds for Denial, Refusal to Renew Suspension, Revocation, or Imposition of Probationary Conditions. (1) The board may deny, refuse to renew, suspend, revoke, or impose probationary conditions where the licensee or applicant for licensure has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct shall include:~~

~~(a) Engaging in fraud, misrepresentation or concealment of material facts in the obtaining of the license.~~

~~(b) Engaging in unprofessional conduct as defined in Section 1(2) of this regulation or violating the code of ethics as adopted and published by the board in Section 1(3) of this regulation.~~

~~(c) Being convicted of a felony offense in any court if the act for which the licensee or applicant for licensure was convicted is determined by the board to have a direct bearing on whether the licensee or applicant for licensure should be entrusted to serve the public in the capacity of a L.O.T.R. or a L.O.T.A.~~

~~(d) Violating any lawful order or regulation rendered or promulgated by the board.~~

~~(e) Violating any provision of KRS Chapter 319A.~~

~~(2)~~] **Failure to comply with any of the provisions in this section shall constitute unprofessional conduct in the practice of occupational therapy.** ~~[Unprofessional conduct in the practice of occupational therapy shall include, [but shall not be limited to,] the following acts:] [as used in 201 KAR 28:140 Section 1(1)(b) is defined as violation of any of the following provisions:]~~

(1) ~~[(a)]~~ An O.T.R./L. or a C.O.T.A./L. shall not delegate to an unlicensed employee or person ~~[under his or her control or supervision]~~ a service which requires the skill, knowledge or judgment of an

O.T.R./L. or a C.O.T.A./L.;

(2) An O.T.R./L. shall address goals identified in the evaluation and treatment plan;

(3) [(b)] An O.T.R./L. or an O.T.R./L. shall inform the referring source when any requested occupational therapy service [treatment procedure] is [inadvisable or] contraindicated, in the professional judgment of the licensee, and may [shall] refuse to carry out that request; [the orders of a referring practitioner when the requested treatment is inadvisable or contraindicated.]

(4) [(c)] An O.T.R./L. or a C.O.T.A./L. shall not continue occupational therapy services [treatment] beyond the point of possible benefit to the patient or [by] treat[ing] the patient more frequently than necessary to obtain the maximum therapeutic effect;

(5) [(d)] An O.T.R./L. or a C.O.T.A./L. shall not directly or indirectly request, receive or participate in the dividing, transferring, assigning, rebating or refunding of an unearned fee or [nor shall an O.T.R./L. or a C.O.T.A./L.] profit by means of a credit or other valuable consideration as an unearned commission, discount or gratuity in connection with the furnishing of occupational therapy services; [assessment or treatment.

(e) An O.T.R./L. or a C.O.T.A./L. shall not exercise influence on patients to purchase equipment produced or supplied by a company in which the L.O.T.R. or the L.O.T.A. owns stock or has any other direct or indirect financial interest.]

(6) [(f)] An O.T.R./L. or a C.O.T.R./L. shall not permit another person to use his [or her] license for any purpose;

(7) [(g)] An O.T.R./L. or a C.O.T.R./L. shall not abuse alcohol or any controlled substance while engaged [obtain, possess, or attempt to obtain or possess a controlled substance without lawful authority, nor shall an O.T.R./L. or a C.O.T.R./L. sell, prescribe, give away, or administer controlled substances] in the practice of occupational therapy;

(8) [(h)] An O.T.R./L. or a C.O.T.R./L. shall not verbally or physically abuse a patient;

(9) [(i)] An O.T.R./L. or a C.O.T.R./L. shall not engage in false or misleading advertising, betrayal of a professional confidence, or falsification of patients' records;

(10) [(j)] An O.T.R./L. or a C.O.T.R./L. shall report a change of name or address to the board within thirty (30) days after a change of name or address occurs;

[(k) An O.T.R./L. or a C.O.T.R./L. shall not submit a false report of continuing education or fail to submit the annual report on continuing education.]

(11) [(l)] An O.T.R./L. or a C.O.T.A./L. shall notify the board within thirty (30) days after being adjudged guilty of malpractice by a court of competent jurisdiction; [occurrence of any judgment or settlement of a malpractice claim or action.]

(12) [(m)] An O.T.R./L. or a C.O.T.A./L. shall comply with any subpoena issued by the board; and

(13) [(n)] An O.T.R./L. or a C.O.T.A./L. shall report to the board any violation of the Act or these administrative regulations.

Section 2. The following code of ethics consists of general guidelines for occupational therapy practice. The code of ethics shall be as follows:

(1) [(3) Unethical conduct as used in 201 KAR 28:140 Section 1(1)(b) is defined as violation of any of the following provisions:

(a)] An O.T.R./L. or a C.O.T.A./L. shall be [is] responsible for providing services without regard to race, creed, national origin, sex, age, handicap, disease [,] entity, social status, financial status or religious affiliation;

(2) [(b)] An O.T.R./L. or a C.O.T.A./L. shall inform those people served of the nature and potential outcomes of treatment and shall respect the right of potential recipients of service to refuse treatment;

(3) [(c)] An O.T.R./L. or a C.O.T.A./L. shall inform subjects involved in education or research activities of the potential outcome of those activities;

(4) [(d)] An O.T.R./L. or C.O.T.A./L. shall include those people served in the treatment planning process;

(5) [(e)] An O.T.R./L. or a C.O.T.A./L. shall maintain goal-directed and objective relationships with all people served;

(6) [(f)] An O.T.R./L. or a C.O.T.A./L. shall protect the confidential nature of information gained from educational, practice, and investigational activities unless sharing the [such] information is necessary to protect the well-being of a third party;

(7) [(g)] An O.T.R./L. or a C.O.T.A./L. shall take all reasonable precautions to avoid harm to the recipient of services or detriment to the recipient's property;

(8) [(h)] An O.T.R./L. or a C.O.T.A./L. shall establish fees, based on cost analysis, that are commensurate with services rendered;

(9) [(i)] An O.T.R./L. or a C.O.T.A./L. shall hold the appropriate credentials for providing service;

(10) [(j)] An O.T.R./L. or a C.O.T.A./L. shall function within the parameters of his [or her] competence and the standards of the profession;

(11) An O.T.R./L. or a C.O.T.A./L. shall actively maintain high standards of professional competence;

(12) [(k)] An O.T.R./L. or a C.O.T.A./L. shall refer clients to other service providers or consult with other service providers when additional knowledge and expertise is required;

(13) [(l)] An O.T.R./L. or a C.O.T.A./L. shall be acquainted with applicable local, state, federal, and institutional rules and shall function accordingly;

(14) [(m)] An O.T.R./L. or a C.O.T.A./L. shall inform employers, employees and colleagues about those laws and policies that apply to the profession of occupational therapy;

(15) [(n)] An O.T.R./L. or a C.O.T.A./L. shall require those whom they supervise to adhere to ethical standards of conduct;

(16) [(o)] An O.T.R./L. or a C.O.T.A./L. shall accurately record and report client information;

(17) [(p)] An O.T.R./L. or a C.O.T.A./L. shall accurately represent his or her competence and training to the public;

(18) [(q)] An O.T.R./L. or a C.O.T.A./L. shall not use or participate in the use of any form of communication that contains a false, fraudulent, deceptive, or unfair statement or claim;

(19) [(r)] An O.T.R./L. or a C.O.T.A./L. shall report any illegal, incompetent or unethical practice to the appropriate authority;

(20) [(s)] An O.T.R./L. or a C.O.T.A./L. shall not disclose privileged information when participating in reviews of peers, programs, or systems;

(21) [(t)] An O.T.R./L. or a C.O.T.A./L. who employs or supervises colleagues shall provide appropriate supervision; and

(22) [(u)] An O.T.R./L. or a C.O.T.A./L. shall recognize the contributions of colleagues when disseminating professional information.

[Section 2. Sanctions. (1) After a hearing, as provided under 201 KAR 28:150 and 201 KAR 28:160, the board may, in its discretion, revoke or suspend a license for such period of time as the board believes to be warranted by the facts and circumstances of the violation. Such findings and determinations shall be rendered in accordance with the provisions of 201 KAR 28:160.

(2) After a hearing, as provided under 201 KAR 28:150 and 201 KAR 28:160, the board may, in lieu of revoking or suspending a license, place the licensee on probation for a period not to exceed one (1) year, except that if the adjudication of the violation is the second such adjudication within five (5) years, the licensee shall not be entitled to probation.

Section 3. Reinstatement. (1) A suspended license shall be reinstated upon the filing of an application for reinstatement by the licensee and a determination by the board that the period of suspension has expired and, if applicable, that the licensee has renewed his license in accordance with the provisions of 201 KAR 28:090.

~~(2)(a) A revoked license shall only be reinstated if the applicant has fully complied with all of the provisions of 201 KAR 28:060.~~

~~(b) An individual whose license has been revoked may not apply for reinstatement under the provisions of this regulation for a period of one (1) year from the entry of the order of the board or, if the decision is appealed, from the date the appeal is finally resolved or an endorsement of finality is entered by the appropriate appellate court. Hearings upon application for reinstatement shall be held in accordance with the provisions of 201 KAR 28:160.]~~

CONSTANCE HEROLD, Chairman
APPROVED BY AGENCY: December 6, 1993
FILED WITH LRC: December 7, 1993 at 9 a.m.

GENERAL GOVERNMENT CABINET
Kentucky Occupational Therapy Board
(As Amended)

201 KAR 28:160. Administrative hearings.

RELATES TO: KRS 319A.190, 319A.200
STATUTORY AUTHORITY: KRS 319A.070(3), 319A.190
NECESSITY AND FUNCTION: KRS Chapter 319A and [~~pertinent parts of~~] KRS 319A.190 provide for promulgation of administrative regulations governing the conduct of administrative hearings authorized by the Act. This administrative regulation sets forth the procedure by which such hearings are to be conducted.

Section 1. Composition of the Board for Purposes of a Hearing. (1) Disciplinary actions may be heard by a quorum of the board members eligible to hear that particular case, the board's designated hearing officer, or both.

(2) The board may appoint a **licensed attorney as a** hearing officer to preside over the hearing, conduct all prehearing activities, prepare findings of fact and conclusions of law at the direction of the board, and provide legal advice to the board.

(3) A board member who has participated in the investigation of a disciplinary action or who has personal knowledge of the facts giving rise to a disciplinary action shall not sit as a member of the board hearing that particular action and shall not be considered an eligible member for purposes of determining a quorum.

(4) Staff members of the board, legal counsel for the board and a court stenographer may also be present for the hearing.

Section 2. Rights of the Licensee or Applicant. The licensee or applicant shall have the right to be present and to be heard at the hearing, to be represented by legal counsel, to present evidence, to cross-examine witnesses presented by the board, and to make both opening and closing statements. The licensee or applicant shall also have the right to have subpoenas issued in accordance with KRS 319A.070(2).

Section 3. Prehearing Disclosure of Evidence. (1) By the board. The names, addresses, and phone numbers of witnesses expected to be called by the board shall be made available upon request of the licensee or applicant. Copies of documentary evidence may be obtained upon the payment of a reasonable charge therefor, except documents protected from disclosure by state or federal law. Nothing in this section shall be construed as giving the licensee or applicant the right to examine or copy the personal notes, observations, or conclusions of the board's investigators nor shall it be construed as allowing access to the work product of legal counsel for the board. The licensee or applicant shall also be permitted to examine any items of tangible evidence in the possession of the board.

(2) By the licensee or applicant. At least ten (10) days prior to the scheduled hearing date the licensee or applicant shall furnish to the investigator or legal counsel for the board copies of any documents which the licensee or applicant intends to introduce at the hearing, and a list of the names, addresses, and home and work telephone numbers of any witnesses to be presented to the board by the licensee or applicant. The licensee or applicant shall also produce for inspection any items of tangible evidence within his possession or control which he intends to introduce at the hearing.

(3) Written response. At least ten (10) days prior to the scheduled hearing date, the licensee or applicant shall also file with the board a sworn (under oath) written response to the specific allegations contained in the notice of charges. Allegations not [~~properly~~] answered shall be deemed admitted. The board may for good cause permit the late filing of a response.

(4) Sanctions for failure to comply with prehearing disclosure. Should a party fail to comply with this section the board hearing the disciplinary action may refuse to allow into evidence such items or testimony as have not been disclosed, may continue the action to allow the opposing party a fair opportunity to meet the new evidence, or may make [~~such~~] other orders as it deems appropriate.

(5) Continuing duty to disclose. After disclosure has been completed, each party shall remain under an obligation to disclose any new or additional items of evidence which the party intends to introduce or witnesses the party intends to have testify. [~~Such~~] Additional disclosure shall take place as soon as practicable. Failure to disclose may result in the exclusion of the new evidence or testimony from the hearing.

Section 4. Order of Proceeding. (1) The hearing officer or presiding officer shall call the hearing to order and shall identify the parties to the action and the persons present and shall read the letter of notice and charges. The hearing officer shall then ask the parties to state any objections or motions. The hearing officer shall rule upon any objections or motions, subject to being overridden by a majority vote of the members of the board. Opening statements shall then be made, with the attorney for the board proceeding first. Either side may waive opening statement.

(2) The taking of proof shall commence with the calling of witnesses on behalf of the board. Such witnesses shall be examined first by the attorney for the board, then by the licensee or applicant or that person's attorney, and finally by members of the board. Rebuttal examination of witnesses shall proceed in the same order. Documents or other items may be introduced into evidence as appropriate.

(3) Upon conclusion of the case for the board, the licensee or applicant shall call its witnesses. The [~~Such~~] witnesses shall be examined first by the licensee or applicant or that person's attorney, then by the attorney for the board, and finally by the members of the board. Rebuttal examination of those witnesses shall proceed in the same order. Again, documents or other evidence may be introduced as appropriate.

(4) At the conclusion of the proof, the parties shall be afforded the opportunity to make a closing statement, with the attorney for the board always proceeding last. The hearing officer may impose reasonable limitations upon the time allowed for opening and closing statements.

(5) The hearing officer shall also be responsible for enforcing the general rules of conduct and decorum and expediting the hearing by keeping the testimony and exhibits relevant to the case.

Section 5. Rules of Evidence. (1) The board shall not be bound by the technical rules of evidence. The board may receive any evidence which it considers to be reliable, including testimony which would be hearsay if presented in a court of law. Documentary evidence may be admitted in the form of copies or excerpts, and need be authenticated only to the extent that the board is satisfied of its genuineness and accuracy. Tangible items may be received into evidence without the necessity of establishing a technical legal chain of custody so long as the board is satisfied that the item is what it is

represented to be and that it is in substantially the same condition as it was at the time of the events under consideration.

(2) The board retains the discretion to exclude any evidence which it considers to be unreliable, incompetent, irrelevant, immaterial or unduly repetitious. Rulings on objections to evidence shall be made by the hearing officer but may be overridden by a majority vote of the eligible members of the board.

Section 6. Decisions by the Board. (1) Upon the conclusion of the hearing, the board shall retire into closed session for the purpose of deliberations.

(2) At the conclusion of the board's deliberations it shall propose an order based upon the evidence presented. The hearing officer shall draft a proposed order including findings of fact and conclusions of law consistent with the board's deliberations as well as a recommended order to be submitted to the full board.

Section 7. Final Approval by the Board. The board, at its next meeting, or as soon thereafter as may be arranged, shall review the proposed order and consider it for final approval.

Section 8. Continuances; Proceedings in Absentia. It is the policy of the board not to postpone cases which have been scheduled for hearing absent good cause. A request by a licensee or applicant for a continuance may be considered if communicated to the staff reasonably in advance of the scheduled hearing date and based upon good cause. The decision whether to grant a continuance shall be made by the hearing officer or chairman of the board. However, the burden is upon the licensee or applicant to be present at a scheduled hearing. Failure to appear at a scheduled hearing for which a continuance has not been granted in advance shall be deemed a waiver of the right to appear and the hearing shall be held as scheduled.

~~[Section 1. Procedure. (1)(a) The board shall appoint a hearing officer who will be empowered to preside at any and all proceedings to issue subpoenas, to rule upon all motions and objections, to prepare and submit proposed findings of fact, conclusions of law and disciplinary measures to the board, and to perform any other act necessary to the proper conduct of the proceedings.~~

~~(b) If in the discretion of the board it is determined that the case is of sufficient complexity and that the service of an attorney is needed, the board shall appoint an attorney who shall prosecute the complaint before the hearing officer; otherwise the board shall appoint a member of the committee to prosecute the complaint.~~

~~(2) Pleadings shall be in any form provided that all pleadings must be legible, dated, and signed by the offering party. The original of all pleadings must be filed with the executive director or secretary for entry into the official record and copies must be served on the hearing officer, the opposing party, and any other person who might be designated by the hearing officer.~~

~~(3) Upon motion of either party or upon the initiative of the hearing officer, a prehearing conference may be held. The prehearing conference shall be the forum for consideration of any matter properly before the hearing officer, including all motions, discovery, stipulations, identification of issues, dates of future proceedings, and objections.~~

~~(4)(a) Either party may at any time after the issuance of a complaint move the hearing officer to order that discovery from the other party be allowed, which shall be limited to the following methods:~~

~~1. Oral depositions;~~

~~2. Request for more definite statement;~~

~~3. Request for production of names of witnesses, documents and other demonstrative evidence; and~~

~~4. Request for a brief synopsis of the testimony expected to be given by any expert witness.~~

~~(b) The hearing officer may limit or allow discovery of any matter relevant to the issues and may issue protective orders as necessary. Material which is privileged or deemed confidential under the laws of the Commonwealth or which constitutes an attorney's work produce shall not be discoverable.~~

~~(c) Depositions, upon motion and upon good reason for the nonavailability of the deponent as a witness, may be used in lieu of the witness' testimony.~~

~~Section 2. Hearings. (1) At the hearing the defendant has the right to be present and to be represented by counsel. The hearing officer may or may not wish to follow formal rules of evidence, but the hearing officer may exclude irrelevant or repetitious evidence. The hearing may include the calling of witnesses and the production of pertinent documents. Testimony shall be under oath or affirmation and shall be recorded. All documents accepted by the hearing officer, including the investigative file, shall be made part of the record of the hearing.~~

~~(2)(a) The hearing officer shall be charged with the responsibility of compiling a written summary of the proceedings which shall contain all evidence introduced at the hearing and all pleas, motions, objections, responses, rulings, and other legal documents which the hearing officer deems properly part of the record.~~

~~(b) Transcripts of the proceedings shall not be prepared unless requested in writing by either of the parties. Any person or other interested party requesting a transcript shall be responsible for the cost of the transcript and shall make suitable arrangements with the court reporter for payment for such transcript or for copies of same.~~

~~Section 3. Hearing Officer's Proposed Findings, Conclusions, and Recommendations. (1) The hearing officer shall present the record, proposed findings of fact, conclusions of law, and recommendations to the chairman for deliberation by the board. The hearing officer shall serve a copy of such findings, conclusions, and recommendations on all parties or if represented by counsel, upon the parties' attorney, at least thirty (30) days from the date of the hearing, or if a transcript is requested, from the date the court reporter certified that the transcript is complete. All parties shall have the right to file exceptions to the hearing officer's findings, conclusions, and recommendations ten (10) days from the entry of the hearing officer's report.~~

~~(2) Any party to the proceeding may move the board to allow briefs to be filed with the board prior to the board's final determination. The hearing officer may grant the motion and establish a briefing schedule if the hearing officer believes that such a procedure would substantially aid the board in its deliberations. Briefs shall not exceed ten (10) pages in length unless otherwise allowed by the hearing officer.~~

~~(3) Oral argument. Any party to the proceeding may move the board to allow oral argument before the board prior to the board's final determination. The board may order oral arguments on its own initiative.~~

~~Section 4. Board's Findings of Fact, Conclusions of Law, and Final Order, Remand. Within sixty (60) days from the entry of the hearing officer's findings, conclusions, and recommendations, the board shall convene to consider the hearing officer's report. At the conclusion of its deliberations the board may adopt the hearing officer's proposed findings, conclusions, and recommendations of action in whole or in part or may reject them and prepare its own. The board shall enter a final order dated and signed by the chairman of the board stating its ultimate determination. Prior to, during or subsequent to any deliberations the board may remand the matter to the hearing officer for further proceedings as directed.~~

~~Section 5. Appeals. (1) Any person aggrieved by the final decision of the board may appeal, in accordance with KRS 319A.200, the board's determination to the Franklin Circuit Court. Such appeals must be filed with the Franklin Circuit Court within thirty (30) days of the entry of the board's final decision, and shall designate the board~~

~~as the appellee in the appeal. If a transcript is requested, the aggrieved party shall pay for the preparation of the transcript and shall make suitable arrangements with the court reporter at the time the request for a transcript is made.~~

~~(2) All appeals shall be considered by the Franklin Circuit Court in accordance with the provisions of KRS 319A.200.~~]

CONSTANCE HEROLD, Chairman
APPROVED BY AGENCY: December 6, 1993
FILED WITH LRC: December 7, 1993 at 9 a.m.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
Division of Motor Vehicle Enforcement
(As Amended)

601 KAR 1:025. Transporting hazardous materials; permit by air or highway.

RELATES TO: KRS 174.400 through 174.435, 49 CFR 107, 130, 171-180

STATUTORY AUTHORITY: KRS 174.410(2), 174.430(1), 49 CFR Parts 130, 171-180

NECESSITY AND FUNCTION: KRS 174.410(2) provides that the Secretary of the Transportation Cabinet, in consultation with the Secretary of the Natural Resources and Environmental Protection Cabinet and the Secretary of the Cabinet for Human Resources, shall adopt by reference or in its entirety, the federal hazardous materials transportation regulation, 49 CFR (1978), as amended, to effectively carry out the intent of KRS 174.400 through 174.435 relating to the transportation of hazardous materials by air or highway. KRS 174.430(1) provides that the Secretary of the Transportation Cabinet is authorized to fix a reasonable fee, by administrative regulation, to be paid by applicants for a general permit to transport radioactive materials through or within the Commonwealth or to transport other hazardous materials within the Commonwealth, and for the renewal of such permit. This administrative regulation implements these statutory provisions.

Section 1. The hazardous materials transportation regulations adopted and issued by the United States Department of Transportation relating to the following subjects shall govern the transportation of hazardous materials within Kentucky if the transportation of hazardous material is by air or highway:

(1) Title 49, Code of Federal Regulations, Part 130 effective June 16, 1993. Part 130 sets forth general information, regulations and definitions applicable to oil spill prevention and response plans;

(2) Title 49, Code of Federal Regulations, Part 171 effective October 1, 1993 [~~1992~~]. Part 171 sets forth general information, regulations and definitions applicable to all hazardous materials transportation;

(3) [~~(2)~~] Title 49, Code of Federal Regulations, Part 172 effective October 1, 1993 [~~1992~~]. Part 172 lists and classifies those materials which the United States Department of Transportation has designated as hazardous materials for purposes of transportation and prescribes the requirements for the following:

(a) Shipping papers;

(b) Package marking; and

(c) Labeling and transport vehicle placarding applicable to the shipment and transportation of those hazardous materials;

(4) [~~(3)~~] Title 49, Code of Federal Regulations, Part 173 effective October 1, 1993 [~~1992~~]. Part 173 sets forth the general requirements which shippers are required to meet for shipments and packaging;

(5) [~~(4)~~] Title 49, Code of Federal Regulations, Part 175 effective October 1, 1993 [~~July 1, 1992~~]. Part 175 includes requirements in addition to those contained in Parts 171, 172, and 173 which are applicable to aircraft operators transporting hazardous materials aboard, attached to or suspended from civil aircraft;

(6) [~~(5)~~] Title 49, Code of Federal Regulations, Part 177, effective October 1, 1993 [~~1992~~]. Part 177 includes requirements in addition to those contained in Parts 171, 172, and 173 which are applicable to private contract or common motor carriers transporting hazardous materials on public highways;

(7) [~~(6)~~] Title 49, Code of Federal Regulations, Part 178 effective October 1, 1993 [~~1992~~]. Part 178 prescribes the manufacturing and testing specifications for packaging and containers used for the transportation of hazardous materials; and

(8) [~~(7)~~] Title 49, Code of Federal Regulations, Part 180, effective October 1, 1993 [~~1992~~]. Part 180 prescribes requirements pertaining to the maintenance, reconditioning, repair, inspection and any other function having an effect on the continuing qualification and use of a packaging used to transport hazardous materials.

Section 2. (1) Applicants for an annual general permit to transport radioactive materials through or within the Commonwealth or to transport other hazardous materials within the Commonwealth, and for the renewal of this permit, shall pay to the Transportation Cabinet a fee of twenty-five (25) dollars.

(2) The applicant for a general permit shall submit his application to the Department of Vehicle Regulation in the form prescribed in subsection (3) of this section by the department. The department shall make the forms available to any applicant.

(3) The front page of the form shall read as follows:

TC 95-1
Kentucky Transportation Cabinet
Department of Vehicle Regulation
Division of Motor Carriers
P. O. Box 2007
Frankfort, Kentucky 40602

Application For Permit For The Transportation of Hazardous Materials And/Or Radioactive Materials (This application shall be accompanied by a $25 filing fee)

CARRIER NAME:
STREET:
CITY:STATE:ZIP:

1. Type of Carrier:Private:For-Hire:

2. Classification of Hazardous or Radioactive Materials Transported:

INTERSTATE	INTRASTATE
Radioactive Material	Hazardous Material
Radioactive Waste	Hazardous Waste
	Radioactive Material
	Radioactive Waste

3. Individual associated with carrier who is designated to be contacted in event of emergency:

NAME: PHONE NUMBERS:
During Business Hours ( )
After Business Hours ( )

TITLE:
ADDRESS (if different from above):

4. Description of emergency procedures which the carriers shall follow in the event of an emergency:

I, the undersigned official of the above company, state that the above

information is true and correct.

NAME_____ OFFICIAL TITLE_____

(4) The back page of the form shall inform the applicant of the basic requirements for application for a permit and shall contain the following:

TC 95-1

GENERAL INFORMATION REGARDING KENTUCKY'S HAZARDOUS/RADIOACTIVE MATERIAL Transportation Permit

The following information generally outlines the regulations of the Division of Motor Carrier's hazardous radioactive materials transportation requirements. If you have specific questions, contact the Division of Motor Carriers at the address or the telephone number below.

A general permit may be issued to any carrier who transports radioactive materials, either interstate or intrastate, and any carrier who transports hazardous materials intrastate in Kentucky. Needed definition follow:

"CARRIER" means a person engaged in the commercial transportation of passenger or property by land as a common, contract or private carrier or civil aircraft: except for those transporting passengers or property by pipelines, railways, or waterways.

"HAZARDOUS MATERIAL" means a substance designed as hazardous by the *Federal Hazardous Materials Transportation Act (49 U.S.C. 1801, et seq.) or the federal regulations adopted pursuant thereto.

Exception: Hazardous material shall not include agricultural wastes, coal mining wastes **(as defined in 401 KAR 30:010, Section 1)**, utility waste (fly ash, bottom ash, scrubber sludge), sludge from water treatment and sewage treatment facilities, cement kiln dust, gas and oil drilling muds, oil production brines or waste oil.

"RADIOACTIVE MATERIAL" means any material or combination of materials which spontaneously emit ionizing radiation.

The provisions of this permit do not apply to hazardous materials shipped by or for the U.S. government for military or national security purposes.

Vehicles used in the transportation of fuels to end users are also exempt from these requirements.

TO OBTAIN THIS PERMIT, THE FOLLOWING PROCEDURE SHALL BE FOLLOWED:

(1) Complete and return the application (TC 95-1) to the Kentucky Transportation Cabinet, Division of Motor Carriers, with the required $25 yearly fee. A COPY OF THIS APPLICATION IS ON THE REVERSE SIDE.
(2) Applicant shall have on file with the Division an approved certificate of public liability and property damage insurance in the minimum amounts set forth in KRS 281.655.
These minimum limits are:
(a) Petroleum or Petroleum Products Less than 10,000 lbs. - $100,000/300,000/50,000
(b) All other hazardous/radioactive material as defined in KRS 174.405 - $**1,000,000** ~~[100,000]~~ SINGLE LIMIT COVERAGE

*The cabinet has adopted, by reference, the federal hazardous materials transportation regulations, 49 CFR (1978), as amended, in their entirety. Those parts pertaining to railways, pipeline and waterways are specifically excluded.

The cabinet may issue a permit based upon the information contained in the application. A COPY OF THIS PERMIT SHALL BE CARRIED IN THE TRANSPORTING VEHICLE WHILE IN THE COMMONWEALTH OF KENTUCKY. Each carrier shall be assigned only one permit, and you are given permission to photostat a copy for each vehicle operating under your authority and your permit. The general permit shall be renewed annually.

This permit does not preclude or encompass any other document required by Kentucky law. A carrier shall comply with all other applicable requirements for the transportation of hazardous materials within the Commonwealth.

PLEASE ADDRESS ALL MAIL TO:
KENTUCKY DEPARTMENT OF VEHICLE REGULATION
DIVISION OF MOTOR CARRIERS
QUALIFICATIONS/PERMITS BRANCH
POST OFFICE BOX 2007
FRANKFORT, KENTUCKY 40602
Phone: (502) 564-4540

NORRIS BECKLEY, Commissioner
DON C. KELLY, P.E., Secretary
STEPHEN REEDER, Deputy Secretary
APPROVED BY AGENCY: October 26, 1993
FILED WITH LRC: November 2, 1993 at 11 a.m.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Carriers
(As Amended)

601 KAR 1:101. Proof of liability and cargo insurance.

RELATES TO: KRS Chapter 281, 49 CFR Parts 387, 1023, 1043
STATUTORY AUTHORITY: KRS 281.600, 49 CFR Parts 387, 1023, 1043
NECESSITY AND FUNCTION: To establish a system of insurance filings for all motor carriers operating in intrastate commerce or which have been registered in Kentucky pursuant to the provisions of 49 CFR Part 1023.

Section 1. Proof Insurance of Interstate Exempt and Intrastate Motor Carriers. (1) Evidence of insurance required by KRS Chapter 281 shall be filed for motor carriers operating in intrastate commerce and those operating in interstate commerce but which are exempt from the authority of the Interstate Commerce Commission with the Division of Motor Carriers in the form of a certificate of insurance. The certificate of insurance shall be written to show the term of the bond or policy to be continuous until cancelled under proper notice. Another form of evidence of insurance shall not be accepted.

(2) The certificate of bodily injury and property damage insurance shall be on form TC 95-211, "Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance" revised April, 1988. This form is incorporated by reference.

(3) All motor carriers operating pursuant to KRS 281.655(7) shall file proof of cargo insurance on form TC 95-212, "Uniform Motor Carrier Cargo Certificate of Insurance" revised April, 1988. This form is incorporated by reference.

(4)(a) Cancellation of insurance required to be filed pursuant to KRS Chapter 281 shall be effected through the filing of form TC 95-213, "Uniform Notice of Cancellation of Motor Carrier Insurance Policies" revised April, 1988. This form is incorporated by reference.

(b) Notice of the reinstatement of insurance which was cancelled

pursuant to subparagraph (a) of this subsection shall be as set forth in subsections (2) and (3) of this section.

Section 2. Insurance - Interstate Authorized Carriers. (1) Provisions of Title 49, Code of Federal Regulations, Part 387 as effective October 1, 1992 and 49 CFR Part 1043.2, shall govern the minimum amounts of liability insurance of a motor carrier of property or passengers authorized to do so by the Interstate Commerce Commission.

(2) In accordance with 49 CFR Part 1023, Interstate Commerce Commission authorized motor carriers registered in Kentucky pursuant to 601 KAR 1:040, Section 5 shall file proof of insurance with the Division of Motor Carriers on Form B.M.C. 91, "Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance" revised by the Interstate Commerce Commission in January, 1982, or if more than one (1) insurance carrier is involved, Form B.M.C. 91X, "Motor Carrier Automobile Bodily Injury and Property Damage Liability Certificate of Insurance" revised by the Interstate Commerce Commission in January, 1982. These forms are incorporated by reference.

Section 3. Reinstatement of Insurance. A motor carrier desiring to file a reinstatement of insurance which has been cancelled shall file a new certificate of insurance as required by this administrative regulation.

Section 4. Self-insurers. (1) Persons applying in accordance with KRS 281.655(9) for an exemption in whole or in part, from the requirements of KRS 281.655(1), (5) and (6) shall file their application in petition form accompanied by a balance sheet and an income statement, as exhibits, which shall be prepared by a Certified Public Accountant or a responsible accounting officer of the applicant and shall reflect the actual financial condition of the applicant as of the last calendar quarter preceding the date of the application.

(2) When an authorized carrier operating exclusively in interstate commerce has qualified as a self-insurer with the Interstate Commerce Commission, and that commission has entered an order allowing the carrier to qualify as a self-insurer, the applicant may file, as an exhibit, a certified copy of the ICC order with its application in lieu of a balance sheet and an income statement.

(3) The cabinet may, in its discretion, enter an order consistent with its opinion of the applicant's financial condition.

(4) The order may be revoked by the cabinet at any time when it has reason to believe that the financial condition of the applicant has changed.

(5) The cabinet may also require the filing of additional financial statements or **[~~other information~~]** at any time it **has reason to believe the financial condition of the applicant has changed.** **[~~desires.~~]**

Section 5. Material Incorporated by Reference. All of the material incorporated by reference as a part of this administrative regulation may be viewed, copied, or obtained from the Department of Vehicle Regulation, Division of Motor Carriers, Third Floor of the State Office Building, 501 High Street, Frankfort, Kentucky 40622. Its hours of operation are 8 a.m. through 4:30 p.m. eastern time on weekdays. Its telephone number is (502)564-4540.

Section 6. Repeal. 601 KAR 1:100, Insurance, is hereby repealed.

NORRIS BECKLEY, Commissioner
DON C. KELLY, P.E., Secretary
STEPHEN REEDER, Deputy Secretary
APPROVED BY AGENCY: October 6, 1993
FILED WITH LRC: October 15, 1993 at 9 a.m.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(As Amended)

704 KAR 20:620. Interdisciplinary early childhood education, birth to primary.

RELATES TO: KRS 157.3175, 161.020, 161.030
STATUTORY AUTHORITY: KRS 161.028
NECESSITY AND FUNCTION: KRS 161.020 requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally, the statute requires teacher education institutions to be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board. This administrative regulation establishes the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary; the **teacher performance standards** **[~~valued educator outcomes~~]**; and the standards for approval of programs leading to such a certificate.

Section 1. Definitions. The following definitions shall apply for purposes of this administrative regulation:

(1) "Interdisciplinary" means a preparation program that includes child development, family studies, early childhood education, and early childhood special education.

(2) "**Teacher performance standards** **[~~Valued education outcome~~]**" means an outcome that a certified early childhood educator shall be able to demonstrate in the performance of **[~~as he performs~~]** teaching and managing functions in the workplace. Each **teacher performance standard** **[~~valued educator outcome~~]** statement describes the general set of teaching or managing tasks that an early childhood educator shall perform and the contexts for performance of **[~~in which he shall perform~~]** the tasks.

(3) **[~~"Performance criteria" means the standard concepts and processes that shall govern performance to teach or manage tasks. The extent to which criteria are met shall determine the quality of the early childhood educator's performance on a given task. Scoring rubrics or guides developed from the criteria shall enable the setting of standards of performance and the measurement of performance.~~**

~~(4)~~] "Cultural diversity" means the wide range of differences among individuals that result from cultural and ethnic backgrounds, socioeconomic status, gender, personality traits, physical abilities and disabilities, and the interaction of factors of variability.

Section 2. (1) The Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary, shall be issued in accordance with the pertinent Kentucky statutes and administrative regulations of the Education Professional Standards Board to an applicant who has completed a bachelor's degree and the approved program of preparation for this certificate as described in Sections 7, 8, and 9 of this administrative regulation at a teacher education institution approved by the Education Professional Standards Board. In addition, the applicant shall complete the written tests and a one (1) year internship as provided in this administrative regulation.

(2)(a) In order to satisfy the testing prerequisites for teacher certification as required by KRS 161.030, the applicant shall score at least the following minimum passing scores on the tests identified below:

1. The NTE Core Battery tests:
a. Communication skills, 646;
b. General knowledge, 643;
c. Professional knowledge, 644.
2. Applicants shall successfully complete a test of knowledge specific to interdisciplinary early childhood teaching which shall be

identified by the Education Professional Standards Board pursuant to KRS 161.030.

(b) The tests may be waived for out-of-state teachers who have two (2) or more years of successful experience in a position teaching children from birth to entry into the primary program on at least a half-time basis.

(3) Upon successful completion of an approved program of preparation and testing, the Education Professional Standards Board shall issue a statement of eligibility in accordance with KRS 161.030.

(4) The Education Professional Standards Board shall issue the one (1) year certificate for the beginning teacher internship as provided in KRS 161.030 and 704 KAR 20:320 upon applicant's confirmation of employment in a position teaching children from birth to entry into a primary program on at least a half-time basis in a school which meets the criteria identified in KRS 161.030.

(5)(a) The beginning teacher internship may be waived for out-of-state applicants who have completed two (2) or more years of successful experience in a position teaching children from birth to entry into the primary program.

(b) The beginning teacher internship may be waived for applicants who have completed two (2) or more years of successful experience in a position teaching children from birth to entry into a primary program on at least a half-time basis in Kentucky while holding one (1) of the following credentials:

1. Baccalaureate or higher degree in child development or early childhood education or early childhood special education.
2. Certification valid for kindergarten.
3. Special education certification valid for primary grades.

Section 3. (1) The Education Professional Standards Board shall issue a Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary, for a duration period of five (5) years, except as follows:

(a) The initial certification for the beginning teacher internship shall be issued for a duration period of one (1) year. The certificate shall be extended for the remainder of the five (5) year period upon successful completion of the beginning teacher internship as provided in 704 KAR 20:320.

(b) Recency of preparation shall be a prerequisite for the issuance of certificates as provided in 704 KAR 20:045. An initial certificate valid for a one (1) year period shall be issued to an applicant who has completed the program of preparation more than five (5) years preceding the date of receipt of the certificate application form or who has not completed six (6) semester hours of graduate credit within the five (5) year period. The certificate shall be extended for the remainder of the five (5) year period upon completion of six (6) semester hours of graduate credit by September 1 of the year of expiration. The recency of preparation requirement shall be waived for applicants for initial Kentucky certification who have completed a planned fifth-year program provided they have completed three (3) years of successful teaching experience within the last five (5) years.

(2) The first five (5) year renewal shall require completion by September 1 of the year of expiration of fifteen (15) semester hours of graduate credit.

(3) The second five (5) year renewal shall require completion of the planned fifth-year program as defined in 704 KAR 20:020 by September 1 of the year of expiration.

(4) After completion of the planned fifth-year program, the certificate shall be renewed for subsequent five (5) year periods upon completion of three (3) years of successful teaching experience or six (6) semester hours of credit by September 1 of the year of expiration.

Section 4. [~~(1)~~] The Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary, shall be valid for teaching children from birth to entry into the primary program. This includes teaching children in kindergarten or other programs for five (5) year old children where these programs are operated separately from the primary program. Persons holding this certificate shall serve as primary developers and implementers of individual programs for children with and without disabilities including individual education plans (IEP's) and individual family service plans (IFSP's) with consultation and support from specialists according to the needs of the child (e.g., speech-language pathologists, occupational and physical therapists, nurses, educators of the hearing impaired or vision impaired, and others).

[~~(2) Effective with the 1999-2000 academic year all baccalaureate and postbaccalaureate persons teaching children from birth to entry into the primary program shall hold the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary. By the 1999-2000 school year, the Kentucky Department of Education shall report to the Education Professional Standards Board regarding continuation of supervised, nonbaccalaureate personnel as teachers.~~]

Section 5. **Teachers serving in positions identified in Section 4 as early childhood teachers during the 1994-95 school year in districts with approved preschool programs shall be eligible to continue serving in the same position without any additional certification. Such teachers will receive upon application to the Education Professional Standards Board letters certifying such eligibility.** [~~Beginning with the 1994-95 academic year and through the 1998-99 academic year, teachers of children from birth to entry into the primary program who do not hold the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary, may be employed as provided in 704 KAR 3:410, Section 6 for Level III supervised, nonbaccalaureate teachers and for baccalaureate and postbaccalaureate teachers under the following conditions:~~

~~(1) Level I personnel shall hold one (1) of the following credentials: baccalaureate or higher degree in child development, early childhood education, or early childhood special education; certification valid for kindergarten; special education certification valid for primary grades.~~

~~(2) If personnel with Level I qualifications are not available, the local board may request approval for Level II personnel who have a minimum of one (1) year of early childhood training or experience and who hold one (1) of the following credentials: a degree in family studies, social work, psychology, registered nurse, certification or licensure in speech communication disorders or speech language pathology, or other related area including education if not specified under Level I.~~

~~(3) Personnel with qualifications identified in subsections (1) and (2) of this section shall:~~

~~(a) Be enrolled in an approved program leading to the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary; and~~

~~(b) Develop an individual program of studies with an adviser in an approved program for preparation to qualify for the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary.~~]

Section 6. [~~(1)~~] All teacher preparation institutions offering approved programs of preparation leading to the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary, shall establish an assessment system to judge the performance of candidates on the **teacher performance standards** [~~valued educator outcomes~~] identified for this certificate.

[~~(2) For candidates who have completed at least one (1) year of successful teaching experience with children from birth to entry into the primary program, the teacher preparation institution shall use this system to evaluate the performance of the candidate on some or all of the valued educator outcomes. For those outcomes which the candidate demonstrates an acceptable level of performance, the teacher education institution shall waive the corresponding curriculum requirements.~~]

Section 7. Standards for Program of Preparation. In order to receive approval of the Education Professional Standards Board, a program of preparation leading to the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary, shall meet the following standards:

(1) The program shall be designed to prepare candidates to teach and manage tasks as identified in the **teacher performance standards** [~~valued educator outcomes and accompanying performance criteria~~] listed in Section 9 of this administrative regulation.

(2) The program shall include a system of continuous assessment to evaluate the candidate's progress and level of attainment on the **teacher performance standards** [~~valued educator outcomes and the related performance criteria~~]. The assessments shall include performance on authentic teaching and managing tasks in settings that are inclusive of children across abilities and contexts. Candidates shall be evaluated by paper and pencil tests and authentic assessments of performance.

(3) The program of preparation shall ensure that candidates from culturally diverse backgrounds are recruited and retained in the program.

(4) The program of preparation shall provide the candidate with knowledge and experiences to perform teaching and managing tasks identified in the **teacher performance standards** [~~valued educator outcomes~~] with children from culturally diverse backgrounds.

Section 8. Application for Program Approval. (1) A teacher education institution which proposes to offer a program of preparation leading to the Professional Certificate for Interdisciplinary Early Childhood Education, Birth to Primary, shall make application for approval to the Education Professional Standards Board. The application for approval shall include a program description which includes the following:

(a) Program outcomes: include **teacher performance standards** [~~valued educator outcomes~~] for interdisciplinary early childhood education.

(b) Program components: provide list of coursework, clinical and field experiences, and student teaching related to general education, interdisciplinary specialty studies, and professional studies.

(c) Faculty: provide list of faculty responsible for and involved with the conduct of the specific program and their qualifications.

(d) Students: describe admission and retention policies and procedures that are specific to this program.

(e) Plan for assessment: description of the system of continuous assessment of **teacher performance standards** [~~valued educator outcomes~~].

(2) Institutions may receive interim program approval for a one (1) year period which may be extended for one (1) additional year while the institution develops the assessments identified in Section 7(2) of this administrative regulation. At the end of the period of interim approval the institution shall apply for full approval to the Education Professional Standards Board.

Section 9. **Teacher Performance Standards.** [~~Valued Educator Outcomes and Performance Criteria.~~] (1) **Teacher Performance Standard** [~~Valued Educator Outcome~~] I. [~~(a)~~] The early childhood educator shall design and organize learning environments, experiences, and instruction that address the developmental needs of infants, toddlers, preschool children, and kindergarten children and [~~Kentucky's Learning~~] goals **established by KRS 158.6451** [~~and Valued Outcomes~~]. The early childhood educator shall develop plans for:

(a) [~~1.~~] Implementation in a classroom setting;

(b) [~~2.~~] Implementation in a home or other settings;

(c) [~~3.~~] Implementation by teaching assistants and other staff in a variety of settings; and

(d) [~~4.~~] Training teaching assistants, other staff, and parents. These plans shall include individual family service plans (IFSP's), individual education programs (IEP's), and transition plans for children across disabilities developed in partnership with family members.

[~~(b) Performance criteria shall include the extent to which the early childhood educator:~~

~~1. Designs activity based learning experiences that are developmentally and individually appropriate for the child and are based on appropriate assessment of the child.~~

~~2. Makes provisions for the special needs of children who have unique talents, learning and developmental needs, or specific disabilities.~~

~~3. Plans for a healthy and safe environment for children with appropriate health and safety precautions during activities and incorporating health and safety into the curriculum.~~

~~4. Develops curricula and focuses instruction on the developmental needs of the children and Kentucky's learning goals and valued outcomes.~~

~~5. Designs opportunities for positive guidance and self regulation of the child including effective strategies for addressing challenging behaviors through analysis of communicative intent, use of nonaversive intervention strategies, and systematic implementation.~~

~~6. Links developmental learning experiences and strategies with cultural, social, and family diversity.~~

~~7. Incorporates knowledge and strategies from multiple disciplines and other service plans (e.g., health care, social services) into the design of intervention strategies.~~

~~8. Incorporates family resources, priorities, and concerns into the plan.~~

~~9. Plans for current developmental and learning experiences and strategies and relates these to the next educational setting for the child and family.~~

~~10.~~ Implements [~~Designs~~] ~~creative and appropriate use of technology to enhance learning and participation, control of the environment, and communication abilities including adaptive and assistive technology.~~

~~11. Selects and uses learning strategies and resources including materials, classroom furnishings, and community resources that are developmentally and individually appropriate for the child.~~

[~~12. Implements child oriented strategies to meet the individual needs of children including the development of communication systems (symbolic and nonsymbolic) for children.~~]

~~12.~~ [~~13.~~] ~~Provides a stimulus rich indoor and outdoor environment for children using materials, media, and technology to enhance learning.~~

[~~14. Informs families about legal rights and procedures regarding children who have disabilities or meet income or other eligibility guidelines for services.~~]

~~13.~~ [~~15.~~] ~~Identifies resources essential to the accomplishment of the management task or objective.~~]

(2) **Teacher Performance Standard** [~~Valued Educator Outcome~~] II. [~~(a)~~] The early childhood educator shall create appropriate learning environments for infants, toddlers, preschool children, and kindergarten children that are supportive of developmental needs of the age group and [~~Kentucky's Learning~~] goals **established by KRS 158.6451** [~~and Valued Outcomes~~]. The early childhood educator shall provide developmental and learning activities in classroom and home settings, and in other settings, such as other preschools, child care programs, and hospitals. Within these settings, the learning context may include individual child activities, parent-child activities, small groups, and large groups. The early childhood educator shall create appropriate learning environments for children with diverse abilities including children with and without disabilities.

[~~(b) Performance criteria shall include the extent to which the early childhood educator:~~

~~1. Facilitates development and actively involves children at a high level of engagement in developmentally and individually appropriate learning activities within the contexts of play, ongoing care routines, daily living and nutritional experiences, transitions, systematic instructional situations, and natural experiences.~~

~~2. Focuses the attention of children and helps children make connections in basic skills or core concepts and processes through an integrated skills approach to all areas of child development: physical, emotional, social, aesthetic, cognitive, communicative, and adaptive behavior.~~

~~3. Identifies children's misconceptions; provides guidance; systematically provides additional learning cues, models, or assistance as needed; and, offers frequent feedback on progress toward learning outcomes.~~

~~4. Provides a stimulus rich indoor and outdoor environment for children using materials, media, and technology to enhance learning.~~

~~5. Makes creative and appropriate use of materials, media and technology for learning including adaptive and assistive technology to enhance learning opportunities, communication skills, and to extend child control over the environment.~~

~~6. Manipulates antecedent and consequent conditions available in and appropriate to the child's natural environment for the purpose of encouraging appropriate child behavior through nonaversive techniques to foster self control, self discipline, and self responsibility.~~

~~7. Uses activities which actively engage children in cooperative learning in multiage, multiability groups for learning and for development of interpersonal skills and peer relationships.~~

~~8. Adapts the learning environment for inclusion of children from various cultures with and without disabilities, special health care needs, and emotional needs.~~

~~9. Facilitates positive and supportive interactions between children and adults including staff, parents, and primary caregivers and promotes self management and self regulation.~~

~~10. Uses physical, social, and temporal aspects of the environment to engage children and maximize learning and development with adjustments as the situation demands.~~

~~11. Recognizes diversity as a strength within the group or class or among families, shows consistent sensitivity to gender, social, and cultural differences, and respects individual differences.~~

~~12. Operates within legal and ethical guidelines and adheres to high standards.]~~

(3) **Teacher Performance Standard** [~~Valued Educator Outcome~~] III. [~~(a)~~] The early childhood educator shall introduce, implement, facilitate, and manage development and learning for infants, toddlers, preschool children, and kindergarten children to promote growth toward developmental needs of the age group and [~~Kentucky's Learning~~] goals **established by KRS 158.6451** [~~and Valued Outcomes~~]. The early childhood educator shall implement instruction in classroom and home settings, through itinerant services, and in other settings such as day care, other preschools, and hospitals. The early childhood educator shall implement instruction for young children with diverse abilities including children with and without disabilities.

[~~(b) Performance criteria shall include the extent to which the early childhood educator:~~

~~1. Facilitates development and actively involves children at a high level of engagement in developmentally and individually appropriate learning activities within the contexts of play, ongoing care routines, daily living and nutritional experiences, transitions, systematic instructional situations, and natural experiences.~~

~~2. Incorporates knowledge and strategies from multiple disciplines and other service plans (e.g., health care, social services) into the design of intervention strategies.~~

~~3. Focuses the attention of children and helps children make connections in basic skills or core concepts and processes through an integrated skills approach to all areas of child development: physical, emotional, social, aesthetic, cognitive, communicative, and adaptive behavior.~~

~~4. Implements child oriented strategies to meet the individual needs of children including the development of communication systems (symbolic and nonsymbolic) for children.~~

~~5. Incorporates family centered activities as a part of the learning environment.~~

~~6. Links development and learning with the child's prior knowledge, experiences, and cultural background and makes provisions for diversity in the following areas: selection of materials; environment; activities; communication modes; and child response modes.~~

~~7. Identifies children's misconceptions, provides guidance, systematically provides additional learning cues, models, or assistance as needed, and offers frequent feedback on progress toward learning outcomes.~~

~~8. Uses instructional practices that are pedagogically sound and legally defensible.~~

~~9. Involves children in multiability groups for learning activities with adaptations as needed for materials or curriculum, personal assistance, and appropriate positioning and strategies for overcoming environmental barriers for children with physical disabilities.~~

~~10. Makes creative and appropriate use of materials, media and technology for learning including adaptive and assistive technology to enhance learning opportunities, communication skills, and to extend child control over the environment.~~

~~11. Manipulates antecedent and consequent conditions available in and appropriate to the child's natural environment for the purpose of encouraging appropriate child behavior through nonaversive techniques to foster self control, self discipline, and self responsibility.~~

~~12. Facilitates positive and supportive interactions between children and adults including staff, parents, and primary caregivers and to promote self management and self regulation.~~

~~13. Uses physical, social, and temporal aspects of the environment to engage children and maximize learning and development with adjustments as the situation demands.~~

~~[14. Supports and assists the family in articulating priorities, concerns, and family resources that promote the child's development.~~

~~15. Demonstrates sensitivity to differences in family structures, processes, social and cultural backgrounds including special issues related to poverty, disability, and emotional needs of children.]~~

~~14.~~ [~~16.~~] ~~Specifically communicates options for programs and services for the child at the next level and assists the family in identifying activities and resources to facilitate transition.~~

~~15.~~ [~~17.~~] ~~Identifies the outcome or goal of the management task or objective.~~

~~16.~~ [~~18.~~] ~~Uses problem solving and participatory group processes to address management problems.~~

~~17.~~ [~~19.~~] ~~Establishes appropriate time lines for completion of management tasks.~~]

(4) **Teacher Performance Standard** [~~Valued Educator Outcome~~] IV. [~~(a)~~] The early childhood educator shall assess children's cognitive, emotional, social, communicative, adaptive, and physical development; organize assessment information; and communicate the results appropriate to the purpose of the assessment. Assessment purposes shall include:

(a) [~~1.~~] Determining learning results;
(b) [~~2.~~] Developmental screening;
(c) [~~3.~~] Program planning;
(d) [~~4.~~] Eligibility for disability services;
(e) [~~5.~~] Program evaluation;
(f) [~~6.~~] Progress on IFSP's and IEP's; and
(g) [~~7.~~] Needs for transition to the next educational setting or program.

[~~(b) Performance criteria shall include the extent to which the early childhood educator:~~

~~1. Uses multiple assessments, measures, and sources of data about the child with adaptations for sensory and physical impairments (e.g., observations of the child in relation to environments, interpersonal interactions, checklists, interviews, anecdotal records, norm and criterion referenced assessments, play based assessments, and portfolios of sample performance tasks);~~

~~2. Appropriately uses a wide variety of [appropriate] child assessment instruments and [or] procedures based on the purpose of~~

~~assessment that are consistent with established criteria and standards;~~

~~3. Involves families actively as team members and promotes family and child self-assessment by helping families and children articulate their own strengths, concerns, priorities, and resources;~~

~~4. Collects assessment data in a systematic way, records child performance, and maintains up to date records of children's progress with appropriate use of technology to support these activities;~~

~~5. Organizes assessment data and communicates results to the team, child and family members in a user friendly format and process and uses indicators of progress that all team members and parents understand;~~

~~6. Specifically communicates options for programs and services for the child at the next level and assists the family in identifying activities and resources to facilitate transition;~~

~~7. Evaluates child development and learning in a way that is sensitive to cultural backgrounds; and~~

~~8. Applies expert opinion found in guidelines and standards prescribed or mandated by state, national organizations, and learned societies to evaluate progress.]~~

(5) **Teacher Performance Standard** [~~Valued Educator Outcome~~] V. [~~(a)~~] The early childhood educator shall reflect on and evaluate teaching and learning situations, learning environments, and programs for infants, toddlers, preschool children, kindergarten children, and their families. This shall include learning situations and programs that are provided in relation to an IFSP or an IEP and by the early childhood educator, a teaching assistant or other staff member, the family, or other caregiver.

[~~(b) Performance criteria shall include the extent to which the early childhood educator's evaluation:~~

~~1. Accurately articulates and assesses the learning situation or program and develops specific ideas and suggestions for improvement of the development program or learning environment with respect to:~~

~~a. The child's level of development and cultural background.~~

~~b. Developmental levels and learning outcomes for the child.~~

~~c. Developmentally and individually appropriate instruction.~~

~~d. The child's natural environment for learning.~~

~~e. Positive guidance and self direction.~~

~~f. Active exploration and interaction.~~

~~g. Use of time, space, materials, technology, and human resources (e.g., peers, family, community);~~

~~2. Analyzes and evaluates the effect of the developmental program, learning environment, and family services on children as individuals and as groups of children;~~

~~3. Identifies priority activities for proficient performance and facilitates the development of learning experiences for assistants, staff, and volunteers.]~~

(6) **Teacher Performance Standard** [~~Valued Educator Outcome~~] VI. [~~(a)~~] The early childhood educator shall collaborate and consult with the following to design, implement, and support learning programs for children: staff in a team effort; volunteers; families and primary caregivers; other educational, child care, health and social services providers in an interagency and interdisciplinary team; and, local, state, and federal agencies.

[~~(b) Performance criteria shall include the extent to which the early childhood educator:~~

~~1. Uses effective team membership and interpersonal skills to support [facilitate] the collaborative team effort, articulates the purpose and scope of the collaborative effort, takes on appropriate roles (e.g., leader, follower, advocate, team teacher), and facilitates successful closure to collaborative events.~~

~~2. Involves parents as equal partners on the team.~~

~~3. Involves the appropriate persons and agencies to address the situation, problem, or task.~~

~~4. Uses information, skills, and applications learned in the interdisciplinary, collaborative team process to facilitate child development and learning including embedding opportunities for child participation and instruction in self care and health related routine; uses appropriate orthopedic, prosthetic, and other assistive and adaptive equipment in collaboration with the child's therapists and family, and appropriately positions and handles students with physical disabilities according to the instructions of family/therapists.~~

~~5. Demonstrates an open mind to alternative perspectives, encourages contributions from different persons, sources and disciplines, and shows sensitivity to differences in roles, disciplines, service delivery models, social and cultural backgrounds.~~

~~6. Collaborates effectively with families and personnel to support successful transition of children.~~

~~[7. Implements a range of family oriented services based on identified resources, priorities, and concerns (e.g., information on community resources in child care, food stamps, health care, and disability services; support; referral; education and training).~~

~~8. Applies adult learning principles and processes in providing parents with training in child development, health, and safety.~~

~~9. Demonstrates use of ongoing, varied, and two (2) way communication strategies with family members (e.g., conferences, newsletters, daily notes, handbooks).]~~

~~7. [10.] Serves as a member of an interdisciplinary team to make appropriate referrals based on screening and observation and to provide functional and appropriate assessments for diagnostic and programming purposes (IEPs and IFSPs).~~

~~8. [11.] Writes appropriate and functionally based IFSPs and IEPs with various team members including annual and short term objectives based on child assessment data and which facilitate effective transition to successful functioning in future environments.~~

~~9. [12.] Clearly articulates child learning and developmental outcomes to assistants, staff, and volunteers.~~

~~10. [13.] Promotes self direction and applies adult learning principles and processes in training and supervision of assistants, staff, and volunteers.~~

~~11. [14.] Assesses the knowledge and performance levels of assistants, staff, and volunteers with sensitivity to social and cultural differences.~~

~~12. [15.] Identifies priority activities for proficient performance and facilitates the development of learning experiences for assistants, staff, and volunteers.~~

~~13. [16.] Provides feedback and evaluates performance in collaboration with the assistant staff or volunteer and facilitates the development of professional growth plans.]~~

(7) **Teacher Performance Standard** [~~Valued Educator Outcome~~] VII. [~~(a)~~] The early childhood educator shall engage in self-evaluation of teaching and management skills and participate in professional development to improve performance. This shall include the following performance areas:

(a) [~~1.~~] Designing and planning developmental and learning activities;

(b) [~~2.~~] Creating learning environments;

(c) [~~3.~~] Implementing and managing activities;

(d) [~~4.~~] Assessing children's learning development;

(e) [~~5.~~] Evaluating learning situations and environmental programs; and

(f) [~~6.~~] Collaborating with colleagues, parents, and others.

[~~(b) Performance criteria shall include the extent to which the early childhood educator:~~

~~1. Provides documented evidence and articulates personal performance levels with respect to valued educator outcomes in paragraph (1)1 through 6, sensitivity to differences in social and cultural backgrounds, and identifies strengths and priorities for growth;~~

~~2. Articulates a professional development plan that has the potential to expand the personal repertoire of skills and strategies with respect to specific performance areas;~~

~~3. Shows documented evidence of growth and increased capacity to address specific areas of performance;~~

~~4. Demonstrates professional growth through active participation in professional organization activities;~~

~~5. Critically reviews and applies research and best practice information in the program; and~~

~~6. Provides feedback and evaluates performance in collaboration with the assistant staff or volunteer and facilitates the development and implementation of professional growth plans.~~]

(8) **Teacher Performance Standard** [~~Valued Educator Outcome~~] VIII. [~~(a)~~] The early childhood educator supports and promotes the self-sufficiency of families as they care for and provide safe, healthy, stimulating, and nurturing environments for young children.

[~~(b) Performance criteria shall include the extent to which the early childhood educator:~~

~~1. Supports and assists the family in articulating priorities, concerns, and family resources that promote the child's development.~~

~~2. Demonstrates sensitivity to differences in family structures, processes, social and cultural backgrounds including special issues related to poverty, disability, and emotional needs of children.~~

~~3. Implements family centered services which support child development.~~

~~4. Informs families about legal rights and procedures regarding children who have disabilities or meet income or other eligibility guidelines for services.~~

~~5. Implements a range of family oriented services based on identified resources, priorities, and concerns (e.g., information on community resources in child care, food stamps, health care, and disability services; support; referral; education and training).~~

~~6. Applies adult learning principles and processes in providing parents with training in child development, health, and safety.~~

~~7. Demonstrates use of ongoing, varied, and two (2) way communication strategies with family members (e.g., conferences, newsletters, daily notes, handbooks).~~]

Section 10. This administrative regulation shall expire on adjournment of the next regular session of the General Assembly.

DANIEL GREEN, Chair
APPROVED BY AGENCY: October 1, 1993
FILED WITH LRC: October 4, 1993 at 2 p.m.

WORKFORCE DEVELOPMENT CABINET
Department for Technical Education
(As Amended)

780 KAR 2:020. Occupational appeals officer.

RELATES TO: KRS 151B.025, 151B.030, 151B.110
STATUTORY AUTHORITY: KRS 151B.025, 151B.110
NECESSITY AND FUNCTION: The State Board for Adult and Technical Education finds it necessary to promulgate regulations providing for appeal from the suspension **or** [~~of~~] expulsion order.

Section 1. There is hereby established within the Department of Adult and Technical Education the occupational appeals officer. The appeals officer shall be the Ombudsman for the Office of Kentucky Tech.

Section 2. An applicant or a student of vocational education services who is dissatisfied with the decision of a vocational regional hearing process may appeal to the occupational appeals officer concerning decisions of enrollment, suspension, or expulsion of vocational students who are attending any program subject to the control of the State Board for Adult and Technical Education.

Section 3. The student or applicant shall have twenty (20) school days from the date of the regional hearing in which to file a notice of appeal with the Secretary of the State Board for Adult and Technical Education. The notice of appeal shall designate the administrative action or order from which the appeal is taken.

Section 4. The administrative agency from which the appeal has been taken shall file the complete record of all action including any official transcript with the Secretary of the State Board for Adult and Technical Education.

Section 5. The **appeals officer or designee** [~~hearing officer~~] shall notify the parties within ten (10) school days after the filing of the appeal of the date, time and place of the hearing. The hearing shall be set within twenty (20) school days after the date of the notice, unless the parties mutually agree to another time.

Section 6. The hearing shall be conducted by the ombudsman or his[~~/her~~] designee and he[~~/she~~] shall not be bound by formal rules of evidence.

Section 7. The appellant shall have the burden of proof at the hearing and shall introduce proof in support of the appeal as the first order of proof. The appellee shall then submit its proof. The appellant may then submit rebuttal proof. All witnesses shall be subject to cross-examination.

Section 8. The appeals officer **or designee** shall then hear oral arguments or may request written briefs allowing a reasonable time for the submission thereof.

Section 9. The hearing shall be transcribed by an official court reporter.

Section 10. The **appeals officer or designee** [~~hearing officer~~] shall make findings of fact, conclusions of law and recommendations to the State Board for Adult and Technical Education at its next regular or special meeting. The Board shall within thirty (30) school days of receipt thereof make a final determination of the case.

C. RICHARD WARNER, Chairman
APPROVED BY AGENCY: October 14, 1993
FILED WITH LRC: November 15, 1993 at noon

WORKFORCE DEVELOPMENT CABINET
Department for Technical Education
(As Amended)

780 KAR 3:070. Attendance, compensatory time, and leave.

RELATES TO: KRS 151B.035, Chapter 337, 29 USC 201-219
STATUTORY AUTHORITY: KRS 151B.035
NECESSITY AND FUNCTION: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations with the provisions of KRS 151B.035. KRS 151B.035 specifies that the state board promulgate comprehensive regulations for the certified and equivalent staff governing attendance, including hours of work, compensatory time, and annual, court, military, sick, voting, and special leave of absence. The Family and Medical Leave Act of 1993 (PL 103-3) as implemented by 29 CFR Part 825 requires the granting of family and medical leave. This administrative regulation is necessary to comply with these statutory requirements.

Section 1. Definitions. (1) "Employee" means an employee in active payroll status. An employee who has resigned or retired or who has been placed in unpaid leave status by a personnel action shall

not qualify to donate or receive sick leave under the Sick Leave Sharing Program.

(2) "Immediate family" means a spouse, parent or child.

(3) "Medically certified illness, injury, impairment or physical or mental condition" means a disabling medical condition which renders the employee incapable of performing the essential duties of his job.

(4) "Medical emergency" means an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty on leave with or without pay for ten (10) or more consecutive working days.

(5) "Child", son or daughter, means a biological, adopted, or foster child (under an agreement with a state government agency), a stepchild, a legal ward, or a child of a person standing in loco parentis who is under eighteen (18) years of age, or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

(6) "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other person determined by the United States Secretary of Labor to be capable of providing health care services **as set forth in regulations found in the Federal Register, Volume 58, No. 106, Section 825.118, dated June 4, 1993.**

(7) "Parent" means the biological parent of one (1) employee or an individual who stood in loco parentis to an employee.

(8) "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(9) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

(10) "Spouse" means a husband or wife.

Section 2. Attendance. (1) Full-time employees shall be required to work thirty-seven and one-half (37 1/2) hours per week for all positions unless otherwise specified by the appointing authority.

(2) The normal work day for school-based employees shall coincide with the appropriate school schedule as recommended by the principal and approved by the regional executive director of the respective school operation.

(3) The appointing authority may require employees to work hours and work days other than normal including but not limited to inclement weather schedules if it is in the best interest of the agency.

(4) Employees who work within schools, regions, or divisions which require more than one (1) shift or seven (7) days a week operation may be assigned from one (10) shift to another and from one (1) post to another or alternate days to meet staffing requirements, or to maintain or provide essential services of the agency, or to meet scheduling needs of students. Employees shall be given as much advance notice as possible when schedules are changed. The employee is required to give reasonable notice in advance of absence from a work station.

Section 3. [2.] Compensatory Time. (1) An employee who is requested in advance to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour for hour basis. Compensatory leave may be accumulated or taken off in one-half (1/2) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

(2) Compensatory time shall be granted for those working in full-time positions only and who perform duties and responsibilities pertaining only to this full-time position.

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

(4) Any school-based employee who has accumulated compensatory leave shall be permitted to take time off during the following times:

(a) Spring break.

(b) Christmas break except on the four (4) official holidays normally given to state employees.

(5) All certified and equivalent employees shall be permitted to use accumulated compensatory time when practicable and requested in advance and if approved by the respective supervisor.

(6) To maintain a manageable level of accumulated compensatory leave and for the specific purpose of reducing an employee's compensatory leave, the commissioner or designee may direct an employee to take accumulated compensatory time off from work.

Section 4. [3.] Annual Leave. (1) Full-time employees in the certified and equivalent personnel system except seasonal, temporary, per diem, emergency and part-time employees shall accumulate annual leave with pay at the following rate:

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

(2) Annual leave shall be accumulated only in the months in which the employee is hired to work. A teacher employed to teach ten and one-half (10 1/2) months shall only accrue leave during the actual school term, unless he is approved to work extended employment.

(3) Computing annual leave.

(a) A full-time employee must have worked more than half of the work days in a month to qualify for annual leave.

(b) Leave shall be credited on the first day of the month following the month in which the leave is earned. In computing months of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted.

(c) Former employees who have been reinstated and who have been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where dismissal resulted from a violation of KRS 151B.090. Only those months for which the employee earned annual leave shall be counted in computing months of total service.

(4) The maximum accumulated annual leave which may carry forward from one (1) fiscal year to the next shall not exceed the following amounts:

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

Leave in excess of the above maximum amounts shall be converted to sick leave at the end of the fiscal year or upon retirement. Months of service for the purpose of determining the maximum accumulation of annual leave and the amount to be converted to sick leave shall be computed as provided in subsections (1), (2), and (3) of this section. Annual leave shall not be granted in excess of that earned prior to starting date of leave.

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

(6) Taking annual leave.

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

(b) School-based employees shall take time off during the following times:

1. Spring break.

2. Christmas break except on the four (4) official holidays normally given to state employees.

(c) In cases of emergency, the supervisor may request an employee to work during the above times without loss of annual leave.

(7) Employees are charged with annual leave for absence only on days they would otherwise work and receive pay or on designated school closure days.

(8) Employees shall be allowed up to two (2) professional leave days for the purpose of continuing staff development or participation in professional organization workshops and meetings without loss of pay.

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

(10) An employee who is transferred to the Department for Adult and Technical Education shall retain his accumulated leave.

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

(12) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B shall have worked or been on paid leave during the previous month subject to the following conditions:

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

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

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

(d) Any employee who leaves the Department for Adult and Technical Education certified and equivalent personnel system on or prior to the fifteenth day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

(13) Lump sum payment for accumulated annual leave.

(a) Employees shall be paid in a lump sum for accumulated annual leave, not to exceed the maximum amounts as set forth in subsection (5) of this section when separated by proper resignation or retirement.

(b) In the case of layoff, the employee shall be paid in a lump sum for all accumulated leave.

(c) An employee in the unclassified service who reverts to the classified service or an employee who resigns one day and is employed the next day shall retain his accumulated leave.

(d) The effective date of the separation shall be the last work day.

(14) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts set forth in subsection (4) of this section.

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

(16) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or increments of one-half (1/2) hour.

Section 5. [4.] Sick Leave. (1) Employees in the certified and equivalent personnel system, except emergency, per diem, and part-time employees shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the workdays in a month to qualify for sick leave with pay. Each employee shall be credited with additional sick leave on the first day of the month following the month in which the sick leave is earned.

(2) Sick leave credits: full-time and former employees.

(a) Full-time employees completing 120 months of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months of service.

1. In computing months of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used.

2. Only those months for which the employee earned sick leave shall be counted in computing total months of service.

3. The total service must be verified before the leave is credited to the employee's record.

(b) Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where dismissal resulted from the violation of KRS 151B.090.

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

(4) Sick leave shall accrue only when an employee is working or on authorized leave with pay, with the exception of educational leave with pay.

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

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

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

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

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

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

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

(7) Continuous leave limitation, doctor's statements, availability of position on return, dismissal after one (1) year, and sick leave without pay.

(a) The appointing authority shall grant sick leave without pay for

so long as an employee is disabled by sickness, or illness, or pregnancy, and the total continuous leave does not exceed one (1) year.

(b) The appointing authority may require periodic doctor's statements attesting to the continued inability to perform his duties.

(c) When the employee has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit; if there is no position available, the statutes pertaining to layoff apply.

(d) An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of his sick leave, shall be dismissed by the appointing authority.

(e) An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Employees eligible for state contributions for life insurance and health benefits under the provision of KRS Chapter 151B shall have worked or been on paid leave during the previous month subject to the following conditions:

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

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

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

(d) The Department for Adult and Technical Education shall continue to pay the state's contribution toward health and life insurance benefits between June 15 and August 1 for employees whose normal work year consists of ten and one-half (10 1/2) months.

(e) Any employee who leaves the certified and equivalent personnel system on or prior to the fifteenth day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

(9) Absence for a fraction or a part of a day that is chargeable to sick leave shall be charged in hours or increments of one-half (1/2) hour.

(10) An employee who is transferred to the Department for Adult and Technical Education shall retain his accumulated sick leave.

(11) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reinstated or reemployed shall have unused sick leave balances revived upon reentrance and placed to their credit.

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

(13) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(14) Supporting evidence.

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

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

Section 6. [~~5.~~] Sick Leave Sharing Procedures. [~~(1) Definitions.~~

~~(a) "Employee" means an employee in active payroll status. An employee who has resigned or retired or who has been placed in unpaid leave status by a personnel action shall not qualify to donate or receive sick leave under the Sick Leave Sharing Program.~~

~~(b) "Immediate family" means the spouse, mother, father, son or daughter, or person of similar relationship who has resided with the employee for not less than thirty (30) days prior to application.~~

~~(c) "Medically certified illness, injury, impairment or physical or mental condition" means a disabling medical condition which renders the employee incapable of performing the essential duties of his job.~~

~~(d) "Medical emergency" means an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty on leave with or without pay for ten (10) or more consecutive working days.~~]

[~~(15) An employee may donate or receive sick leave donation under the following conditions:~~]

(1) [~~(2)~~] [~~(a)~~] An employee with a sick leave balance in excess of seventy-five (75) hours may donate any or all excess to an employee with a documented medical emergency who has exhausted all annual leave, sick leave, and compensatory leave.

(2) [~~(3)~~] [~~1.~~] Voluntary donation of excess sick leave shall be subject to the approval of and made on a form prescribed by the Commissioner and shall include:

(a) [~~a.~~] The name of the donor.

(b) [~~b.~~] The agency or office in which the donor is employed.

(c) [~~c.~~] The position number of the donor.

(d) [~~d.~~] The social security number of the donor.

(e) [~~e.~~] The name of the employee to which leave is being donated.

(f) [~~f.~~] The agency or office in which the donee is employed.

(g) [~~g.~~] The donee position number.

(h) [~~h.~~] The donee Social Security Number.

(i) [~~i.~~] The maximum amount of the donor's leave in excess of seventy-five (75) hours which may be credited to the individual donee.

(j) [~~j.~~] Certification by the donor that this donation is given without expectation or promise for any purpose other than that authorized by this regulation.

(3) [~~(4)~~] [~~2.~~] The donating employee shall retain a sick leave balance of not less than seventy-five (75) hours.

(4) [~~(5)~~] [~~3.~~] A donating employee shall not sell, offer to sell, bargain, exchange, transfer, or assign accumulated sick leave for any consideration or in any manner other than that authorized by this regulation.

(5) [~~(6)~~] [~~(b)~~] An employee with a medical emergency who has exhausted all annual leave, sick leave, and compensatory leave may make application to receive donation of sick leave from an employee (or employees) with a sick leave balance in excess of seventy-five (75) hours. Application may be made on behalf of the employee by a personal representative of the employee in the event of the employee's incapacity to make application on his own behalf.

(6) [(7)] [1.] Application shall be made to the appointing authority on a form prescribed by the commissioner and shall include:

(a) [a.] Employee name.

(b) [b.] Position number.

(c) [c.] Social Security number.

(d) [d.] Employee title.

(e) [e.] The reason transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency.

(f) [f.] Signature of the requestor or his personal representative.

(7) [(8)] [2.] The application shall be accompanied by certification by one (1) or more physicians of the medical reasons that the employee will be unable to perform the duties and responsibilities of this position for ten (10) or more consecutive working days.

(8) [(9)] [(c)] The appointing authority may require additional medical evidence prior to approval or denial of acceptance of sick leave donation. An employee may request an extension of approved, donated sick leave by presenting additional medical evidence to the appointing authority.

(9) [(10)] [(d)] At the end of each pay period while an employee is on donated leave, the appointing authority shall credit that employee's sick leave balance with the number of hours which would otherwise be considered leave without pay and shall reduce the donor's leave balance by that amount.

(10) [(11)] [(e)] No employee on donated sick leave shall be credited with leave in an amount in excess of the time of the documented medical emergency.

(11) [(12)] [(f)] No person shall through his office of employment use any promise, exchange, or influence to require an employee to donate excess sick leave or annual leave to any other employee.

~~[(g) For purposes of this regulation, medical emergency shall mean an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty for ten (10) or more consecutive working days.]~~

(12) [(13)] Sick leave shall not be transferred in increments of less than seven and one-half (7.5) hours.

(13) [(14)] Where multiple donors donate sick leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.

(14) [(15)] The applicant for sick leave sharing shall be responsible for filing the appropriate medical certificates and applications. Donated sick leave shall not be used retroactively except to cover the period between the first day sick leave would have been granted [date the request was submitted] and the date of approval by the appointing authority.

(15) [(16)] The sick leave sharing recipient shall be responsible for monitoring the amount of sick leave donated and used.

(16) [(17)] Donated sick leave shall be used on consecutive days except as provided by Section 5 [4] (7)(e) of this administrative regulation. Any leave that an employee accrues while receiving donated sick leave shall be used before donated sick leave.

(17) [(18)] When the recipient of donated leave returns to work, resigns, retires, or otherwise terminates from state employment, unused donated leave shall be restored to the donors, in chronological order of receipt of the donation forms, unless the recipient provides medical evidence that he or a member of his immediate family will require continued, periodic medical treatment relating to the original condition for which leave was donated.

(18) [(19)] If a sick leave donor resigns, retires or is otherwise terminated from state employment before the donor's sick leave has been transferred [process of transferring leave] to the recipient [has begun], such leave shall not be available for use by the recipient.

(19) [(20)] An appointing authority may require a sick leave recipient to provide an updated medical certificate attesting to the continued need for leave after thirty (30) working days of sick leave.

~~[(21) An employee receiving workers' compensation benefits is eligible to receive shared sick leave to maintain a regular level of pay.]~~

Section 7. [6.] Family and Medical Leave. ~~[(1) Definitions.~~

~~(a) "Child", son or daughter, means a biological, adopted, or foster child (under an agreement with a state government agency), a stepchild, a legal ward, or a child of a person standing in loco parentis who is under eighteen (18) years of age, or eighteen (18) years of age or older and incapable of self care because of a mental or physical disability.~~

~~(b) "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other person determined by the United States Secretary of Labor to be capable of providing health care services.~~

~~(c) "Parent" means the biological parent of one (1) employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.~~

~~(d) "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.~~

~~(e) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.]~~

(1) [(2)] Effective August 5, 1993, every employee in state service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding twelve (12) months shall qualify for twelve (12) weeks of family and medical leave without pay. On the first day of January of each year thereafter every employee in state service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding calendar year shall qualify for twelve (12) weeks of family and medical leave without pay. Unused family and medical leave shall not be carried over from year to year.

(2) [(3)] Calculating a week of family and medical leave.

(a) A week of family and medical leave is the amount of time an employee normally works each week.

(b) If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the family and medical leave shall be used for calculating the employee's normal work week.

(c) If there has been a permanent or long-term change in the employee's schedule (for reasons other than family and medical leave), the hours worked under the new schedule shall be used for calculating the employee's normal workweek.

(3) [(4)] The appointing authority shall grant family and medical leave upon the receipt of a completed application from an employee. The appointing authority shall require the employee to use accumulated sick, annual and compensatory leave prior to granting unpaid family and medical leave, except that the employee may request to reserve ten (10) days of paid sick leave. The amount of available family and medical leave shall be reduced by the amount of paid or unpaid leave used. A completed application consists of the request form and the medical certification required by subsection (6) of this section. The employee shall make the application as far in advance of the start of the leave as reasonable.

(4) [(5)] Family and medical leave shall be granted:

(a) For the birth of a child of the employee, adoption by the employee of a child, or placement with the employee of a foster child. The appointing authority shall require a couple in the employ of the same agency to limit the total amount of family and medical leave to twelve (12) weeks where leave is sought in connection with the birth, adoption, or placement of a foster child or to care for a sick parent;

(b) Within one (1) year of the birth of a child of the employee, adoption by the employee or placement with the employee of a foster child, for the care of such newborn, adopted, or foster child;

(c) To an employee to care for the employee's spouse, parent, or child if the spouse, parent, or child has a serious health condition.

(d) Because of a serious health condition of the employee that makes the employee unable to perform the essential functions of his position.

(5) [~~(6)~~] Certification requirements.

(a) The appointing authority shall require an employee granted family and medical leave for a serious health condition of the employee or child, spouse or parent to supply a certification, on a form prescribed by the cabinet secretary, from a health care provider that includes a statement that the employee is needed to care for a child, spouse, or parent in order to assist in their recovery. **The certifying health care provider shall be a person actually providing services to the employee, child, spouse, or parent.**

(b) An employee requesting intermittent leave or leave on a reduced leave schedule due to serious health condition of the employee or child, spouse, or parent shall be required to supply a certification from a licensed health care provider that such leave is medically necessary and the expected duration and schedule of such leave. **The certifying health care provider shall be a person actually providing services to the employee, child, spouse, or parent.**

(c) If the appointing authority has reason to doubt the validity of a medical certification, the appointing authority may require the employee to obtain a second opinion at the agency's expense. The appointing authority shall designate the health care provider to furnish the second opinion. The designated health care provider shall not be employed on a regular basis by the agency.

(d) If the opinions of the employee and the designated health care provider differ, the appointing authority may request the employee to obtain certification from a third health care provider who is approved by the employee. This third opinion shall be final and binding. If the appointing authority does not act in good faith to attempt to reach an agreement on the third health care provider, the appointing authority shall be bound by the original certification. If the employee does not act in good faith to attempt to reach an agreement on the third health care provider, the employee shall be bound by the opinion of the second health care provider.

(e) The appointing authority may require recertification of the need for family and medical leave every thirty (30) working days and a report on the status and intention of the employee to return to work.

(6) [~~(7)~~] If an employee requests intermittent leave or a reduced work schedule to care for a seriously ill child, parent, or spouse or for the employee's own serious health condition, and the need for leave is reasonably based on planned medical treatment, the appointing authority may temporarily reassign the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

(7) [~~(8)~~] Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B shall have worked or been on paid leave or shall have been on family and medical leave during the previous month subject to the following conditions:

(a) Work days and paid leave and family and medical leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month;

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

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

(d) An employee who uses family and medical leave as the sole qualification for the state contribution for life insurance and health benefits who fails to return to work for thirty (30) calendar days after the family and medical leave is exhausted shall reimburse the agency for state contributions paid on behalf of the employee. The employee shall not be required to reimburse the agency if the reason the employee does not return is due to:

1. The continuation, recurrence or onset of a serious health condition which would entitle the employee to family and medical leave under this regulation.

2. Other circumstances beyond the employee's control. These circumstances include but are not limited to when a parent, spouse, or child has a serious health condition and the employee is needed to provide care; or the employee is laid off while on leave. Examples of circumstances which are not beyond the employee's control are where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care; or a parent's decision not to return to work to stay with a newborn child.

(e) An employee on family and medical leave shall continue to be responsible for the employee's share of contributions for life insurance and health benefits. The contributions shall be due at the same time the contributions would be made if by payroll deduction. An employee shall be granted a thirty (30) calendar day grace period to make any employee contributions for life insurance and health benefits. If the employee does not make the contribution within the thirty (30) day grace period, the employee's life insurance and health benefits shall cease on the date the grace period ends. If the life insurance and health benefits cease as a result of nonpayment of premiums by the employee after the grace period, upon the employee's return to work for thirty (30) calendar days, the life insurance and health benefits shall be restored to the same level of coverages as were provided when the leave commenced, effective with the employee's return to work.

(8) [~~(9)~~] At the conclusion of the family and medical leave, an employee shall be restored to the same position that the employee held before going on leave, or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Section 8. [~~7.~~] [~~5.~~] Court Leave. An employee shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, or administrative agency or body of the federal or state government or any political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party to the court or administrative proceeding [~~plaintiff~~]. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 9. [~~8.~~] [~~6.~~] Military Leave: Training Duty and Military Duty. (1) Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of his regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and this absence shall not be charged to leave.

(a) Absence in excess of this amount will be charged as annual leave, compensatory leave, or leave with out pay.

(b) 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 duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

Section 10. [~~9.~~] [~~7.~~] Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, four (4) hours, for the purpose of voting. This absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Employees who are permitted to work in lieu of voting leave shall be granted compensatory leave on an hour-for-hour basis.

Section 11. [~~10.~~] [~~8.~~] Special Leave of Absence. (1) In addition to leave as above provided, 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) The Commissioner of Adult and Technical Education may grant leave of absence when requested by an employee for a period not to exceed twenty-four (24) months, with or without pay, for assignment to and attendance at college, university, vocational or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service. All employees granted this leave shall be guaranteed a position as similar as possible to the position held at the time of beginning of leave. Employees shall not be guaranteed the identical position held at time of beginning of leave.

(3) The appointing authority may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this regulation that are deemed to be in the best interest of the state. All employees granted this leave shall be guaranteed a position as similar as possible to this position held at the time of the beginning of leave. Employees shall not be guaranteed the identical position held at the time of leave.

(4) The Commissioner of Adult and Technical Education may grant a sabbatical leave of absence without pay when requested by a continuing status employee for a period not to exceed twelve (12) months for attendance at a college, university, vocational, business school or any other business and industrial training program for the purpose of retraining due to changing technology. If retraining occurs at a Kentucky Technical institution, the employee shall be exempt from tuition. Employees granted this leave shall be guaranteed a position as similar as possible to the position held at the time of beginning of leave, or if there is no similar position available, the first opening for a similar position for which the employee is qualified. Employees shall not be guaranteed the identical position held at the time of beginning leave.

(5) The appointing authority may place an employee on leave without pay for a period of time not to exceed sixty (60) working days pending an investigation into allegations of employee misconduct. Unless there is imminent danger to staff, students or other individuals, there shall be a preliminary hearing after which the employee shall be notified in writing by the appointing authority that he is being placed on leave without pay and of the reasons therefor. If the investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of leave, and all records relating to the investigation will be purged from the Department for Adult and Technical Education files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken including those cases where the employee voluntarily resigns in the interim.

(6) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B, shall have worked or been on paid leave during the previous month subject to the following conditions:

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

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

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

(d) Any employee who leaves the Department for Adult and Technical Education certified and equivalent personnel system on or prior to the fifteenth day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

Section 12. [~~11.~~] [~~9.~~] Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of absence. Absence without leave may constitute grounds for disciplinary action.

C. RICHARD WARNER, Chairman
APPROVED BY AGENCY: November 8, 1993
FILED WITH LRC: November 10, 1993 at 11 a.m.

WORKFORCE DEVELOPMENT CABINET
Department for Technical Education
(As Amended)

780 KAR 6:060. Attendance, compensatory time, and leave.

RELATES TO: KRS 151B.035
STATUTORY AUTHORITY: KRS 151B.035
NECESSITY AND FUNCTION: KRS 151B.035 requires the State Board for Adult and Technical Education to promulgate comprehensive administrative regulations consistent with the provisions of KRS 151B.035. KRS 151B.035 specified that the state board promulgate administrative regulations for the unclassified service staff governing attendance, including hours of work, compensatory time, and annual, court, military, sick, voting, and special leave of absence. The Family and Medical Leave Act of 1993 (PL 103-3) as implemented by 29 CFR Part 825 requires the granting of family and medical leave. This administrative regulation is necessary to comply with these statutory requirements.

Section 1. Definitions. (1) "Employee" means an employee in active payroll status. An employee who has resigned or retired or who has been placed in unpaid leave status by a personnel action shall not qualify to donate or receive sick leave under the Sick Leave Sharing Program.

(2) "Immediate family" means a spouse, parent or child.

(3) "Medically certified illness, injury, impairment or physical or mental condition" means a disabling medical condition which renders the employee incapable of performing the essential duties of his job.

(4) "Medical emergency" means an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty on leave with or without pay for ten (10) or more consecutive working days.

(5) "Child", son or daughter, means a biological, adopted, or foster child (under an agreement with a state government agency), a

stepchild, a legal ward, or a child of a person standing in loco parentis who is under eighteen (18) years of age, or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

(6) "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other person determined by the United States Secretary of Labor to be capable of providing health care services **as set forth in regulations found in the Federal Register, Volume 58, No. 106, Section 825.118, dated June 4, 1993.**

(7) "Parent" means the biological parent of one (1) employee or an individual who stood in loco parentis to an employee.

(8) "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

(9) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

(10) "Spouse" means a husband or wife.

Section 2. Attendance. (1) Full-time employees shall be required to work thirty-seven and one-half (37 1/2) hours per week for all positions unless otherwise specified by the appointing authority.

(2) The appointing authority may require employees to work hours and work days other than normal if it is in the best interest of the agency. The employee shall be required to give reasonable notice in advance of absence from a work station. Employees shall be given as much advance notice as possible when schedules are changed.

Section 3. [~~2.~~] Compensatory Time. (1) An employee who is requested in advance to work in excess of the prescribed hours of duty shall be granted compensatory leave on an hour-for-hour basis subject to the provisions of the Fair Labor Standards Act and the Kentucky Labor Laws. Compensatory leave may be accumulated or taken off in one-half (1/2) hour increments. The maximum amount of compensatory leave that may be accumulated shall be 200 hours.

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

(3) All unclassified employees shall be permitted to use accumulated compensatory time when practicable and requested in advance and if approved by the respective supervisor.

(4) To maintain a manageable level of accumulated compensatory leave and for the specific purpose of reducing an employee's compensatory leave, the commissioner or designee may direct an employee to take accumulated compensatory time off from work.

Section 4. [~~3.~~] Annual Leave. (1) Full-time employees in the unclassified service except seasonal, temporary, per diem, emergency and part-time employees shall accumulate annual leave with pay at the following rate:

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

(2) Annual leave shall be accumulated only in the months in which the employee is hired to work.

(3) Computing annual leave.

(a) A full-time employee must have worked more than half of the work days in a month to qualify for annual leave.

(b) Leave shall be credited on the first day of the month following the month in which the leave is earned. In computing months of total service for the purpose of earning annual leave, only those months for which an employee earned annual leave shall be counted.

(c) Former employees who have been rehired and who have been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from a violation of KRS Chapter 151B, Section 16. Only those months for which the employee earned annual leave shall be counted in computing months of total service.

(4) The maximum accumulated annual leave which may carry forward from one (1) fiscal year to the next shall not exceed the following amounts:

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

Leave in excess of the above maximum amounts shall be converted to sick leave at the end of the fiscal year or upon retirement. Months of service for the purpose of determining the maximum amount of annual leave which may be accumulated and the amount to be converted to sick leave shall be computed as provided in subsections (1), (2), and (3) of this section. Annual leave shall not be granted in excess of that earned prior to starting date of leave.

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

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

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

(8) Employees shall be allowed sufficient leave days as determined by the commissioner for the purpose of continuing staff development; i.e., participation in professional organization workshops and meetings without loss of pay.

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

(10) An employee who is transferred to the Department for Adult and Technical Education shall retain his accumulated leave.

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

(12) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B shall have worked or been on paid leave during the previous month subject to the following conditions:

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

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

(c) An employee who has exhausted paid leave shall not qualify

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

(d) Any employee who leaves the Department for Adult and Technical Education unclassified system on or prior to the fifteenth day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

(13) An employee who has been dismissed for cause or who has failed to give proper notice of resignation may, at the discretion of the appointing authority, be paid in a lump sum for accumulated annual leave not to exceed the maximum amounts set forth in subsection (5) of this section.

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

(15) Absence for a fraction or part of a day that is charged to annual leave shall be charged in hours or increments of one-half (1/2) hour.

Section 5. [4.] Sick Leave. (1) Employee in the unclassified system, except per diem, and part-time employees shall accumulate sick leave with pay at the rate of one (1) working day for each month of service. An employee must have worked more than half of the workdays in a month to qualify for sick leave with pay. Each employee shall be credited with additional sick leave on the first day of the month following the month in which the sick leave is earned.

(2) Sick leave credits: full-time and former employees.

(a) Full-time employees completing 120 months of total service with the state shall be credited with ten (10) additional days of sick leave upon the first day of the month following the completion of 120 months of service.

1. In computing months of total service for the purpose of crediting ten (10) additional days of sick leave, only those months for which an employee earned sick leave shall be used.

2. Only those months for which the employee earned sick leave shall be counted in computing total months of service.

3. The total service must be verified before the leave is credited to the employee's record.

(b) Former employees who have been rehired and who had been previously dismissed for cause from state service shall receive credit for service prior to the dismissal, except where such dismissal resulted from the violation of KRS 151B.090.

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

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

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

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

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

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

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

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

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

(7) Continuous leave limitation, doctor's statements, availability of position on return, dismissal after one (1) year, and sick leave without pay.

(a) The appointing authority shall grant sick leave without pay for so long as an employee is disabled by sickness, or illness, or pregnancy, and the total continuous leave does not exceed one (1) year.

(b) The appointing authority may require periodic doctor's statements attesting to the continued inability to perform his duties.

(c) When the employee has given notice of his ability to resume his duties, the appointing authority shall return the employee to a position for which he is qualified and which resembles his former position as closely as circumstances permit; if there is no such position available, the regulations pertaining to layoff apply.

(d) An employee who is unable to return to work at the end of one (1) year of sick leave without pay, after being requested to return to work at least ten (10) days prior to the expiration of such sick leave, shall be dismissed by the appointing authority.

(e) An employee granted sick leave without pay may, upon request, retain up to ten (10) days of accumulated sick leave.

(8) Employees eligible for state contributions for life insurance and health benefits under the provision of KRS Chapter 151B shall have worked or been on paid leave during the previous month subject to the following conditions:

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

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

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

(d) Any employee who leaves the unclassified service on or prior to the 15th day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

(9) Absence for a fraction or a part of a day that is chargeable to sick leave shall be charged in hours or increments of one-half (1/2) hour.

(10) An employee who is transferred to the Department for Adult and Technical Education shall retain his accumulated sick leave.

(11) Employees shall be credited for accumulated sick leave when separated by proper resignation, layoff, retirement, or when granted leave without pay in excess of thirty (30) working days. Former employees who are reemployed shall have unused sick leave balances revived upon reentrance and placed to their credit.

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

(13) Application for sick leave. An employee shall file a written application for sick leave with or without pay within a reasonable time. Except in cases of emergency illness, an employee shall request advance approval for sick leave for medical, dental, or optical examination, and for sick leave without pay. In all cases of illness, an employee is obligated to notify his immediate supervisor or other designated person. Failure to do so in a reasonable period of time may be cause for denial of sick leave for the period of absence.

(14) Supporting evidence.

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

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

Section 6. [~~5.~~] Sick Leave Sharing Procedures. [~~(1) Definitions.~~

~~(a) "Employee" means an employee in active payroll status. An employee who has resigned or retired or who has been placed in unpaid leave status by a personnel action shall not qualify to donate or receive sick leave under the Sick Leave Sharing Program.~~

~~(b) "Immediate family" means the spouse, mother, father, son or daughter, or person of similar relationship who has resided with the employee for not less than thirty (30) days prior to application.~~

~~(c) "Medically certified illness, injury, impairment or physical or mental condition" means a disabling medical condition which renders the employee incapable of performing the essential duties of his job.~~

~~(d) "Medical emergency" means an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty on leave with or without pay for ten (10) or more consecutive working days.~~]

[~~(15) An employee may donate or receive sick leave donation under the following conditions:~~]

(1) [~~(2)~~] [~~(a)~~] An employee with a sick leave balance in excess of seventy-five (75) hours may donate any or all of this excess to an employee with a documented medical emergency who has exhausted all annual leave, sick leave, and compensatory leave.

(2) [~~(3)~~] [~~1.~~] Voluntary donation of excess sick leave shall be subject to the approval of and made on a form prescribed by the commissioner and shall include:

(a) [~~a.~~] The name of the donor.

(b) [~~b.~~] The agency or office in which the donor is employed.

(c) [~~c.~~] The position number of the donor.

(d) [~~d.~~] The Social Security number of the donor.

(e) [~~e.~~] The name of the employee to which leave is being donated.

(f) [~~f.~~] The agency or office in which the donee is employed.

(g) [~~g.~~] The donee position number.

(h) [~~h.~~] The donee Social Security number.

(i) [~~i.~~] The maximum amount of the donor's leave in excess of seventy-five (75) hours which may be credited to the individual donee.

(j) [~~j.~~] Certification by the donor that such donation is given without expectation or promise for any purpose other than that authorized by this regulation.

(3) [~~(4)~~] [~~2.~~] The donating employee shall retain a sick leave balance of not less than seventy-five (75) hours.

(4) [~~(5)~~] [~~3.~~] A donating employee shall not sell, offer to sell, bargain, exchange, transfer, or assign accumulated sick leave for any consideration or in any manner other than that authorized by this regulation.

(5) [~~(6)~~] [~~(b)~~] An employee with a medical emergency who has exhausted all annual leave, sick leave, and compensatory leave may make application to receive donation of sick leave from an employee (or employees) with a sick leave balance in excess of seventy-five (75) hours. Application may be made on behalf of the employee by a personal representative of the employee in the event of the employee's incapacity to make application on his own behalf.

(6) [~~(7)~~] [~~1.~~] Application shall be made to the appointing authority on a form prescribed by the commissioner and shall include:

(a) [~~a.~~] Employee name.

(b) [~~b.~~] Position number.

(c) [~~c.~~] Social Security number.

(d) [~~d.~~] Employee title.

(e) [~~e.~~] The reason transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency.

(f) [~~f.~~] Signature of the requestor or his personal representative.

(7) [~~(8)~~] [~~2.~~] The application shall be accompanied by certification by one (1) or more physicians of the medical reasons that the employee will be unable to perform the duties and responsibilities of this position for ten (10) or more consecutive working days.

(8) [~~(9)~~] [~~(c)~~] The appointing authority may require additional medical evidence prior to approval or denial of acceptance of sick leave donation. An employee may request an extension of approved, donated sick leave by presenting additional medical evidence to the appointing authority.

(9) [~~(10)~~] [~~(d)~~] At the end of each pay period while an employee is on donated leave, the appointing authority shall credit that employee's sick leave balance with the number of hours which would otherwise be considered leave without pay and shall reduce the donor's leave balance by that amount.

(10) [~~(11)~~] [~~(e)~~] No employee on donated sick leave shall be credited with leave in an amount in excess of the time of the documented medical emergency.

(11) [~~(12)~~] [~~(f)~~] No person shall through his office of employment use any promise, exchange, or influence to require an employee to donate excess sick leave or annual leave to any other employee.

[~~(g) For purposes of this regulation, medical emergency shall mean an illness or injury of the employee or the employee's immediate family which will require the employee's absence from duty for ten (10) or more consecutive working days.~~]

(12) [~~(13)~~] Sick leave shall not be transferred in increments of less than seven and one-half (7.5) hours.

(13) [~~(14)~~] Where multiple donors donate sick leave to an eligible recipient, agencies shall transfer leave in chronological order of receipt of the donation forms, up to the maximum amount that has been certified to be needed by the recipient.

(14) [~~(15)~~] The applicant for sick leave sharing shall be responsible for filing the appropriate medical certificates and applications. Donated sick leave shall not be used retroactively except to cover the period between the first day sick leave would have been granted [~~date the request was submitted~~] and the date of approval by the appointing authority.

(15) [~~(16)~~] The sick leave sharing recipient shall be responsible for monitoring the amount of sick leave donated and used.

(16) [~~(17)~~] Donated sick leave shall be used on consecutive days except as provided by Section 5 [4] (7)(e) of this administrative regulation. Any leave that an employee accrues while receiving donated sick leave shall be used before donated sick leave.

(17) [~~(18)~~] When the recipient of donated leave returns to work, resigns, retires, or otherwise terminates from state employment, unused donated leave shall be restored to the donors, in chronological order of receipt of the donation forms, unless the recipient provides medical evidence that he or a member of his immediate family will require continued, periodic medical treatment relating to the original condition for which leave was donated.

(18) [~~(19)~~] If a sick leave donor resigns, retires or is otherwise terminated from state employment before the donor's sick leave has

been transferred [~~process of transferring leave~~] to the recipient [~~has begun~~], such leave shall not be available for use by the recipient.

(19) [~~(20)~~] An appointing authority may require a sick leave recipient to provide an updated medical certificate attesting to the continued need for leave after thirty (30) working days of sick leave.

[~~(21) An employee receiving workers' compensation benefits is eligible to receive shared sick leave to maintain a regular level of pay.~~]

Section 7. [~~6.~~] Family and Medical Leave. (1) [~~Definitions.~~

~~(a) "Child", son or daughter, means a biological, adopted, or foster child (under an agreement with a state government agency), a stepchild, a legal ward, or a child of a person standing in loco parentis who is under eighteen (18) years of age, or eighteen (18) years of age or older and incapable of self care because of a mental or physical disability.~~

~~(b) "Health care provider" means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or any other person determined by the United States Secretary of Labor to be capable of providing health care services.~~

~~(c) "Parent" means the biological parent of one (1) employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.~~

~~(d) "Reduced leave schedule" means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.~~

~~(e) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.~~

~~(2)~~] Effective August 5, 1993, every employee in state service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding twelve (12) months shall qualify for twelve (12) weeks of family and medical leave without pay. On the first day of January of each year thereafter every employee in state service who has completed twelve (12) months of service and has worked at least 1,250 hours during the preceding calendar year shall qualify for twelve (12) weeks of family and medical leave without pay. Unused family and medical leave shall not be carried over from year to year.

(2) [~~(3)~~] Calculating a week of family and medical leave.

(a) A week of family and medical leave is the amount of time an employee normally works each week.

(b) If an employee's schedule varies from week to week, a weekly average of the hours worked over the twelve (12) weeks prior to the beginning of the family and medical leave shall be used for calculating the employee's normal workweek.

(c) If there has been a permanent or long-term change in the employee's schedule (for reasons other than family and medical leave), the hours worked under the new schedule shall be used for calculating the employee's normal workweek.

(3) [~~(4)~~] The appointing authority shall grant family and medical leave upon the receipt of a completed application from an employee. The appointing authority shall require the employee to use accumulated sick, annual and compensatory leave prior to granting unpaid family and medical leave, except that the employee may request to reserve ten (10) days of paid sick leave. The amount of available family and medical leave shall be reduced by the amount of paid or unpaid leave used. A completed application consists of the request form and the medical certification required by subsection (6) of this section. The employee shall make the application as far in advance of the start of the leave as reasonable.

(4) [~~(5)~~] Family and medical leave shall be granted:

(a) For the birth of a child of the employee, adoption by the employee of a child, or placement with the employee of a foster child. The appointing authority shall require a couple in the employ of the same agency to limit the total amount of family and medical leave to twelve (12) weeks where leave is sought in connection with the birth, adoption, or placement of a foster child or to care for a sick parent;

(b) Within one (1) year of the birth of a child of the employee, adoption by the employee or placement with the employee of a foster child, for the care of such newborn, adopted, or foster child;

(c) To an employee to care for the employee's spouse, parent, or child if the spouse, parent, or child has a serious health condition.

(d) Because of a serious health condition of the employee that makes the employee unable to perform the essential functions of his position.

(5) [~~(6)~~] Certification requirements.

(a) The appointing authority shall require an employee granted family and medical leave for a serious health condition of the employee, or child, spouse, or parent, to supply a certification, on a form prescribed by the cabinet secretary, from a health care provider that includes a statement that the employee is needed to care for a child, spouse, or parent in order to assist in their recovery. **The certifying health care provider shall be a person actually providing services to the employee, child, spouse, or parent.**

(b) An employee requesting intermittent leave or leave on a reduced leave schedule due to serious health condition of the employee or child, spouse, or parent shall be required to supply a certification from a licensed health care provider that such leave is medically necessary and the expected duration and schedule of such leave. **The certifying health care provider shall be a person actually providing services to the employee, child, spouse, or parent.**

(c) If the appointing authority has reason to doubt the validity of a medical certification, the appointing authority may require the employee to obtain a second opinion at the agency's expense. The appointing authority shall designate the health care provider to furnish the second opinion. The designated health care provider shall not be employed on a regular basis by the agency.

(d) If the opinions of the employee and the designated health care provider differ, the appointing authority may request the employee to obtain certification from a third health care provider who is approved by the employee. This third opinion shall be final and binding. If the appointing authority does not act in good faith to attempt to reach an agreement on the third health care provider, the appointing authority shall be bound by the original certification. If the employee does not act in good faith to attempt to reach an agreement on the third health care provider, the employee shall be bound by the opinion of the second health care provider.

(e) The appointing authority may require recertification of the need for family and medical leave every thirty (30) working days and a report on the status and intention of the employee to return to work.

(6) [~~(7)~~] If an employee requests intermittent leave or a reduced work schedule to care for a seriously ill child, parent, or spouse or for the employee's own serious health condition, and the need for leave is reasonably based on planned medical treatment, the appointing authority may temporarily reassign the employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and it better accommodates recurring periods of leave than the employee's regular job.

(7) [~~(8)~~] Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B shall have worked or been on paid leave or shall have been on family and medical leave during the previous month subject to the following conditions:

(a) Work days and paid leave and family and medical leave used by the employee within a month shall entitle the employee to state-paid contributions for life insurance and health benefits in the following month;

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

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

(d) An employee who uses family and medical leave as the sole qualification for the state contribution for life insurance and health benefits who fails to return to work for thirty (30) calendar days after the family and medical leave is exhausted shall reimburse the agency for state contributions paid on behalf of the employee. The employee shall not be required to reimburse the agency if the reason the employee does not return is due to:

1. The continuation, recurrence or onset of a serious health condition which would entitle the employee to family and medical leave under this regulation.

2. Other circumstances beyond the employee's control. These circumstances include but are not limited to when a parent, spouse, or child has a serious health condition and the employee is needed to provide care; or the employee is laid off while on leave. Examples of circumstances which are not beyond the employee's control are where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care; or a parent's decision not to return to work to stay with a newborn child.

(e) An employee on family and medical leave shall continue to be responsible for the employee's share of contributions for life insurance and health benefits. The contributions shall be due at the same time the contributions would be made if by payroll deduction. An employee shall be granted a thirty (30) calendar day grace period to make any employee contributions for life insurance and health benefits. If the employee does not make the contribution within the thirty (30) day grace period, the employee's life insurance and health benefits shall cease on the date the grace period ends. If the life insurance and health benefits cease as a result of nonpayment of premiums by the employee after the grace period, upon the employee's return to work for thirty (30) calendar days, the life insurance and health benefits shall be restored to the same level of coverages as were provided when the leave commenced, effective with the employee's return to work.

(8) [~~(9)~~] At the conclusion of the family and medical leave, an employee shall be restored to the same position that the employee held before going on leave, or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Section 8. [~~7.~~] [~~5.~~] Court Leave. An employee shall be entitled to leave of absence from duties during his scheduled working hours, without loss of time or pay for that amount of time necessary to comply with subpoenas by any court, or administrative agency or body of the federal or state government or any political subdivision thereof, to serve as a juror or a witness except in cases where the employee himself or a member of his family is a party to the court or administrative proceeding [~~plaintiff~~]. This leave shall include necessary travel time. If relieved from duty as a juror or witness during his normal working hours, the employee shall return to work.

Section 9. [~~8.~~] [~~6.~~] Military Leave: Training Duty and Military Duty. (1) Any employee who is an active member of the United States Army Reserve, the United States Air Force Reserve, the United States Naval Reserve, the United States Marine Corps Reserve, the United States Coast Guard Reserve, the United States Public Health Service Reserve, or the Kentucky National Guard shall be relieved from his civil duties upon request therefor, to serve under orders on training duty without loss of regular compensation for a period not to exceed ten (10) working days in any one (1) calendar year, and any such absence shall not be charged to leave.

(a) Absence in excess of this amount will be charged as annual leave, compensatory leave, or leave with out pay.

(b) 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 such duty not to exceed six (6) years. All accumulated annual and compensatory leave may be paid in a lump sum, at the request of the employee, upon receiving this leave.

Section 10. [~~9.~~] [~~7.~~] Voting Leave. All employees who are eligible and registered to vote shall be allowed, upon prior request, four (4) hours, for the purpose of voting. This absence shall not be charged against leave. Employees who are not scheduled to work during voting hours shall not receive voting leave and shall not be entitled to compensatory leave in lieu of time off to vote. Employees who are permitted to work in lieu of voting leave shall be granted compensatory leave on an hour-for-hour basis.

Section 11. [~~10.~~] [~~8.~~] Special Leave of Absence. (1) In addition to leave as above provided, 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) The Commissioner of Adult and Technical Education may grant leave of absence when requested by an employee for a period not to exceed twenty-four (24) months, with or without pay, for assignment to and attendance at college, university, vocational or business school for the purpose of training in subjects related to the work of the employee and which will benefit the state service. All employees granted such leave shall be guaranteed a position as similar as possible to the position held at the time of beginning of leave. Employees shall not be guaranteed the identical position held at time of beginning of leave.

(3) The appointing authority may grant an employee a leave of absence without pay for a period not to exceed one (1) year for purposes other than specified in this regulation that are deemed to be in the best interest of the state. All employees granted such leave shall be guaranteed a position as similar as possible to this position held at the time of the beginning of leave. Employees shall not be guaranteed the identical position held at the time of leave.

(4) The appointing authority may place an employee on leave without pay for a period of time not to exceed sixty (60) working days pending an investigation into allegations of employee misconduct. Unless there is imminent danger to staff, students or other individuals, there shall be a preliminary hearing after which the employee shall be notified in writing that he is being placed on leave without pay and of the reasons therefor. If this investigation reveals no misconduct on behalf of the employee, he shall be made whole for the period of this leave, and all records relating to the investigation will be purged from the Department for Adult and Technical Education files. The appointing authority shall notify the employee in writing of the completion of the investigation and the action taken including those cases where the employee voluntarily resigns in the interim.

(5) Employees eligible for state contributions for life insurance and health benefits under the provisions of KRS Chapter 151B shall have worked or been on paid leave during the previous month subject to the following conditions:

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

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

(c) An employee who has exhausted paid leave shall not qualify for state contributions for life insurance and health benefits unless he

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

(d) Any employee who leaves the Department for Adult and Technical Education unclassified system on or prior to the 15th day of the month before working or being on paid leave for over half of the workdays in the month shall remain eligible for state contributions for life insurance and health benefits in the following month.

Section 12. [11.] [9.] Absence Without Leave. An employee who is absent from duty without approval shall report the reason therefor to his supervisor immediately. Unauthorized or unreported absence shall be considered absence without leave and deduction of pay may be made for each period of such absence. Such absence may constitute grounds for disciplinary action.

C. RICHARD WARNER, Chairman
APPROVED BY AGENCY: November 8, 1993
FILED WITH LRC: November 10, 1993 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(As Amended)

907 KAR 1:580. Additional classes of health care services and providers defined.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 142.217, 194.050, 205.520[, 42 CFR 433.56, HB 1 of the Second Extraordinary Session of 1993 General Assembly]
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the Medicaid Program. 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 provisions relating to additional classes of items or services.

Section 1. Additional Classes of Health Care Services and Providers. (1) The additional classes of health care services and providers described in federal regulations at 42 CFR 433.56, except chiropractic services, psychological services, therapist services, and nursing services shall be added to the list of items or services subject to the tax imposed under KRS 142.201 et seq. [Section 3 of House Bill 1, Second Extraordinary Session of the 1993 General Assembly (referred to herein as HB 1).]

(2) The tax imposed under KRS 142.201 et seq. shall not apply to funds received from charitable solicitations, functions, contributions, activities; or other contributions or bequests.

Section 2. Description of Additional Classes of Health Care Services and Providers. [(1)] The additional classes of health care services and providers shall be the following [those] services and providers added to the listing in 42 CFR 433.56 after passage of KRS 142.217 [HB 1], as described in 42 CFR 433.56.

[(2) The additional classes include the following:]
(1) [(a)] Ambulatory surgical center services;
(2) [(b)] Dental services;
(3) [(c)] Podiatric services;
(4) [(d)] Optometric/optician services;
[(e) Psychological services;
(f) Therapist services;
(g) Nursing services;]
(5) [(h)] Laboratory and x-ray services; and
(6) [(i)] Emergency ambulance services.

Section 3. Exclusions from Classes of Health Care Services and Providers. The classes of health care services and providers do not include items or services furnished by federal and other public employees in the state. For example, the class of dental services does not include services of dentists employed by local public health departments or the United States Public Health Service, or dentists employed by state agencies, such as the Department for Health Services and Department for Medicaid Services.

Section 4. This administrative regulation shall expire on adjournment of the next regular session of the General Assembly.

HAROLD R. BLOM, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 3, 1993
FILED WITH LRC: December 7, 1993 at 11 a.m.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(As Amended)

907 KAR 1:585. Estate recovery.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 205.520, 42 USC 1396a, b, d, p
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the Medicaid Program. 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 provisions relating to estate recovery.

Section 1. Definition of Estate. The term "estate[,]" **means a decedent's estate and** [with respect to a deceased individual,] shall include all real and personal property and other assets included within the individual's estate, as defined for purposes of state probate law.

Section 2. General. The Cabinet for Human Resources shall seek adjustment or recovery **from the estate** of any medical assistance **properly** [correctly] paid on behalf of an individual under the Medicaid state plan **through its Department for Medicaid Services working in cooperation with its Department of Law and** in accordance with the requirements shown in 42 USC 1396p(b)(1).

Section 3. Hardship Waiver. The cabinet shall waive the application of the recovery provision when recovery would work an undue hardship as determined on the basis of criteria established by the Secretary, United States Department of Health and Human Services. **Any person dissatisfied with the determination of the cabinet on the applicability of the waiver may file an appeal pursuant to 904 KAR 2:055. Any review on appeal shall take into consideration the arguments of the appellant and the criteria established by the Secretary for Health and Human Services.**

Section 4. Death Notification. (1) A provider participating in the Medicaid Program having knowledge of a Medicaid recipient's death shall furnish in writing within ten (10) days to the Commissioner, Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, the following data:
(a) Recipient's full name;

(b) Medical assistance ID number;
(c) Date and place of death;
(d) Homestead address (other than a medical facility address);
(e) Address on medical assistance identification card;
(f) Name and address of responsible party or guardian.

(2) If a Medicaid recipient expires in a Kentucky licensed health care facility participating in the Medicaid Program, the facility shall be responsible for reporting the death.

HAROLD R. BLOM, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: October 21, 1993
FILED WITH LRC: November 1, 1993 at 4 p.m.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR WRITTEN COMMENTS RECEIVED

EDUCATION, ARTS, AND HUMANITIES CABINET
Department of Education
Office of Learning Support Services
(Amended After Hearing)

704 KAR 3:285. Programs for the gifted and talented.

RELATES TO: KRS 157.200, 157.224, 157.230
STATUTORY AUTHORITY: KRS 156.070, 157.220, 157.224
NECESSITY AND FUNCTION: KRS 157.200 includes within the definition of "exceptional children" a category of "exceptional students" who are identified as possessing demonstrated or potential ability to perform at an exceptionally high level in general intellectual aptitude, specific academic aptitude, creative or divergent thinking, psychological or leadership skills, or in the visual or performing arts [~~exceptionally high achieving, gifted and talented students~~]; KRS 157.224 commits the state to a comprehensive educational program for its exceptional school aged children, [~~as indicated by biennial budget appropriations;~~] and KRS 157.230 requires all school districts to operate programs for resident exceptional children, primary - grade twelve (12). This administrative regulation relates to funding, the provision of appropriate services for identified gifted students, and the operation of gifted education programs. [~~This regulation relates to the funding and operation of programs for gifted and talented pupils and directs the Department of Education to administer said programs.~~]

Section 1. Definitions. The following definitions shall apply to this administrative regulation:

(1) "Acceleration options" means various forms of advancing through material or grade levels prior to the prescribed time based on early mastery, such as pretesting in content and being excused to go onto higher level activities, curriculum compacting or linear acceleration, simultaneous or dual enrollment in courses at different grade levels including postsecondary, early exit from school, and grade-skipping.

(2) "Advanced placement and honors courses" means courses emphasizing college-level content based on college board curricula and tests (advanced placement), or the provision of more challenging material through higher levels of content, process and product (honors courses).

(3) "Cluster group" means a grouping of approximately four (4) to six (6) identified students placed in a heterogeneous classroom with a teacher trained in the appropriate instruction of special needs students, specifically gifted and talented, for the purpose of receiving a differentiated educational experience matched to the student's needs, interests, and ability.

(4) "Collaborative teaching" means a gifted education teacher [~~comes into a regular classroom and~~] provides direct instruction **in a regular classroom** to a group of identified gifted students in conjunction with the regular classroom teacher.

(5) "Consultation services" means the provision of instructional information and materials by the gifted teacher to the regular classroom teacher so that he may provide appropriate and adequate services to the gifted student while in the regular classroom setting.

(6) "Consortium" means a collaboration of schools or districts that pool resources to provide appropriate services for gifted and talented students.

(7) "Counseling services" means affectively-based counseling assistance provided by a counselor familiar with the characteristics and socioemotional needs of gifted and talented students.

(8) "Creative or divergent thinking ability" means possessing either potential or demonstrated ability to perform at an exceptionally high level in creative thinking and divergent approaches to conventional tasks as evidenced by innovative or creative reasoning, advanced insight and imagination, and solving problems in unique ways.

(9) "Diagnosis" means the evaluation and determination of which service option[(]s[)] would be the most appropriate intervention given an individual child's interests, needs, and abilities.

(10) "Differentiation" means a method through which educators may establish a specific, well-thought-out match between learner characteristics in terms of abilities, interests, and needs, and curriculum opportunities in terms of enrichment and acceleration options which maximize learning experiences.

(11) "Differentiated service experience[(]s[)]" means educational experience[(]s[)] which extend, replace, or supplement learning beyond the standard curriculum.

(12) "Disadvantaged" means operating under conditions detrimental to normal cognitive or affective growth due to socioeconomic limitations, cultural factors, geographic isolation, or various combinations of these factors to a degree that requires special consideration[(]s[)].

(13) "Distance learning" means learning opportunities offered through the use of computer technology and satellite transmission or optical fiber transmission.

(14) "Extracurricular enrichment opportunities" means differentiated, academically-based activities that supplement classroom instruction and are often after school and competitive in nature, such as academic teams.

(15) "Formal identification" means a process by which a student is identified and diagnosed as having gifted characteristics and behaviors using a balanced combination of informal measures and formal standardized or normed instruments, and by which a student may be determined eligible for various levels of services.

(16) "General intellectual ability" means possessing either the potential or demonstrated ability to perform at an exceptionally high level in general intellectual ability and possessing a consistently outstanding mental capacity as compared to children of one's age, experience, or environment. General intellectual ability is usually reflected in extraordinary performance in a variety of cognitive areas, such as abstract reasoning, logical reasoning, social awareness, memory, spatial relations, and the analysis, synthesis, and evaluation of information.

(17) "High potential learner[(]s[)]" means those students who typically represent the top one-third (1/3) of the entire student population in terms of achievement and frequently require special enrichment opportunities to remain educationally challenged. In terms of aptitude, students identified as gifted and talented are found in the top five (5) percent of this group.

(18) "Independent study" means self-directed study of a selected topic under the supervision of a teacher or the auspices of a university.

(19) **"Informal identification" means a process by which a student in the primary program is identified as having gifted characteristics and behaviors using a series of informal measures for the purpose of determining eligibility for the talent pool.**

(20) "Instructional grouping" means the temporary grouping of students for the purposes of specific skill development, socioemotional needs, and interests.

(21) [~~(20)~~] "Magnet school" means a school which is organized around an area of interest[(]s[)], draws students from an entire community, and has no specific entrance standard[(]s[)] except interest in the focus of the school (e.g., a magnet school for the arts

or a magnet school for science and mathematics).

(22) [~~(23)~~] "Mentorship" means specialized studies, such as internships, with an adult mentor in the community and under the direction of an educator knowledgeable in gifted education.

(23) [~~(22)~~] "Primary review committee" means primary teachers, counselors, administrators, gifted education personnel, and any other appropriate personnel familiar with the child's potential or demonstrated abilities.

(24) [~~(23)~~] "Psychosocial or leadership ability" means possessing either potential or demonstrated ability to perform at an exceptionally high level in social skills and interpersonal qualities such as poise, effective oral and written expression, managerial ability, and the ability, or vision, to set goals and organize others to successfully reach those goals.

(25) [~~(24)~~] "Resource services" means part-time **grouping of** [~~grouped classes gifted~~] students **with gifted characteristics** based on the interests, needs and abilities of the students. This type of service delivery option is designed for accelerated content, special interest groups, process skills development or various combinations of all**, and may be provided in the general classroom or in a pull-out classroom**.

(26) [~~(25)~~] "Seminars" means discussion-based sessions on specific topics focusing on advanced content and higher level process skills.

(27) [~~(26)~~] "Special schools" means specialized schools designed to serve gifted students in grades four (4) through twelve (12) in specific academic areas (such as magnet schools in science and mathematics) or to develop specific areas of giftedness such as visual and performing arts.

(28) [~~(27)~~] "Specific academic aptitude" means possessing either potential or demonstrated ability to perform at an exceptionally high level in specific academic areas significantly beyond the age, experience or environment of one's chronological peers. While students with specific academic aptitude are typically of at least above average intellectual ability, they are often extremely capable of high performance in one (1), or a very few related, academic area[~~(~~]s[~~)~~].

(29) [~~(28)~~] "Talent pool" means a group of [~~promising~~] primary students **informally identified** [~~diagnosed~~] as having gifted characteristics and behaviors **and further diagnosed** using a series of informal **and formal** measures **to determine** [~~and who are eligible for~~] differentiated service delivery **needs** [~~options~~] during their stay in the primary program.

(30) [~~(29)~~] "Travel study options" means academically-based United States and overseas travel which may result in high school or university course credit.

(31) [~~(30)~~] "Underachieving" means the development of a significant gap between a student's potential ability and demonstrated achievement to such a degree that there is an overall diminished ability to achieve at the expected level of ability.

(32) [~~(31)~~] "Visual or performing arts ability" means possessing either potential or demonstrated ability to perform at an exceptionally high level in the visual or performing arts and demonstrating the potential for outstanding aesthetic production, accomplishment, or creativity in areas such as art, dance, music, drama, speech, and in activities requiring exceptional gross or fine motor skills. [~~Pursuant to the authority vested in the Kentucky State Board for Elementary and Secondary Education by KRS 156.070 and 156.220, the "Kentucky Guidelines for Gifted Education" March, 1988, are presented herewith for filing with the Legislative Research Commission, and incorporated by reference. Such document may be inspected and copied at the Office of Instruction, Department of Education, 18th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

Section 2. Policies and Procedures. (1) Each local school district shall have in operation and available for public inspection local board approved policies and procedures which address each requirement in this administrative regulation and are consistent with KRS 157.200, 157.224, 157.230 and 703 KAR 4:040. [~~The "Kentucky Guidelines for Gifted Education" shall be followed by local school districts in developing programs to apply for state funds to operate such programs.~~]

Section 3. Identification and Diagnosis of Gifted Characteristics, Behaviors, and Talent and Determination of Eligibility for Services. (1) Each district shall adopt policies and procedures which shall provide for identification and diagnosis of strengths, gifted behaviors and talents through:

(a) Informal identification and diagnosis in the primary program;

(b) Formal identification and diagnosis of students on a three (3) year cycle in grades four (4) through twelve (12); and

(c) Provision of multiple service delivery options in primary through grade twelve (12).

(2) Each local school district shall establish a procedure that identifies students displaying gifted and talented behaviors and characteristics as defined in KRS 157.200 and Section 1 of this administrative regulation and allows for determination of eligibility for services based on the student's individual needs, interests and abilities. This procedure shall include a combination of informal measures, formal measures and objective-based eligibility criteria and shall be performed on a three (3) year basis.

(3) Each local school district shall provide a system for diagnostic screening and identification of strengths, gifted behaviors and talents which gives special consideration to racial and ethnic minority children, disadvantaged children, and children with disabilities.

(4) District identification and diagnosis procedures for appropriate services shall be based upon a balanced multiple criteria approach, continuous and multiple long-term assessment, and early identification and diagnosis of strengths, gifted behaviors and talents.

(5) Each local school district shall implement a procedure to obtain parental or guardian permission prior to formal identification and diagnosis of strengths, gifted behaviors and talents, and to notify parents of eligible students of provision of appropriate services.

(6) Informal assessment options may be used for placement in the district's talent pool. Formal measure[~~(~~]s[~~)~~], consistent with this administrative regulation, shall be used for formal identification and diagnosis.

(7) In the primary **program** [~~unit~~], formal, normed measures may be used for diagnosing the level of **instructional** service needed by a student and for evaluation of student progress, however, data from formal, normed measures shall not be used for the purpose of **eliminating** [~~determining~~] eligibility for services [~~as~~] to a child in the primary **program** [~~unit~~].

(8) No single assessment instrument or measure shall be the basis for formally identifying or denying services once a child has been informally identified and placed in the talent pool.

(9) For children in the primary program, the procedure for identifying and diagnosing a child's strengths, gifted behaviors, and talent shall include a minimum of three (3) of the following recognized or acceptable assessment options to screen and refer students for services through a talent pool:

(a) A collection of evidence (e.g., primary portfolios) demonstrating student performance;

(b) Behavior checklists;

(c) Diagnostic data;

(d) Continuous progress data;

(e) Anecdotal records;

(f) [~~Peer nominations;~~

~~(g)~~] Available formal test data;

(g) [~~(h)~~] Parent interview or questionnaire;

(h) Primary review committee recommendation;

(i) [~~Self nomination or~~] Petition system; and

(j) Other valid and reliable documentation.

(10) Exit from the primary program shall be based on criteria established by 703 KAR 4:040.

(11) For students in grades four (4) through twelve (12), a local school district's procedure for identifying and diagnosing gifted and talented behaviors, and the level of services needed, shall include:

(a) A valid and reliable combination of formal and informal measures to identify strengths, gifted behaviors and talents which indicate a need and eligibility for service options;

(b) At least three (3) of the following recognized or acceptable assessment options for identification and diagnosis:

1. A collection of evidence from portfolios demonstrating student performance;
2. Teacher behavior checklist;
3. Continuous progress data;
4. Anecdotal records;
5. Peer nominations;
6. Formal testing data;
7. Parent interview;
8. Primary review committee recommendation for those entering the fourth grade;
9. Self-nomination or petition system;
10. Other valid and reliable documentation; and

(c) At least one (1) source of data shall be derived from an appropriate formal, normed individual or group measure such as intelligence tests, achievement tests, and aptitude tests.

(12) To qualify as gifted and talented students in grades four (4) through twelve (12) the following criteria shall be met in at least one (1) of the following gifted and talented categories:

(a) General intellectual ability shall be determined by a student score within the ninth stanine on a full scale comprehensive test of intellectual ability, or a composite score in the ninth stanine on a standardized or normed achievement test. When a student scores low on a formal group measure of academic strength, yet other factors show potential, the district shall administer an individual mental ability test. Evidence of general intellectual ability also may include:

1. High performance on an individual or group intellectual assessment;
2. Observation of applied ability; and
3. Perseverance to complete task[(-)s(-)].

(b) Specific academic aptitude shall be determined by composite scores in the ninth stanine on one (1) or more subject test score[(-)s(-)] of an achievement test. When a student scores low on a formal group measure of academic strength, yet other factors show potential, the district shall administer an individual mental ability test. Evidence of specific academic aptitude also may include:

1. High performance on an individual or group test of academic aptitude;
2. Student awards or critiques of performance[(-)s(-)];
3. Off-level testing;
4. Portfolio of high academic performances; and
5. Student progress data.

(c) Creativity shall be determined through the use of informal or formal assessment measures which focus on determining a child's capacity for originality of thought, fluency, elaboration, and flexibility of thought. Evidence of creative thinking ability also may include:

1. Creative writing samples;
2. High scores on tests of creative ability (Williams, Torrance, etc.);
3. Behavioral checklists or observations targeting creative behavior; and
4. Observation of original ideas or products, problem-solving.

(d) Leadership or psychosocial abilities shall be determined by a variety of informal measures administered by a teacher knowledgeable in the nature and needs of the gifted such as behavioral checklists, and the documentation of the willingness of a student to assume leadership roles in class, in student organizations, and in community activities. Evidence of psychosocial or leadership ability also may include:

1. Sociograms (i.e., questionnaires designed to assess leadership characteristics);
2. Peer recommendations;
3. Behavioral checklists or observations targeting leadership behavior;
4. Portfolio entries which display leadership qualities; and
5. Offices held by student in extracurricular activities and class government, etc.

(e) Visual and performing arts talent shall be determined through evidence of performance which may include: audition[(-)s(-)], letters of recommendations, and product or portfolio assessment by specialists or professional artists. Evidence of visual or performing arts also may include:

1. Awards or critiques of performance; and
2. Portfolio of visual or performing arts ability. [~~Each local school district receiving state funds for the operation of a gifted and talented program shall be monitored by the State Department of Education, Office of Instruction, to determine the effectiveness of the program.~~]

Section 4. Procedure for Determining Eligibility for Services. (1) The procedure for identifying gifted characteristics, behaviors and talent shall be based on the following process:

(a) Data gathering. Districts shall develop a system for initially searching the target population for likely candidates for services using both informal and available formal, normed, standardized measures, including measures of spatial ability for disadvantaged children and youth;

(b) Data analysis. Districts shall develop a system for analyzing student data for the purposes of a comparison of the students in the talent pool to local or national norms, a comparison of the data among the students within the pool, and developing an index of a student's scores relative to others in the pool;

(c) Selection committee for eligibility determination. The school district shall **assemble** [~~assembly~~] a selection committee which shall have four (4) purposes:

1. To provide feedback on the adequacy of the district's identification and diagnostic procedure;
2. To ensure that a variety of views are heard during the selection process;
3. To determine which students should receive services, and at what level; and
4. To help provide communication and support in the community.

(d) Provision of services. Districts shall implement [~~an~~] articulated **services from** primary through grade twelve (12) [~~services~~] which provide multiple delivery options matched to diagnosed behaviors, strengths and characteristics of individual students; and

(e) Petition and appeal for services. Districts shall provide a petition system as a safeguard for otherwise eligible students to apply for services who may have been missed in the identification and diagnosis procedure.

(2) Exceptions and special considerations for eligibility. School personnel shall take into consideration [~~conditions such as~~] environmental, cultural, and **disabling conditions** [disabilities] which may mask a child's true abilities that lead[s] to exclusion of otherwise eligible students, such as:

(a) Any student who qualifies as an exceptional child as defined in KRS 157.200;

(b) Any student who qualifies as disadvantaged; and

(c) Any student who qualifies as underachieving.

Section 5. Program Evaluation. (1) District policies and procedures shall ensure that program evaluation processes shall be conducted on an annual basis and shall address:

(a) Overall student progress;

(b) Student, parent, and faculty attitudes toward the program;

(c) Community involvement;

(d) Cost effectiveness;

(e) The incorporation of gifted education into the regular school program;

(f) Overall quality of instruction and program personnel credentials; and

(g) Future program directions and modifications.

(2) Continued funding of the local district's gifted education annual plan for services shall be contingent upon the results of the preceding year's evaluation of the overall program.

Section 6. Service Delivery Options. (1) Students diagnosed as possessing gifted characteristics, behaviors and talent shall be provided articulated, primary through grade twelve (12) services which are qualitatively differentiated to meet their individual needs, result in educational experiences commensurate with identified population's interests, needs and abilities, and facilitate the high level attainment of [~~the~~] goals established in KRS 158.6451.

(2) For students in primary programs, services shall be provided within the framework of primary program requirements and shall allow for continuous progress through a differentiated curriculum and flexible grouping and regrouping based on the individual needs, interests, and abilities of the student. Consistent with 704 KAR 3:440(2), with the two (2) exceptions of the special school and the self-contained classroom, all service delivery options shall be available in the primary program.

(3) Emphasis on educating gifted students in the general primary classroom, shall not preclude the continued, appropriate use of resource services, acceleration options, or any of the specialized service options contained in subsection (5) [~~(4)(b)~~] of this section. Recommendations for services shall be made on an individual basis.

(4) Grouping for instructional purposes and multiple services delivery options shall be utilized in local district gifted education plans. Student grouping formats shall include grouping for instructional purposes based on student interests, abilities, and needs, including social and emotional. Example of alternative grouping arrangements are listed in subsection (5) of this section.

(5) Local school districts shall implement multiple service delivery options with no single service option existing alone, districtwide, at any grade level. These service delivery options shall be differentiated to such a degree as to be consistent with the language and intent of KRS 157.200(1). Both grouping for instructional purposes, and multiple service delivery options, may include such alternatives as:

(a) Various acceleration options;

(b) Advanced placement and honors courses;

(c) Collaborative teaching and consultation services;

(d) Special counseling services;

(e) Differentiated study experiences in the regular classroom;

(f) Distance learning;

(g) Enrichment services during the school day (not extracurricular);

(h) Independent study;

(i) Mentorships;

(j) Resource services **delivered in the general classroom or pull-out classroom**;

(k) Seminars;

(l) Cluster grouping;

(m) Travel study options;

(n) Special schools **or self-contained classrooms**, grades four (4) through twelve (12) only;

(o) Itinerant services; and

(p) Special summer sessions.

(6) With the exception of academic competitions and optional extracurricular offerings, services shall be provided during the regular school hours.

Section 7. Curriculum. (1) A comprehensive framework or course of study for children and youth who are diagnosed as possessing gifted characteristics, behaviors and talent shall be based on each district or school's curricula required to meet the goals established in KRS 158.6451.

(2) Each school shall differentiate, replace, supplement, or modify curricula to facilitate high level attainment of the learning goals established in KRS 158.6451 and to assist students identified and diagnosed as gifted and talented to develop their individual interest, needs and abilities.

Section 8. Personnel. Each local school district shall ensure that personnel providing services to gifted and talented students are prepared through appropriate credentials or professional development to address the individual needs, interests and abilities of the students.

Section 9. Budget; Funding. (1) State funds for gifted education shall be used specifically for direct services to students who are gifted and talented. Direct services to students identified as demonstrating gifted and talented behaviors and characteristics shall be provided by professionally qualified and certified personnel. Seventy-five (75) percent of a district's [~~state~~] gifted education allocation shall be used to employ properly certified personnel to provide direct instructional services.

(2) Any budget decisions made after the annual submission of the local district gifted education plan application shall be coordinated through the district gifted education coordinator.

(3) Districts receiving state gifted education funding shall designate a gifted education coordinator to:

(a) Oversee the district gifted education operation;

(b) Serve as liaison between the district and the state;

(c) Ensure internal compliance with state statutes and administrative regulations; and

(d) Administer and revise the gifted education program budget.

(4) State funding to districts shall be contingent upon:

(a) Employing properly certified personnel to administer and teach in the program;

(b) The annual submission of a local district gifted education plan application;

(c) A summative evaluation of the program and student progress; and

(d) Complying with all mandated elements within this administrative regulation.

Section 10. Procedural Safeguards. A school district shall establish a grievance procedure through which parents and students may resolve concerns regarding the appropriate and adequate provision of services. This districtwide grievance procedure shall address:

(1) How, and by whom, the grievance procedure is initiated;

(2) Determining the need to evaluate or reevaluate the child for appropriate services;

(3) Determining if placement of the child needs revision;

(4) Ensuring appropriate services are provided to all identified students consistent with KRS 157.200 and 157.230; and

(5) The participation of parents, a regular education teacher of the student, a gifted education teacher or coordinator, administrator, and counselor.

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: January 5, 1994

FILED WITH LRC: January 5, 1994 at 11 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
Office of State Fire Marshal
(Amended After Hearing)

815 KAR 30:010. LP Gas license; financial responsibility required.

RELATES TO: KRS 234.120
STATUTORY AUTHORITY: KRS 234.120(4)
NECESSITY AND FUNCTION: KRS 234.120 requires the Commissioner to promulgate reasonable regulations requiring proof of financial responsibility. This administrative regulation is made to assure persons injured by LP Gas dealers have some assets against which to recoup some of their loss. This amendment is necessary to clarify the nature of the insurance required for obtaining an LP gas dealer's license and to specify the information required. [~~This amendment is necessary to specify the type of financial responsibility proof required for licensure.~~]

Section 1. Proof of Financial Responsibility, Amount. (1) Prior to the issuance or renewal of a license to engage in the LP gas business as required by KRS 234.120, the applicant shall submit a certificate of insurance [~~from an insurance company authorized to do business in Kentucky~~] certifying that the applicant has a valid commercial general liability insurance policy which includes coverage for completed operations and for [~~the payment of~~] damages because of injuries to persons, damage to their property and any other damage or loss resulting from or arising out of the LP gas dealer's business, trade, products, services, premises or operations [~~in personal injury and property damage~~] in the minimum amount of $100,000, per person and $500,000 per occurrence or [~~incident~~] for licenses set forth in KRS 234.120(1)(a) through (d) and for business license set forth in KRS 234.120(1)(e) through (k) in the minimum amount of $1,000,000.

(2) The insurer shall be an authorized insurer [~~or an eligible surplus lines insurer~~] as defined by the Kentucky Department of Insurance.

(3) The certificate of insurance shall be executed by **a Kentucky** [~~the~~] licensed agent [~~or broker or by the insurer~~] as follows:

(a) Form LPG-1, Certificate information.

LPG-1 CERTIFICATE OF INSURANCE
LP GAS DEALERS

Policy Period:
Name of Insured:
Address:
Name of Insurer:
Address:
Name of Agent/Broker:
Address:
Policy Coverage: Commercial General Liability, including products and completed operations for LP Gas Dealer Business, in the following amounts: (Check one)
Aggregate minimum limits per incident or occurrence:
☐ $1,000,000 ☐ $500,000; $100,000 per person
Type of Company: (Check one)
Authorized/Admitted Carrier ☐
[~~Eligible Surplus Lines Carrier ☐~~]
The undersigned hereby certifies that the above mentioned insurance protection has been issued in the amounts indicated.
Signature: (KY Licensed Agent [~~or Broker~~])
[~~or~~
~~Signature: (Insurer)~~
~~Title:~~]

(b) Alternate certificate. In lieu of Form LPG-1, a standard company certificate of insurance [~~or policy declaration form~~] may be used; but, only if all the information listed on the State Fire Marshal's Form LPG-1 is included.

(4) [~~(2)~~] Failure to maintain the required insurance shall void the license.

CHARLES A. COTTON, Commissioner
EDWARD J. HOLMES, Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 3, 1994 at 2 p.m.

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

907 KAR 1:540. Eligibility requirements and benefits under [~~for~~] the Kentucky Hospital [~~Indigent~~] Care [~~Assurance~~] Program (KHCP) [~~(HICAP)~~].

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 205.640 [~~205.575~~]
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the Kentucky Hospital Care Program (KHCP) [~~HICAP~~] program, which is a program of hospital care for the indigent provided by Kentucky hospitals participating in the Kentucky Medicaid Program. The cabinet is responsible for establishing eligibility guidelines for determinations of KHCP eligibility to be made by the hospitals. This administrative regulation sets forth provisions relating to the eligibility requirements and benefits for recipients under KHCP [~~HICAP~~].

Section 1. Definitions. (1) "Family unit" means the parents, stepparents, their minor children and stepchildren living in the same household; unmarried couples who have at least one (1) minor child in common and siblings of that child living in the same household; or a child under age eighteen (18), legal guardian and the legal guardian's family living in the same household. A minor child who is also a minor parent and who lives with his [~~or her~~] parents is included in the family unit along with his [~~or her~~] child; if the minor parent, his [~~or her~~] child and the child's other parent, regardless of their marital status, are in the same household, they shall be [~~are~~] considered a separate family unit from any other family unit in that household.

(2) "Kentucky Hospital Care Program (KHCP)" is a program of inpatient and outpatient hospital care for Kentucky's indigent citizenry provided by Kentucky **disproportionate share** hospitals participating in the Kentucky Medicaid Program.

(3) [~~(2)~~] "Minor children" means individuals under the age of twenty-one (21) living with a parent, or under the age of eighteen (18) living with a legal guardian in the same household, or one (1) of the previously described children attending college or a similar type of higher education facility.

(4) [~~(3)~~] "Minor parent" means an individual under the age of twenty-one (21) who has a minor child.

(5) [~~(4)~~] "Self-support" means a demonstration by the minor child that he [~~or she~~] is paying more than fifty (50) percent of his [~~or her~~] living expenses (i.e., proof of wages versus expenditures for living expenses, etc.).

Section 2. KHCP Eligibility Manual. (1) The KHCP Eligibility Manual, dated October 1, 1993, which describes the processes for determining KHCP eligibility, is incorporated by reference.

(2) The KHCP Eligibility Manual is available for inspection and

copying 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.

(3) A fee shall be charged for the KHCP Eligibility Manual not to exceed the approximate cost of copying and materials.

Section 3. [2.] Eligibility Requirements. (1) For an individual or family unit to be KHCP [HICAP] eligible the following requirements shall be met:

(a) [(1)] The individual or family unit shall be a resident(s) of Kentucky. Transients and non-U.S. citizens in visa status (i.e., visitors, students, etc.) shall not be eligible for KHCP [HICAP];

(b) [(2)] The individual's or family unit's income shall not exceed 100 percent of the official poverty income guidelines as promulgated by the Department of Health and Human Services, United State government, and revised annually except for Medicaid recipients receiving additional days of coverage per hospital stay based on medical necessity determined in accordance with 907 KAR 1:012, Inpatient hospital services; and

(c) The individual or family unit shall be encouraged to apply for Medicaid at the local Department for Social Insurance office if potentially eligible.

[~~(3) The individual or family unit must apply for ongoing Medicaid benefits if potentially eligible before a determination can be made that the individual or family unit is HICAP eligible. If an individual or family unit that is potentially eligible for ongoing Medicaid refuses to make an application for Medicaid benefits but applies for HICAP benefits, a finding of ineligibility for HICAP benefits shall be made. (Ongoing Medicaid does not include spenddown or time limited Medicaid benefits.) When a Medicaid application is made under this circumstance, the HICAP inquiry protects the HICAP application date.~~]

(2) Unless otherwise excluded under Section 4 of this administrative regulation, all Medicaid recipients shall be determined KHCP eligible without further verification of eligibility except for the following groups:

(a) Individuals in long-term care situations. These individuals are those in nursing facilities, intermediate care facilities for the mentally retarded, the home and community based services waiver program, the alternative intermediate services for the mentally retarded waiver program, and psychiatric hospitals;

(b) Individuals eligible for Medicaid based on inclusion in a group with an income standard exceeding 100 percent of the poverty level. These include pregnant women with eligibility based on income of less than 185 percent of the poverty level and children with eligibility based on income less than an applicable standard of 185 percent or 133 percent of the poverty level; and

(c) Individuals eligible for Medicaid based on spenddown.

(3) Any Medicaid recipient receiving additional days of coverage per hospital stay, based on medical necessity determined in accordance with 907 KAR 1:012, shall be determined KHCP eligible without further verification.

(4) For Medicaid recipients not determined KHCP eligible without verification, the determination of KHCP eligibility shall be made by comparing the individual's or family's income (as documented) to 100 percent of the poverty level for the family size.

(5) Individuals or families found eligible prior to July 1, 1993 for the Hospital Indigent Care Assurance Program for a period of time extending past July 1, 1993 shall be determined eligible for KHCP without further verification for that portion of the period of time extending past July 1, 1993.

Section 4. [3.] Exclusions from Eligibility. The following shall not be eligible for coverage under KHCP [HICAP]:

(1) Individuals within a correctional system (i.e., inmates of jails, prisons, etc.);

(2) Individuals in the custody of a unit of government which is responsible for coverage of the acute care needs of the individuals, with the exception of individuals in a state-operated psychiatric hospital; [and]

(3) Individuals residing in a psychiatric facility between the ages of twenty-two (22) and sixty-four (64), regardless of income;

(4) Medicaid recipients who have been decertified by the peer review organization for not meeting psychiatric level of care; and

(5) KHCP eligibility shall not exist for Medicaid recipients during a hospital stay (during the first fourteen (14) day period) which would not have been approved or covered under the Medicaid Program.

[~~(3) Individuals who receive ongoing Medicaid in any category, including Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI).~~]

Section 5. [4.] Eligibility Periods. The following provisions shall be applicable for eligibility periods:

(1) For inpatient hospital stays, each determination of eligibility shall be for the period of hospitalization. [~~month of application and two (2) subsequent months with a retroactive determination of eligibility for the three (3) months preceding the month of application if the individual has had a hospitalization during that period of time. The Commissioner of the Department for Medicaid Services may determine on an individual case basis that an additional retroactive period is necessary when the applicant presents extenuating circumstances.~~]

(2) For major or minor outpatient procedures or services, a determination of eligibility shall be for the date or dates of service.

(3) A retroactive determination of eligibility shall be completed for inpatient hospital stays, and major or minor outpatient procedures or services for any period of time preceding the month of application. No retroactive coverage shall be provided for a period of time prior to July 1, 1993 [~~January 1, 1991~~].

Section 6. [5.] Income Considerations. Eligibility shall be [~~is~~] determined by comparing the family unit's (or that of the individual not living with other family members) gross income to the poverty income guidelines for the appropriate family size. In comparing the family unit's gross income to 100 percent of the official poverty income guidelines, the following policies shall be applied:

(1) For the application month [~~and subsequent months~~], an average income of the most recent two (2) calendar months shall be used;

(2) For retroactive eligibility, actual income received for those months shall be used;

(3) For annualized income, the most recent tax return shall be used;

(4) For seasonal, contract and occasional work, an average of the actual income of the most recent two (2) calendar months [~~received~~] shall be used;

(5) If it is anticipated that no income will be received for future months due to illness, accident, or other reasons, no income shall be considered as available;

(6) If it is anticipated that income will increase or decrease, the anticipated income shall be used;

(7) [(6)] The gross income or adjusted gross income for self-employment shall be used; the adjusted gross income shall be determined by allowing work expense deductions that are directly related to producing the goods or services and without which the goods or services could not be produced;

(8) [(7)] Income of all family unit members, including ineligible members, shall be considered and compared to the appropriate KHCP [HICAP] family size;

(9) [(8)] Parental income shall not be considered in eligibility determinations for children age twenty-one (21) or older. If the child, regardless of age, is not living with the parent or attending college or a similar type of higher education facility, parental income shall not be considered;

(10) [(9)] A legal guardian's income shall be considered in determining eligibility for children living in the same household as the

legal guardian until the child reaches the age of eighteen (18);

(11) [~~(10)~~] A grandparent's income shall not be considered for grandchildren living with the grandparent (but not also living with the minor parent) unless the grandparent is the legal guardian;

(12) [~~(11)~~] Income from a common law spouse living in the same household shall be considered. (Common law marriages shall be [~~are~~] recognized if recognized by other states or the couple are holding themselves out to the community as married);

(13) [~~(12)~~] State supplemental payments to individuals in personal care homes shall be excluded from consideration; and

(14) [~~(13)~~] Lump sum payments shall be considered income in the month received.

Section 7. Resource Considerations. **(1)** Resources shall not be considered in determining KHCP eligibility **for the period of July 1, 1993, through January 31, 1994.**

(2) Effective for determinations of eligibility for periods beginning on or after February 1, 1994, the following upper limits for liquid assets (cash or assets readily converitible to cash including checking accounts, savings accounts, stocks, bonds, and similar financial instruments, but not including real or personal property including jewelry, household goods, clothing, buildings, land, businesses, and professional practices) shall be applicable: $2,000 for an individual; $4,000 for a family size of two (2); and fifty (50) dollars for each additional family member.

(3) Resources above the allowable amounts shall result in ineligibility for benefits under KHCP, but only to the extent that liquid resources exceed the allowable upper limits; this means that liquid resources can be spent down to establish eligibility. For example, if an otherwise eligible individiual with $2,300 in liquid assets is hospitalized, he would become eligible for KHCP coverage after receiving $300 in billable services.

Section 8. [~~6.~~] Verification Requirements. Except as specified in Section 3 of this administrative regulation, the cabinet shall [~~generally~~] require verification in accordance with [~~of~~] the following in eligibility determinations (although [~~it may require~~] verification of residency should be accomplished in questionable situations):

(1) Income verification for all family unit members shall be required for inpatient hospital admissions and major outpatient procedures or services. Verification shall be required every six (6) months unless the family unit's income has increased. If the family unit's income has increased, the hospital shall not be required but may require verification of income if the newly reported income exceeds the KHCP income limits. If the family unit alleges zero income, verification may be obtained or at the option of the hospital waived;

(2) Income verification **may be** [~~shall not be required~~] for minor outpatient procedures or services; and

(3) [~~(2)~~] Self-support verification for children under age twenty-one (21) not living with parents and who attend college or a similar type of higher education facility shall be required.

Section 9. [~~7.~~] Dual Eligibility. The individual or family unit may be referred to apply for Medicaid benefits. The following provisions shall be applicable for dual eligibility:

(1) An individual may be KHCP [~~HICAP~~] eligible and simultaneously [~~subsequently~~] determined Medicaid eligible. An individual may [~~shall not~~] apply for ongoing Medicaid and KHCP [~~HICAP~~] eligibility concurrently.

(2) An individual may apply for both KHCP [~~HICAP~~] and Medicaid spenddown eligibility.

(3) For Medicaid spenddown eligibility any hospital expense attributed to the individual's KHCP [~~HICAP~~] eligibility shall not be considered as an incurred cost in determining Medicaid spenddown eligibility.

(4) Individuals who are eligible as qualified Medicare beneficiaries (QMBs) only recipients may apply for KHCP [~~HICAP~~] eligibility.

(5) An individual may apply for both KHCP and SSI Medicaid benefits.

(6) If an individual or family unit is subsequently approved for Medicaid or QMB benefits during a period of KHCP eligibility, the hospital may bill the Medicaid Program in accordance with Medicaid policy shown in 907 KAR 1:013 and 907 KAR 1:015 provided the hospital reports the KHCP adjustment prior to billing the Medicaid Program.

(7) A separate determination for KHCP eligibility using extended requirements shall not be made for Medicaid recipients determined KHCP eligible in accordance with this administrative regulation.

Section 10. [~~8.~~] Fair Hearing. (1) An applicant may request a fair hearing on his KHCP [~~or her HICAP~~] eligibility determination within thirty (30) days of the denial or approval date. [~~in accordance with 907 KAR 2:055.~~]

(2) Each hospital shall be responsible for conducting hearings to determine if KHCP eligibility was determined correctly and for correcting any errors in KHCP eligibility which have been made.

(3) The hearings shall be conducted by impartial hospital staff not involved in the KHCP eligibility determination.

(a) Hearings shall be conducted within thirty (30) days of the date of the hearing request.

(b) During the hearing:

1. The appellant shall be provided an opportunity to review evidence against him;

2. To cross-examine witnesses against him;

3. To present evidence in his behalf; and

4. To be represented by counsel.

(c) Hospital decisions regarding the hearing shall be rendered within fourteen (14) days of the hearing and a copy of the decision provided to the KHCP applicant and the Department for Medicaid Services.

(d) The hearing process may be terminated at any time a corrected decision of KHCP eligibility is made in favor of the potential KHCP recipient with appropriate notice of KHCP eligibility and termination of the hearing process required.

(e) Further appeal may be to the local court having competent jurisdiction.

(2) If a hospital [~~refuses admission or provision of a particular service to a HICAP eligible individual, or otherwise~~] contests medical necessity (whether before or after the fact) for a Medicaid recipient with regard to additional days of inpatient coverage, the Medicaid Peer Review Organization (PRO) shall be contacted by the hospital for a determination of the appropriateness of the [~~admission or~~] service using Medicaid standards of medical necessity; the decision of the PRO shall be binding upon the hospital for KHCP [~~HICAP~~] purposes. It shall be the PRO's responsibility to advise the hospital, the KHCP [~~HICAP~~] recipient, and the recipient's physician, in writing, of the PRO's decision. If the KHCP [~~HICAP~~] recipient is dissatisfied with the decision of the PRO, he may appeal the decision in accordance with 904 KAR 2:055.

Section 11. Benefits. Benefits under KHCP shall be as follows:

(1) Medicaid recipients shall receive any necessary days of coverage for hospital stay as specified in KRS 205.640;

(2) KHCP recipients, including individuals with a pending KHCP application or Medicaid application which may result in KHCP deemed eligibility, shall not be billed for hospital services provided by Medicaid participating disproportionate share hospitals in accordance with KRS 205.640.

Section 12. [~~9.~~] The provisions of this administrative regulation shall be applicable for determinations of eligibility made, and services provided, on or after July 1, 1993 **except that the Medicaid Program shall also recognize and accept determinations of eligibility made**

under the previous program guidelines for the period of July 1, 1993 through January 31, 1994 [~~September 1, 1991~~].

MASTEN CHILDERS, II, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: January 4, 1994
FILED WITH LRC: January 5, 1994 at 9 a.m.

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, JANUARY 14, 1994

TEACHERS' RETIREMENT SYSTEM
(Proposed Amendment)

102 KAR 1:035. Employment by retired members.

RELATES TO: KRS 161.605
STATUTORY AUTHORITY: KRS 161.310
NECESSITY AND FUNCTION: KRS 161.605 provides that retired members may perform part-time or substitute teaching or be employed part time in a nonteaching capacity [~~employment~~] not to exceed the equivalent of 100 days in a school [~~per~~] year. This regulation provides the procedures necessary to administer this statute.

Section 1. For purposes of this regulation and KRS 161.605, any period of substitute or part-time teaching [~~employment~~] of three and one-half (3 1/2) hours or less shall be considered one-half (1/2) day and any period greater than three and one-half (3 1/2) hours shall be considered a full day. Part-time employment in a nonteaching capacity shall not exceed fifty-four (54) percent of a full-time member's weekly schedule for the equivalent of a regular school term (nine and one-fourth (9 1/4) months), and no more than thirty-nine (39) percent of a full-time member's weekly schedule for the equivalent of a twelve (12) month school term.

Section 2. Retired members who perform part-time or substitute teaching or are employed part time in a nonteaching capacity [~~employment~~] shall not pay any contributions to the Teachers' Retirement System for these employment services and their retirement annuity shall not be reduced during these periods of service.

VIRGINIA MURRELL, Chairperson
APPROVED BY AGENCY: December 20, 1993
FILED WITH LRC: January 6, 1994 at 1 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled on February 22, 1994 at 9 a.m., eastern standard time, at the Teachers' Retirement System of Kentucky Office, 479 Versailles Road, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing. Unless written notification of intent to attend the public hearing is received by the agency at least five (5) days before the hearing 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: Pat N. Miller, Executive Secretary, Teachers' Retirement System of Kentucky, 479 Versailles Road, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Contact Person: Billy Hunt
(1) Type and number of entities affected: Retired members of KTRS who are employed by an employer covered by KTRS in a part-time or substitute position.
(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: Annual employment reports.
(2) Effects on the promulgating administrative body: None except reporting requirement.
(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: Monthly employment reports.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: Amendment necessary to accommodate new school year schedules resulting from Education Reform Act.
(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? Yes. All retirees of Kentucky public retirement systems will be permitted to be employed in a part-time or substitute position without waiving their retirement benefits.

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 January 14, 1994 [~~November 15, 1993~~], are incorporated by reference and shall be referred to as Kentucky State Reformatory Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Department of Corrections, State Office Building, Frankfort, Kentucky 40601 or may be reviewed at the Office of General Counsel weekdays from 8 a.m. to 4:30 p.m.

KSR 01-00-09	Public Information and News Media Relations
KSR 01-00-10	Entry Authorization for All Cameras and Tape Recorders Brought into the Institution
KSR 01-00-15	Cooperation and Coordination with Oldham County Court
KSR 01-00-19	Personal Service Contract Personnel
KSR 01-00-20	Consent Decree Notification to Inmates
KSR 02-00-01	Inmate Canteen
KSR 02-00-03	Screening Disbursements from Inmate Personal Accounts
KSR 02-00-11	Inmate Personal Accounts

KSR 02-00-12	Institutional Funds and Issuance of Checks
KSR 04-00-02	Staff Training and Development
KSR 05-00-01	Officers' Daily Housing Security and Safety Log
KSR 05-00-02	Research Activities
KSR 05-00-03	Management Information Systems
KSR 06-00-01	Inmate Master File
KSR 06-00-02	Records Audit
KSR 06-00-03	Kentucky Open Records Law and Release of Psychological/ Psychiatric Information
KSR 07-00-02	Institutional Tower Room Regulations
KSR 07-00-04	Handling of PCB Articles and Containers
KSR 07-00-05	Proper Removal of Transformers
KSR 07-00-06	Asbestos Abatement
KSR 07-00-07	Discharge Monitoring Report (DMR)
KSR 07-00-08	Control of Hazardous Energy (Lockout or Tagout)
KSR 07-00-09	Inventory Control of Underground Storage Tanks
KSR 08-00-07	Inmate Family Emergency - Life Threatening Illness or Death in Inmate's Immediate Family
KSR 08-00-08	Death of an Inmate/Notification of Inmate Family in Case of Serious Injury, Critical Medical Emergency, Major Surgery
KSR 08-00-10	Hazardous Chemicals and Material Safety Data Sheet
KSR 09-00-04	Horizontal Gates/Box 1 Entry and Exit Procedure
KSR 09-00-05	Gate I Entrance and Exit Procedure Limited Issue
KSR 09-00-09	Contraband, Dangerous Contraband and Search Policy [~~(Amended 11/15/93)~~]
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 and Pretrial Contract Hold Status Inmates
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
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
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 (Amended 1/14/94)
KSR 16-01-02	Lawn Visit Procedure and 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 22-00-08	Privilege Trips [~~(Added 11/15/93)~~]
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: January 13, 1994

FILED WITH LRC: January 13, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this regulation has been scheduled for February 24, 1994 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, Department of Corrections, 2nd Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron

(1) Type and number of entities affected: 546 employees of the Kentucky State Reformatory, 1423 inmates, and all visitors to state correctional institutions.

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

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: None

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None - All of the costs involved with the implementation of the regulations are included in the operational budget.

2. Continuing costs or savings: Same as 2(a)1.

3. Additional factors increasing or decreasing costs: Same as 2(a)1.

(b) Reporting and paperwork requirements: Monthly submission of policy revisions.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the 14th Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

DEPARTMENT OF CORRECTIONS
(Proposed Amendment)

501 KAR 6:050. Luther Luckett Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY AND FUNCTION: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the commissioner to adopt, amend or rescind administrative regulations necessary and suitable for the proper administration of the department or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. These administrative regulations are in conformity with those provisions.

Section 1. Pursuant to the authority vested in the Department of Corrections the following policies and procedures, revised January 14, 1994 [~~December 15, 1993~~] are incorporated by reference and shall be referred to as Luther Luckett Correctional Complex Policies and Procedures. Copies of the procedures may be obtained from the Office of the General Counsel, Department of Corrections, State 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.

LLCC 01-12-01	Duty Officer Responsibilities
LLCC 01-13-01	Smoking: LLCC Facility (Added 1/14/94)
LLCC 02-01-02	Fiscal Management: Accounting Procedures
LLCC 02-01-03	Fiscal Management: Agency Funds
LLCC 02-01-04	Fiscal Management: Insurance
LLCC 02-03-01	Fiscal Management: Audits
LLCC 08-01-01	Offender Records
LLCC 08-04-01	Storage of Expunged Records
LLCC 08-05-01	Psychological and Psychiatric Reports
LLCC 11-09-01	Rules and Regulations of the Unit
LLCC 11-13-01	Inmate Dress and Use of Access Areas
LLCC 11-18-02	Use of Monitor Telephone
LLCC 11-19-01	Unit Shakedowns/Control of Excess Property
LLCC 11-20-01	Program Services for "Special Needs"/Mentally Ill Inmates (Amended 1/14/94)
LLCC 12-01-01	Special Management Inmates
LLCC 12-01-02	Pretrial Contract Hold Status
LLCC 13-01-01	Dining Room Guidelines
LLCC 13-04-01	Food Service: Meals
LLCC 13-04-02	Food Service: Menu, Nutrition and Special Diets
LLCC 13-05-02	Medical Screening of Food Handlers
LLCC 13-06-01	Food Service: Inspections and Sanitation
LLCC 13-07-01	Food Service: Purchasing, Storage and Farm Products
LLCC 13-08-01	OJT Food Service Training Placement
LLCC 14-01-01	Sanitation, Living Condition Standards, and Clothing Issue
LLCC 14-05-01	Institutional Inspections
LLCC 15-01-01	Health Maintenance Services; Sick Call and Pill Call
LLCC 15-03-01	Pharmacy
LLCC 15-03-02	Pharmacy Personnel
LLCC 15-03-03	Distribution, Procurement and Control
LLCC 15-03-04	Inmate - Self Administration of Medication
LLCC 15-03-05	Use of Psychotropic Medications
LLCC 15-05-02	Licensure and Training Standards

LLCC 15-06-02 Specialized Health Services
LLCC 15-06-03 Emergency Medical/Dental Care Services
LLCC 15-06-04 First Aid/CPR Training Program
LLCC 15-06-05 Suicide Prevention and Intervention Program
LLCC 15-07-01 Health Records
LLCC 15-08-01 Special Diets
LLCC 15-14-01 Informed Consent
LLCC 15-15-01 Medical Restraints
LLCC 15-16-01 Health Education/Special Health Programs
LLCC 15-17-01 Serious and Infectious Diseases
LLCC 16-01-01 Inmate Rights and Responsibilities [~~(Amended 12/15/93)~~]
LLCC 16-03-01 Inmate Legal Services
LLCC 18-01-01 Inmate Correspondence
[~~LLCC 18-01-02 Issuance of Legal Mail to Inmate Population (Deleted 1/14/94)~~]
LLCC 18-02-01 Inmate Visiting (Amended 1/14/94)
LLCC 18-02-03 Extended Visit and Furloughs (Amended 1/14/94)
LLCC 18-02-04 Meritorious Visits (Amended 1/14/94)
LLCC 18-03-01 Entry and Identification of Visitors for Inmate Visitation (Amended 1/14/94)
LLCC 18-03-03 Inmate Visiting Disciplinary Segregation Administrative Segregation
LLCC 18-03-04 Parole Hearings
LLCC 20-01-01 Personal Property Control (Amended 1/14/94)
LLCC 20-04-01 Inmate Canteen Committee
LLCC 20-04-02 Inmate Canteen
LLCC 20-04-03 Canteen Purchase Limits
LLCC 20-05-01 Inmate Control of Personal Funds
LLCC 20-05-02 Storage and Disposition of Monies Received on Weekends, Holidays, and Between 4 p.m. and 8 a.m. Weekdays
LLCC 20-05-03 Theft of Inmate Personal Property (Amended 1/14/94)
LLCC 20-06-01 Procedure for Sending Appliances to Outside Dealers for Repair (Amended 1/14/94)
LLCC 21-02-01 Classification/Security Levels (Amended 1/14/94)
LLCC 21-03-01 Classification Process
LLCC 22-01-01 OJT/Job Assignments
LLCC 23-01-01 Academic School
LLCC 26-01-01 Religious Services
LLCC 26-01-02 Prayer
[~~LLCC 28-01-01 Privileged Trips (Deleted 1/14/94)~~]
LLCC 28-03-01 Temporary Release/Community Center Release
LLCC 28-04-01 Preparole Progress Report
LLCC 28-04-02 Parole Eligibility Dates

JACK C. LEWIS, Commissioner
APPROVED BY AGENCY: January 13, 1994
FILED WITH LRC: January 13, 1994 at 11 a.m.
PUBLIC HEARING: A public hearing on this regulation has been scheduled for February 24, 1994, at 9 a.m., in the Auditorium of the State Office Building. Those interested in attending this hearing shall notify in writing: Jack Damron and William Seabold, Department of Corrections, 5th Floor, State Office Building, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Jack Damron
(1) Type and number of entities affected: 296 employees of the Luther Luckett Correctional Complex, 1054 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.

EDUCATION, ARTS, AND HUMANITIES CABINET
Department of Education
Office of District Support Services
(Proposed Amendment)

702 KAR 5:150. Transportation of preschool children.

RELATES TO: KRS 156.160, 157.226, 157.3175, 189.540 [~~Chapter 157~~]
STATUTORY AUTHORITY: KRS 156.160, [~~Chapter 157,~~] 189.540
NECESSITY AND FUNCTION: This administrative regulation provides the district superintendent with the guidelines necessary to provide transportation for preschool children.

Section 1. Kentucky school districts may transport three (3) and four (4) year old children. These children shall be transported on post federal standard (1978 through present) school buses. Local boards of education shall develop and incorporate within existing board of education transportation policy, guidelines consistent with the child's mental and physical characteristics.

Section 2. Local boards of education shall require each school bus transporting three (3) and four (4) year old children to be staffed with a minimum of one (1) driver assistant, minimum sixteen (16) years of age, qualified, and trained to assist in the transportation of three (3) and four (4) year old children by a certified local board of education school bus driver training instructor. The driver training instructor shall qualify the driver assistants with training in student entrance of bus, student egress from bus, safety rules of transportation, first aid as it pertains to emergency and immediate care, emergency evacuation, and student management as it relates to seated positions and seat occupancy. The Division of Pupil Transportation of the Department of Education shall provide the curriculum for driver assistant training. The number of assistants required for any one (1) school bus shall be recommended to the superintendent [~~determined~~] by the driver training instructor. Liability insurance shall

be provided for the driver assistant as a named insured. The driver assistant shall be selected who has personal attributes and indicators which show the individuals ability to handle preschool aged children.

Section 3. Local boards of education shall develop a policy requiring all three (3) and four (4) year old children to be transported on school bus seats located approximately midship of school bus. Loading shall begin in the middle of the bus and continue toward the front and rear. These children shall not occupy a front or rear row seat. [~~Each three (3) or four (4) year old child shall be provided with a seated position on a seat which would tend to cause in a frontal or frontal quarter impact, occupant excursion into the protection zone provided by the forward seat back.~~]

Section 4. It shall be the responsibility of the parent, guardian, or person authorized by the parent of a preschool child to provide safe supervision to and from the bus stop and delivery to and receipt from the driver assistant.

Section 5. The driver assistant shall be responsible to deliver and receive the child safely to and from the parent, guardian or person authorized by the parent. Three (3) and four (4) year old children who must cross a roadway shall be escorted by the driver assistant.

(1) No three (3) or four (4) year old child shall be left unattended at the time of delivery.

(2) If the parent, guardian or a person authorized by the parent to accept the child is not present upon delivery, the child shall be taken to a prearranged location.

(3) If anyone other than the authorized person is to receive the child, such arrangements shall be made by the parent or guardian by prior written permission.

[~~Section 6. Local boards of education shall develop a policy requiring all school buses transporting three (3) and four (4) year old children to establish a maximum road speed of thirty five (35) miles per hour throughout pickup and delivery zones and a maximum road speed of forty five (45) miles per hour after completing pickup and delivery and enroute to school locations, from school to home or other school related transportation.~~]

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: January 12, 1994

FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 22, 1994, 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 February 17, 1994, 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 Kevin M. Noland, Office of Legal Services, Department of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Stewart "Mike" Roscoe

(1) Type and number of entities affected: 176 local school districts.

(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 completion)

(b) Reporting and paperwork requirements:

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

(1) First year: None

(2) Continuing costs or savings: None

(3) Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: SBESE regulation of school bus transportation is only by 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. Regulation applies equally to all districts.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(Proposed Amendment)

704 KAR 20:065. Standard high school certificate.

RELATES TO: KRS 161.020, 161.028 [~~161.025~~], 161.030

STATUTORY AUTHORITY: KRS 161.028 [~~156.070, 161.030~~]

NECESSITY AND FUNCTION: KRS 161.020[~~, 161.025, and 161.030~~] requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally, KRS 161.020 requires [~~Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the~~] teacher education institutions [~~are required to~~] be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board [~~recommended by the Council and approved by the State Board~~]. This administrative regulation establishes the standard high school [~~an appropriate~~] certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. (1) The standard high school certificate shall be issued in accordance with the pertinent Kentucky statutes and administrative [~~State Board of Education~~] regulations of the Education Professional Standards Board. The [~~to an~~] applicant shall have [~~who has~~] completed the [~~approved~~] program of preparation which has been [~~corresponds to the certificate at a teacher education institution~~] approved under the standards and procedures included in the Kentucky Stan-

dards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005.

(2) The standard high school certificate shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) [~~Except as hereinafter provided,~~] The standard high school certificate shall be valid for teaching in grades seven (7) through twelve (12).

[~~(4) Effective September 1, 1989,~~] The standard high school certificate valid for grades seven (7) through twelve (12) shall be issued only to applicants who have completed the requirements in this section and who also hold a Kentucky provisional high school certificate valid for grades seven (7) through twelve (12).

(4) Effective September 1, 1989, a new certificate renamed the standard certificate for teaching in the secondary grades 9-12 valid for teaching only in grades nine (9) through twelve (12) shall be issued to applicants who complete the requirements in this section and who also hold the Provisional Certificate for Teaching in the Secondary Grades nine (9) through twelve (12).

(5) Effective July 1, 1994, candidates shall not be admitted to the preparation program leading to the standard certificate for teaching in the secondary grades or the standard high school certificate. The issuance of the standard certificate for teaching in the secondary grades and the standard high school certificate shall be discontinued September 1, 1997.

DANIEL GREENE, Chair

APPROVED BY AGENCY: January 11, 1994

FILED WITH LRC: January 13, 1994 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 25, 1994, at 10 a.m. in the State Board Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by February 20, 1994, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. 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, KY 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact person: Akeel Zaheer

(1) Type and number of entities affected: Eleven institutions of higher education which offer standard certificate programs for high school teachers; and approximately 200 applicants for the certificate annually.

(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: No additional reporting requirements since certificate is being discontinued.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No reporting requirement since certificate is being discontinued.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Standard certificate is being discontinued to reduce and streamline the certification system as required by KRS 161.028.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed administrative 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? No. Certification requirements are uniformly applicable to all individuals.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(Proposed Amendment)

704 KAR 20:085. Standard elementary certificate.

RELATES TO: KRS 161.020, 161.028 [~~161.025~~], 161.030

STATUTORY AUTHORITY: KRS 161.028 [~~156.070, 161.030~~]

NECESSITY AND FUNCTION: KRS 161.020[~~, 161.025, and 161.030~~] requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally KRS 161.020 requires [~~Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the~~] teacher education institutions [~~are required to~~] be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board [~~recommended by the Council and approved by the State Board~~]. This administrative regulation establishes the standard elementary [~~an appropriate~~] certificate and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. (1) The standard elementary certificate shall be issued in accordance with the pertinent Kentucky statutes and administrative [~~State Board of Education~~] regulations of the Education Professional Standards Board. The [~~to an~~] applicant shall have [~~who has~~] completed the [~~approved~~] program of preparation which has been [~~corresponds to the certificate at a teacher education institution~~] approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005[~~, TEC 26.0~~].

(2) The standard elementary certificate shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) The standard elementary certificate shall be valid for teaching in grades one (1) through eight (8).

(4) [~~Effective September 1, 1989,~~] The standard elementary certificate shall be issued only to applicants who have completed the requirements in this section and who hold a valid Kentucky provisional elementary certificate.

(5) Effective July 1, 1994, candidates shall not be admitted to the preparation program leading to the standard elementary certificate. The issuance of the standard elementary certificate shall be discontinued September 1, 1997.

DANIEL GREENE, Chair

APPROVED BY AGENCY: January 11, 1994

FILED WITH LRC: January 13, 1994 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 25, 1994, at 10 a.m. in the State Board Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by February 20, 1994, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. 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, KY 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact person: Akeel Zaheer

(1) Type and number of entities affected: Twelve institutions of higher education which offer the standard elementary certificate and approximately 200 candidates who complete master's degrees in elementary education each year.

(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): Same as above.

(b) Reporting and paperwork requirements: No reporting will be required since certificate is being discontinued.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Office of Teacher Education and Certification must inform affected entities of phased out dates.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No reporting requirements since certificate is being discontinued.

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Discontinuation of the standard elementary certificate will simplify and streamline certification as required by KRS 161.028.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed administrative 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? No. Certification requirements are uniformly applicable to all individuals.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(Proposed Amendment)

704 KAR 20:150. ~~[School media librarians,]~~ Standard certificate for school media librarian.

RELATES TO: KRS 161.020, 161.028 ~~[161.025]~~, 161.030
STATUTORY AUTHORITY: KRS 161.028 ~~[156.070, 161.030]~~
NECESSITY AND FUNCTION: KRS 161.020~~[, 161.025, and 161.030]~~ requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally, KRS 161.020 requires ~~[Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the]~~ teacher education institutions ~~[are required to]~~ be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board ~~[recommended by the Council and approved by the State Board]~~. This administrative regulation establishes the standard ~~[an appropriate]~~ certificate for school media librarian and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. (1) The standard certificate for school media librarian shall be issued in accordance with the pertinent Kentucky statutes and administrative ~~[State Board of Education]~~ regulations of the Education Professional Standards Board. The ~~[to an]~~ applicant shall have ~~[who has]~~ completed the ~~[approved]~~ program of preparation which has been ~~[corresponds to the certificate at a teacher education institution]~~ approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005~~[, TEC 72.0]~~.

(2) The standard certificate for school media librarian shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) The standard certificate for school media librarian shall be valid for the same grade levels as the provisional certificate for school media librarian or the endorsement for school media librarian.

(4) Effective July 1, 1994, candidates shall not be admitted to the preparation program leading to the standard certificate for school media librarian. The issuance of the standard certificate for school media librarian shall be discontinued September 1, 1997.

DANIEL GREENE, Chair

APPROVED BY AGENCY: January 11, 1994

FILED WITH LRC: January 13, 1994 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 25, 1994, at 10 a.m. in the State Board Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by February 20, 1994, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. 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, KY 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact person: Akeel Zaheer

(1) Type and number of entities affected: Five institutions of higher education which offer the standard certificate program for school media librarian and approximately 10 individuals annually who apply for such certification.

(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: No additional reporting and paperwork requirements since certificate is being discontinued.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: No additional costs or savings.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No additional reporting and paperwork requirements since certificate is being discontinued.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Standard certificates are being discontinued to reduce and streamline the certification system as required by KRS 161.028.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed administrative 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: Change the name of the standard certificate for school media specialist to standard certificate for school media librarian.

TIERING: Is tiering applied? No. Certification requirements are uniformly applicable to all individuals.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(Proposed Amendment)

704 KAR 20:270. Standard certificate [~~certification~~] for teachers of exceptional children.

RELATES TO: KRS 161.020, 161.028 [~~161.025~~], 161.030

STATUTORY AUTHORITY: KRS 161.028 [~~156.070, 161.030~~]

NECESSITY AND FUNCTION: KRS 161.020[~~, 161.025, and 161.030~~] requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally, KRS 161.020 requires [~~Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the~~] teacher education institutions [~~are required to~~] be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board [~~recommended by the Council and approved by the State Board~~]. This administrative regulation establishes the standard [~~an appropriate~~] certificate for teachers of exceptional children and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. (1) The standard certificate for teachers of exceptional children shall be issued in accordance with the pertinent Kentucky statutes and administrative [~~State Board of Education~~] regulations of the Education Professional Standards Board. The [~~to an~~] applicant shall have [~~who has~~] completed the [~~approved~~] program of preparation which has been [~~corresponds to the certificate at a teacher education institution~~] approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005.

[~~(2) Effective until December 31, 1984 the standard certificate for teachers of exceptional children shall be issued initially for a duration period of ten (10) years except that when the curriculum requirements were completed more than ten (10) years prior to the date of certificate issuance the provisions of 704 KAR 20:050, Section 2, shall apply. The certificate shall be extended for life upon completion of three (3) years of successful teaching experience performed under a regular teaching certificate and completed prior to the expiration of the standard certificate. If the requirements for life extension have not been completed by the end of each ten (10) year period, the certificate may be renewed at the end of each ten (10) year period upon completion of two (2) years of successful teaching experience or upon six (6) semester hours of graduate credit for each of the years required experience.~~]

(2) [~~(3) Effective January 1, 1985,~~] The standard certificate for teachers of exceptional children shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) [~~(4)~~] The standard certificate for teachers of exceptional children grades K-12 shall be [~~issued to applicants whose related preparation includes qualifications for the provisional elementary certificate and shall be~~] valid [~~at any grade~~] for the instruction of exceptional children in the classification of exceptionality described on the certificate. [~~The standard certificate for teachers of exceptional children grades 7-12 shall be issued to applicants whose related preparation includes qualification for the provisional high school certificate and shall be valid for the classifications of exceptionality described on the certificate. The standard certificate for teachers of exceptional children - speech and communication disorders shall be valid for grades kindergarten through twelve (12).~~]

(4) Effective July 1, 1994, candidates shall not be admitted to the preparation program leading to the standard certificate for teachers of exceptional children. The issuance of the standard certificate for teachers of exceptional children shall be discontinued September 1, 1997.

DANIEL GREENE, Chair

APPROVED BY AGENCY: January 11, 1994

FILED WITH LRC: January 13, 1994 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 25, 1994, at 10 a.m. in the State Board Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by February 20, 1994, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. 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, KY 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact person: Akeel Zaheer

(1) Type and number of entities affected: All recipients of the type of certificate named in this regulation - approximately 100 individuals annually, and 6 institutions of higher education offering these programs.

(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: No reporting requirements since certificate is being discontinued.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: The standard certificate for exceptional children is being discontinued to reduce and streamline the certification system as required by KRS 161.028.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed administrative 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 is a technical change to incorporate the provisions of Senate Bill 19 (KRS 161.030) and its implementing regulation 704 KAR 20:045. All information about costs, effects, etc., are included in the Regulatory Impact Analysis submitted with 704 KAR 20:045.

TIERING: Is tiering applied? No. Certification requirements are uniformly applicable to all individuals.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(Proposed Amendment)

704 KAR 20:350. Standard certificate for teaching in the middle grades 5-8.

RELATES TO: KRS 161.020, 161.028 [~~161.025~~], 161.030

STATUTORY AUTHORITY: KRS 161.028 [~~156.070, 161.030~~]

NECESSITY AND FUNCTION: KRS 161.020[~~, 161.025, and 161.030~~] requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally, KRS 161.020 requires [~~Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the~~] teacher education institutions [~~are required to~~] be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board [~~recommended by the council and approved by the state board~~]. This administrative regulation establishes the standard [~~an appropriate~~] certificate for teaching in the middle grades and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. (1) The standard certificate for teaching in the middle grades 5-8 shall be issued in accordance with the pertinent Kentucky statutes and administrative [~~State Board of Education~~] regulations of the Education Professional Standards Board. The [~~to an~~] applicant shall have [~~who has~~] completed the [~~approved~~] program of preparation which has been [~~corresponds to the certificate at a teacher education institution~~] approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005, TEC 37.0.

(2) The standard certificate for teaching in the middle grades 5-8 shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) The standard certificate for teaching in the middle grades 5-8 shall be valid for teaching in grades five (5) through eight (8) and shall be endorsed for grades nine (9) through twelve (12) for any subject assignment in which the teacher holds a regular high school teaching major or minor or area of concentration. The certificate shall also be valid for teaching pupils in grades four (4) who are grouped for instruction in combination classes for grades four (4) and five (5).

(4) Effective July 1, 1994, candidates shall not be admitted to the preparation program leading to the standard certificate for teaching in the middle grades. The issuance of the standard certificate for teaching in the middle grades shall be discontinued September 1, 1997.

DANIEL GREENE, Chair

APPROVED BY AGENCY: January 11, 1994

FILED WITH LRC: January 13, 1994 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 25, 1994, at 10 a.m. in the State Board Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by February 20, 1994, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. 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, KY 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact person: Akeel Zaheer

(1) Type and number of entities affected: Twelve institutions of higher education which offer the standard certificate program for middle grade teachers; 178 public school districts (and independent schools); and approximately 100 teacher applicants for the standard certificate.

(a) Direct and indirect costs or savings to those affected: None additional - institutions are expected to periodically revise programs as a regular and continuing function by developing new courses and dropping old ones.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs (note any effects upon competition): None

(b) Reporting and paperwork requirements: No reporting requirements since certificate is being discontinued.

(2) Effects on the promulgating administrative body: No appreciable difference - all programs must be revised periodically, and this evaluation expense is embedded in the regular budget.

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No reporting requirements since certificate is being discontinued.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: Standard certificate is being discontinued to reduce and streamline the certification system as required by KRS 161.028.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed administrative 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? No. Certification requirements are uniformly applicable to all individuals.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(Proposed Amendment)

704 KAR 20:360. Standard certificate for teaching in the early elementary grades K-4.

RELATES TO: KRS 161.020, 161.028 [~~161.025~~], 161.030

STATUTORY AUTHORITY: KRS 161.028 [~~156.070, 161.030~~]

NECESSITY AND FUNCTION: KRS 161.020[~~, 161.025, and 161.030~~] requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Additionally, KRS 161.020 requires [~~Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the~~] teacher education institutions [~~are required to~~] be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board [~~recommended by the council and approved by the state board~~]. This administrative regulation establishes the standard [~~an appropriate~~] certificate for teaching in the early elementary grades and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. (1) The standard certificate for teaching in the early elementary grades K-4 shall be issued in accordance with the pertinent Kentucky statutes and administrative [~~State Board of Education~~] regulations of the Education Professional Standards Board. The [~~to an~~] applicant shall have [~~who has~~] completed the [~~approved~~] program of preparation which has been [~~corresponds to the certificate at a teacher education institution~~] approved under the standards and procedures included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel as adopted in 704 KAR 20:005.

(2) The standard certificate for teaching in the early elementary grades K-4 shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) The standard certificate for teaching in the early elementary grades K-4 shall be valid for grades kindergarten (K) through four (4). The certificate shall also be valid for teaching pupils in grades five (5) who are grouped for instruction in combination classes for grades four (4) and five (5).

(4) Effective July 1, 1994, candidates shall not be admitted to the preparation program leading to the standard certificate for teaching in the early elementary grades. The issuance of the standard certificate for teaching in the early elementary grades shall be discontinued September 1, 1997.

DANIEL GREENE, Chair

APPROVED BY AGENCY: January 11, 1994

FILED WITH LRC: January 13, 1994 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 25, 1994, at 10 a.m. in the State Board Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by February 20, 1994, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. 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, KY 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact person: Akeel Zaheer

(1) Type and number of entities affected: Twelve institutions of higher education which offer the standard early elementary certificate program for teachers; and approximately 100 candidates who complete master's degrees in early elementary education each year.

(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): Same as above.

(b) Reporting and paperwork requirements: No reporting will be required since certificate is being discontinued.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings: Office of Teacher Education and Certification must inform affected entities of phased out dates.

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs:

(b) Reporting and paperwork requirements: No reporting requirements since certificate is being discontinued.

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Discontinuation of the standard elementary certificate will simplify and streamline certification as required by KRS 161.028.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed administrative 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? No. Certification requirements are uniformly applicable to all individuals.

EDUCATION, ARTS, AND HUMANITIES CABINET
Education Professional Standards Board
(Proposed Amendment)

704 KAR 20:370. Standard certificate for teaching music grades K-12.

RELATES TO: KRS 161.020, 161.028 [~~161.025~~], 161.030

STATUTORY AUTHORITY: KRS 161.028 [~~156.070, 161.030~~]

NECESSITY AND FUNCTION: KRS 161.020[~~, 161.025, and 161.030~~] requires that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation prescribed by the Education Professional Standards Board. Addition-

ally, KRS 161.020 requires [~~Kentucky Council on Teacher Education and Certification and approved by the State Board of Education; furthermore, the~~] teacher education institutions [~~are required to~~] be approved for offering the preparation programs corresponding to particular certificates on the basis of standards and procedures established by the Education Professional Standards Board [~~recommended by the council and approved by the state board~~]. This administrative regulation establishes the standard [~~an appropriate~~] certificate for teaching music and relates to the corresponding standards and procedures for program approval as included in the Kentucky Standards for the Preparation-Certification of Professional School Personnel.

Section 1. (1) The standard certificate for teaching music grades K-12 shall be issued in accordance with the pertinent Kentucky statutes and administrative [~~State Board of Education~~] regulations of the Education Professional Standards Board. The [~~to an~~] applicant shall have [~~who has~~] completed the [~~approved~~] program of preparation which has been [~~corresponds to the certificate at a teacher education institution~~] approved under the standards and procedures included in the Kentucky Standards for the Preparation- Certification of Professional School Personnel as adopted in 704 KAR 20:005[~~, TEC 38.0~~].

(2) The standard certificate for teaching music grades K-12 shall be issued and renewed in accordance with the provisions of KRS 161.030 and 704 KAR 20:045.

(3) The standard certificate for teaching music grades K-12 shall be valid for grades kindergarten (K) through twelve (12) for teaching vocal or instrumental music as designated on the certificate.

(4) Effective July 1, 1994, candidates shall not be admitted to the preparation program leading to the standard certificate for teaching music. The issuance of the standard certificate for teaching music shall be discontinued September 1, 1997.

DANIEL GREENE, Chair

APPROVED BY AGENCY: January 11, 1994

FILED WITH LRC: January 13, 1994 at 3 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 25, 1994, at 10 a.m. in the State Board Room, Capital Plaza Tower, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by February 20, 1994, five days prior to hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. 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, KY 40601, (502) 564-4606.

REGULATORY IMPACT ANALYSIS

Contact person: Akeel Zaheer

(1) Type and number of entities affected: Six institutions of higher education which offer the standard certificate program for music and approximately 15 individuals applying for this certificate annually.

(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: No reporting requirements since certificate is being discontinued.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect costs or savings:

1. First year: None

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: No reporting requirements since certificate is being discontinued.

(3) Assessment of anticipated effect on state and local revenues: No effect.

(4) Assessment of alternative methods; reasons why alternatives were rejected: Standard certificates are being discontinued to reduce and simplify the certification system as required by KRS 161.028.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: None

(a) Necessity of proposed administrative 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? No. Certification requirements are uniformly applicable to all individuals.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
(Proposed Amendment)

806 KAR 4:010. Fees of the Department of Insurance.

RELATES TO: KRS 304.4-010

STATUTORY AUTHORITY: KRS 304.2-110, 304.4-010

NECESSITY AND FUNCTION: KRS 304.2-110 authorizes the Commissioner of Insurance to adopt administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.4-010 requires the Commissioner of Insurance to prescribe those services for which fees shall be charged and the amounts of the fees. This administrative regulation prescribes these services for which the Department of Insurance will charge fees and the amounts of those fees.

Section 1. The commissioner shall collect in advance fees as follows:

(1) Annual statement.

(a) Filing each year, $100.

(b) Filing additional or supplemental statement in the same year, $100.

(2) Filing charter documents.

(a) Original charter document, bylaws, and records of organization, or certified copies thereof required to be filed, $100.

(b) Amended charter documents, bylaws, and records of organization, or certified copies thereof required to be filed, $50.

(3) Certificate of authority.

(a) Issuance of original certificate, $500.

(b) Amending, to add a line, $50.

(c) Renewal, each year, $100.

(4) Organization of domestic mutual insurers: filing application for solicitation permit and issuance of such permit, $200.

(5) Self insurer.

(a) Application to become self insurer under subtitle 39, $200.

(b) Notification of self-insurance program under subtitle 32, $50.

(6) Agent licenses, foreign and alien insurers.

(a) Agent license, per insurer represented, biennial, $60 [~~40~~].

(b) Temporary license as agent, $40 [~~20~~].

(c) Nonresident agent, per insurer represented, biennial, $70 [~~50~~].

(d) Resident corporate or partnership agent, per insurer represented, biennial, $120 [~~100~~].

(e) Nonresident corporate or partnership agent, per insurer

represented, biennial, $140 [120].

(7) Surplus lines broker, reinsurance intermediary, or managing general agent, biennial, $150 [100].

(8) Solicitor license, biennial, $60 [40].

(9) Adjuster license, biennial, $100 [50].

(a) Temporary license as apprentice adjuster, $50 [25].

(b) Administrator's license, biennial, $100 [50].

(10) Consultant license, biennial, $150 [100].

(11) Risk retention agents, biennial, $60.

(12) Agent licenses for fraternal benefit societies, subtitle 32 corporations, health maintenance organizations, prepaid dental plan organizations, per fraternal benefit society, subtitle 32 corporation, health maintenance organization, or prepaid dental plan represented, biennial.

(a) Residents, $60 [40].

(b) Nonresidents, $70 [50].

(13) [(12)] Filing agent and solicitor continuing education courses for:

(a) Approval, $5 per hour of continuing education credit; minimum of $10, maximum of $300.

(b) Biennial renewal, $5 per hour of continuing education credit; minimum of $10, maximum of $150.

(14) [(13)] Late renewal of agent licenses pursuant to KRS 304.9-260, 304.32-190, 806 KAR 38:020, 806 KAR 43:010, and KRS 304.99-100, per insurer, subtitle 32 corporation, health maintenance organization, or prepaid dental plan organization represented.

(a) Residents, $60 [40].

(b) Nonresidents, $70 [50].

(15) [(14)] Examination for or in connection with licensing of agents, solicitors, adjusters, and consultants, $75 [50].

(16) [(15)] Annual registration fee of unauthorized insurer under KRS 304.11-020(2), $500.

(17) [(16)] Advisory organizations.

(a) Application for license, $500.

(b) Annual renewal, $100.

(18) [(17)] Rate and form filings.

(a) Rate level revision filing in a noncompetitive market or other rate level revision filings subject to prior approval by the commissioner, $100.

(b) Credit life or health insurance filing requiring review for compliance with KRS 304.19-080, $100.

(c) Other rate and form filings, $5.

(19) [(18)] Insurance premium finance companies.

(a) Application for license, $500.

(b) Annual renewal, $100.

(20) [(19)] Cost of administering subtitle 32 per membership contract in force on December 31 of each year, except the health insurance contract or contracts for state employees as authorized by KRS 18A.225, ten (10) cents.

(21) [(20)] Computer printouts of lists, computer printouts of mailing labels, and magnetic tapes:

(a) Agents:

1. General lines or life and health, $500.
2. General lines or life and health magnetic tape, $1,000.
3. All other lines, $100.
4. Listing for each ZIP code, $50.
5. Appointments (activity) of a specific agent, $5.

(b) Adjusters, consultants, managing general agents, solicitors, surplus lines brokers, and third party administrators, $100.

(c) Insurer directories:

1. All authorized insurers, $150.
2. Insurers by line of insurance, $100.
3. Appointments (activity) by a specific insurer, $50.

(d) Corporate or partnership agents:

1. Corporate or partnership agent directory, $150.
2. Corporate or partnership agents by line of insurance, $100.
3. Appointments (activity) of a specific corporation or partnership agent, $10.

(e) Other printouts or magnetic tapes not specified above, if the request is approved by the commissioner, $500.

(22) [(21)] Miscellaneous services.

(a) Filing other documents, each, $5.

(b) Commissioner's certificate under seal, other than certificates, licenses, and other documents provided for above, each, $7 [5].

(c) For copies of any document on file with the commissioner, per page, fifty (50) cents.

(d) Copy of annual statements, per page, $1.

Section 2. The biennial renewal fees specified in Section 1(6), (7), (8), (9), (10), and (11) of this regulation are payable as follows:

(1) Licensees for life, health, or life and health insurers[, or fraternal benefit societies] shall renew their licenses on or before March 31 in odd numbered years and biennially thereafter; and

(2) Licensees for casualty, marine and transportation, property, surety, mortgage guaranty, [or] multiple line insurers, fraternal benefit societies, or reinsurance intermediaries shall renew their licenses on or before March 31 in even numbered years and biennially thereafter.

Section 3. When a statute or regulation requires payment of a fee as provided in KRS 304.4-010, it refers to a fee as specified in this regulation.

DON W. STEPHENS, Commissioner
EDWARD J. HOLMES, Secretary

APPROVED BY AGENCY: January 10, 1994

FILED WITH LRC: January 13, 1994 at 11 a.m.

PUBLIC HEARING: Persons with an interest in the subject matter of the proposed regulation may comment at a public hearing scheduled for February 22, 1994 at 10 a.m., (ET), in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Don W. Stephens, Commissioner, Kentucky Department of Insurance, Post Office Box 517, Frankfort, Kentucky 40602. Written comments must be received prior to 10 a.m., (ET) on February 22, 1994, in order to receive consideration. The public hearing scheduled above may be cancelled if no one notifies the Commissioner of Insurance at least five (5) days prior to the hearing that they will be in attendance to comment.

REGULATORY IMPACT ANALYSIS

Contact person: Carla H. Montgomery

Need for the proposed amendment: The Commissioner of Insurance is to prescribe those services for which fees shall be charged and the amounts of such fees. Licensing fees have not been increased for over ten years. The cost of administering these licenses and providing copies has increased, and the fees must be increased to keep up with this increase. In 1992, under KRS 304.9-700 to 304.9-759, the Commissioner of Insurance began regulating reinsurance intermediaries. The department has charged a licensing fee for reinsurance intermediaries and needs to properly state those fees and the time period for those fees. Also, in KRS 304.4-015, fraternal benefit societies are to pay biennial renewal fees in even years. However, in 806 KAR 4:010, Section 2(1), fraternal benefit societies pay their renewal fees in odd numbered years. This amendment will bring the administrative regulation into compliance with KRS 304.4-015.

(1) Type and number of entities affected: At this time, the Department of Insurance administers approximately 48,932 licenses.

(a) Direct and indirect cost or savings to those affected:

1. First year: License holders affected by the changes would pay an increased fee for licenses. Reinsurance intermediaries and fraternal benefit societies are already paying the appropriate renewal fees to the department. Those organizations' fees would be increased

in accordance with other license holders.

2. Continued cost or savings: The license holders would continue to pay the proposed fee.

3. Additional factors increasing or decreasing costs: No additional cost or savings is expected.

(b) Reporting and paperwork requirements: There would be no additional reporting or paperwork requirements. The fees would simply increase.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect cost or savings:

1. First year: The department would be able to more efficiently administer licenses with the additional fees and cover the operating costs of providing licenses. The Department of Insurance has already been accepting biennial fees from reinsurance intermediaries and fraternal benefit societies in accordance with the proposed amendment for the administrative regulation.

2. Continued cost or savings: The Department of Insurance will continue with the same activities. Therefore, no additional cost or savings is expected.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The Department of Insurance will continue to collect and process biennial renewal fees from these organizations. There would be no additional reporting or paperwork requirements except for printing updated licensing fees.

(3) Assessment of anticipated effect on state and local revenues: Most of the increased fees will pay for the services provided by the department's licensing division.

(4) Assessment of alternative methods; reasons why alternatives were rejected: With the increased cost of equipment, personnel, computer, time, and printing materials, the Department of Insurance needs to increase the costs of licenses to cover the expenses of administering its licensing division. If no amendment with regard to fraternal benefit societies is made to this administrative regulation, then the administrative regulation will be in direct conflict with the statute relating to fraternal benefit societies. Also, if no amendment is made, there will be no specific language in the Kentucky Insurance Code to inform the reinsurance intermediaries of the appropriate fees to be paid and the time for these fees to be paid to the Department of Insurance.

(5) Statutes regulations or governmental policies which may conflict, overlap, or duplicate the proposed regulation: None

TIERING: Tiering is not used since the proposed administrative regulation should apply to all license holders equally.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
(Proposed Amendment)

806 KAR 14:005. Rate and form filing.

RELATES TO: KRS 304.4-010, 304.13-031, 304.13-051, 304.13-061, 304.13-081, 304.14-120, 304.14-190

STATUTORY AUTHORITY: KRS 304.2-110

NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable administrative rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. This administrative regulation provides rate and form filing procedures.

Section 1. (1) Every insurer, other than life or health insurers, required by law or licensed advisory organization permitted by law to file rates, rating plans, policy forms or endorsements, underwriting rules, statistical plans, advertising and sales materials, or other documents shall file with these [~~such~~] documents a fully completed and signed "face sheet and verification form" (Form F-1P&C). In addition, rate filings shall be accompanied by a filing synopsis for rates (Form S-1), form filings shall be accompanied by a filing synopsis for forms (Form S-2), and rule filings shall be accompanied by a filing synopsis for rules (Form S-3). Any rate filing referencing loss costs formulated by any advisory organization shall be accompanied by a calculation of loss cost multiplier (Form LC-1). [~~property and casualty insurers must file a "synopsis form."~~]

(2) Life and health insurance rate and form filings shall be accompanied by a face sheet and verification form (Form F-1 LH). Policy forms filed under policy form certification shall be accompanied by a certification form (Form LH-2). Life and annuity form filings shall be accompanied by actuarial certification (Form LH-3). Individual health insurance form filings shall be accompanied by actuarial certification (Form LH-4).

Section 2. The forms specified in Section 1 of this administrative regulation [~~"face sheet and verification form"~~] shall be copies of the forms prepared by the Department of Insurance and incorporated by reference to this administrative regulation. The commissioner may amend or change the forms to meet the requirements of the Department of Insurance and other regulatory authorities. [~~labeled as such and be in such form as the commissioner may from time to time determine and prescribe.~~]

Section 3. (1) An entity [~~A filer~~] may include in a filing for a particular insurance company any number of forms or documents, filed together on a particular date, pertaining to a single line [~~subject or coverage~~] of insurance[~~, and each filing must be accompanied by a fee of five (5) dollars, which shall in no event be refundable~~].

(2) However, as to insurance other than life or health, forms shall be filed separately from rates and rules, but rates and rules may be filed together or separately. [~~Notwithstanding subsection (1) of this section, the fee for a rate level revision filing in a noncompetitive market pursuant to KRS Chapter 304.13 shall be $100.~~]

Section 4. Since by the provisions of KRS 304.4-010 all fees and charges payable under the insurance code are required to be collected in advance, the period of time in which the commissioner may affirmatively approve or disapprove the filing shall not begin to run until both the filing and appropriate fee are received by the department.

Section 5. No policy or contract form shall be used in Kentucky until it has been approved, and, if rates for the [~~such~~] form are required by law to be approved, the appropriate rate schedule therefor has been approved.

Section 6. If [~~Whenever~~] a filing includes a form which amends, replaces, or supplements a form which has been previously filed and not disapproved, it shall be accompanied by a letter of explanation from the filer setting forth all changes contained in the newly filed form, the effect, if any, the [~~such~~] changes have upon the hazards purported to be assumed by the policy, and the rates applicable thereto.

Section 7. (1) Facsimile signatures of company officers, attorneys-in-fact, employees and representatives are not required and shall not be submitted with any filing.

(2) A change of signature of the executing officer on a policy form shall not, because of this [~~such~~] change alone, require a new filing.

Section 8. Forms numbered "F-1P&C", "S-1", "S-2", "S-3", "LC-1", "F-1 LH", "LH-2", "LH-3", and "LH-4", revised in January 1992, [~~entitled "Face Sheet and Verification Form" and "Kentucky Filing Synopsis"~~] are prescribed by the department and herein filed by reference. Copies may be obtained from the Department of Insurance, P.O. Box 517, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.

DON W. STEPHENS, Commissioner
EDWARD J. HOLMES, Secretary
APPROVED BY AGENCY: November 15, 1993
FILED WITH LRC: January 13, 1994 at 11 a.m.
PUBLIC HEARING: Persons with an interest in the subject matter of the proposed regulation may comment at a public hearing scheduled for February 22, 1994 at 10 a.m., (ET), in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Don W. Stephens, Commissioner, Kentucky Department of Insurance, Post Office Box 517, Frankfort, Kentucky 40602. Written comments must be received prior to 10 a.m., (ET) on February 22, 1994, in order to receive consideration. The public hearing scheduled above may be cancelled if no one notifies the Commissioner of Insurance at least five (5) days prior to the hearing that they will be in attendance to comment.

REGULATORY IMPACT ANALYSIS

Contact person: Carla H. Montgomery
Need for the proposed amendment: This administrative regulation provides rate and form filing procedures. It is necessary to update the forms and procedures for rate and form filing.
(1) Type and number of entities affected: All insurers doing business in Kentucky required to have rate and form filings are affected by this administrative regulation. There are approximately 1,459 insurers in Kentucky.
(a) Direct and indirect cost or savings to those affected:
1. First year: Insurers that are currently required to file rate and forms with the Department of Insurance will suffer no additional costs or savings.
2. Continued cost or savings: There will be no additional cost or savings.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: All insurers who are required to file rates and forms shall follow the procedures and use the updated forms prescribed by this proposed amendment when filing rates and forms.
(2) Effects on the promulgating administrative body:
(a) Direct and indirect cost or savings:
1. First year: There is no additional cost or savings to the Department of Insurance.
2. Continued cost or savings: The continued costs or savings should remain the same to the Department of Insurance as all insurers begin filing rates and forms on new forms.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements: The Department of Insurance would receive all rate and form filings in accordance to amendments following new procedures and updated forms.
(3) Assessment of anticipated effect on state and local revenues: None
(4) Assessment of alternative methods; reasons why alternatives were rejected: This amendment allows the Department of Insurance to be updated on its forms and rate filings. The amendment will help the department become more efficient and concise with the rate and form filings.
(5) Statutes, regulations, or governmental policies which may conflict, overlap, or duplicate the proposed regulation: None
TIERING: Tiering is not used since the proposed administrative regulation should apply to all insurance premium finance companies equally.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
(Proposed Amendment)

806 KAR 26:010. Proxies, consents and authorizations.

RELATES TO: KRS 304.26-050
STATUTORY AUTHORITY: KRS 304.2-110, 304.26-050
NECESSITY AND FUNCTION: KRS 304.2-110 provides that the Commissioner of Insurance may make reasonable rules and administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.26-050 gives the commissioner the authority to regulate any form of proxies, consents and authorizations. This administrative regulation sets out the requirements for proxies and their solicitation, consents, and authorizations.

Section 1. Application of Administrative Regulation. This administrative regulation is applicable to each domestic stock insurer which has any class of equity security held of record by 100 or more persons; provided, however, that this administrative regulation shall not apply to any insurer if ninety-five (95) percent or more of its equity securities are owned or controlled by a parent or an affiliated insurer and the remaining securities are held of record by less than 500 persons. A domestic stock insurer which files with the Securities and Exchange Commission forms of proxies, consents and authorizations complying with the requirements of the Securities Exchange Act of 1934, as amended, and the applicable administrative regulations promulgated thereunder, shall be exempt from the provisions of this administrative regulation with respect to any class of securities subject to SEC jurisdiction.

Section 2. Proxies, Consents and Authorizations. No domestic stock insurer, or any director, officer or employee of such insurer subject to Section 1 of this administrative regulation, or any other person shall solicit, or permit the use of his name to solicit, by mail or otherwise, any proxy, consent or authorization in respect of any class of equity security of such insurer held of record by 100 or more persons in contravention of this administrative regulation and especially Sections 13 and 14 [~~11 and 12~~] of this administrative regulation.

Section 3. Disclosure of Equivalent Information. Unless proxies, consents or authorizations in respect of any class of equity security of a domestic insurer subject to Section 1 of this administrative regulation are solicited by or on behalf of the management of such insurer from the holders of record of such security in accordance with this administrative regulation prior to any annual or other meeting of such security holders, such insurer shall, in accordance with this administrative regulation and such further administrative regulations as the commissioner may adopt, file with the commissioner and transmit to all security holders of record information substantially equivalent to the information which would be required to be transmitted if a solicitation were made. Such insurer shall transmit a written statement containing the information specified in Section 5(4) of this administrative regulation to every security holder who is entitled to vote in regard to any matter to be acted upon at the meeting and from whom a proxy is not solicited on behalf of the management of the insurer; provided, that in the case of a class of securities in unregistered or bearer form such statement need be transmitted only to those security holders whose names and addresses are known to the insurer.

Section 4. Definitions. (1) The definitions and instructions set out in Schedule SIS, as promulgated by the National Association of Insurance Commissioners, shall be applicable for purposes of this administrative regulation.

(2) The terms "solicit" and "solicitation" for purposes of this administrative regulation shall include:

(a) Any request for proxy, whether or not accompanied by or included in a form of proxy; or

(b) Any request to execute or not to execute, or to revoke a proxy; or

(c) The furnishing of a proxy or other communications to security holders under circumstances reasonably calculated to result in the procurement, withholding or revocation of a proxy.

(3) The terms "solicit" and "solicitation" shall not include:

(a) Any solicitation by a person in respect to equity security of which he is the beneficial owner;

(b) Action by a broker or other person in respect to equity security carried in his name or in the name of his nominee in forwarding to the beneficial owner of such equity security soliciting material received from the company, or impartially instructing such beneficial owner to forward a proxy to the person, if any, to whom the beneficial owner with respect to the authority to be conferred by the proxy and stating that a proxy will be given if the instructions are received by a certain date;

(c) The furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

Section 5. Information to be Furnished to Security Holders. (1) No solicitation subject to this administrative regulation shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Section 13 [11] of this administrative regulation.

(2) If the solicitation is made on behalf of the management of the insurer and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to subsection (1) of this section shall be accompanied or preceded by an annual report (in preliminary or final form) to such security holders containing such financial statements for the last fiscal year as are referred to in Schedule SIS under the heading "Financial Reporting to Security Holders." Subject to the foregoing requirements with respect to financial statement, the annual report to security holders may be in any form deemed suitable by the management.

(3) Two (2) copies of each report sent to the security holders pursuant to this section shall be mailed to the commissioner, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the commissioner pursuant to Section 7(1) of this administrative regulation [of this regulation], whichever date is later.

(4) If no solicitation is being made by management of the insurer with respect to any annual or other meeting, such insurer shall mail to every security holder of record at least twenty (20) days prior to the meeting date, an information statement as required by Section 3 of this administrative regulation, containing the information called for by Section 13 [11] of this administrative regulation, other than subsections (1), (3) and (4) of that Section, which would be applicable to any matter to be acted upon at the meeting if proxies were to be solicited in connection with the meeting. If such information statement relates to an annual meeting at which directors are to be elected, it shall be accompanied by an annual report to such security holders in the form provided in subsection (2) of this section.

Section 6. Requirements as to Proxy. (1) The form of proxy:

(a) Shall indicate in boldface type whether or not the proxy is solicited on behalf of the management;

(b) Shall provide a specifically designated blank space for dating the proxy; and

(c) Shall identify clearly and impartially each matter or group of related matters intended to be acted upon, whether proposed by the management, or security holders. No reference need be made to proposals as to which discretionary authority is conferred pursuant to subsection (3) of this section.

(2)(a) Means shall be provided in the proxy for the person solicited to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified if the form of proxy states in boldface type how it is intended to vote the shares or authorization presented by the proxy in each such case.

(b) A form of proxy which provides both for elections to office and for action on other specified matters shall be prepared so as to clearly provide, by a box or otherwise, means by which the security holder may withhold authority to vote for elections to office. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for elections to office shall be deemed to grant such authority, provided the form of proxy so states in boldface type.

(3) A proxy may confer discretionary authority with respect to other matters which may come before the meeting, provided the persons on whose behalf the solicitation is made are not aware, a reasonable time prior to the time the solicitation is made that any other matters are to be presented for action at the meeting and provided further that a specific statement to that effect is made in the proxy statement or in the form of proxy.

(4) No proxy shall confer authority:

(a) To vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement; or

(b) To vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. The limitation in paragraph (a) of this subsection shall not prevent the authority conferred from applying to a person substituted for a nominee who, prior to the election, has clearly manifested his unwillingness to serve or whose service would be a physical impossibility.

(5) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the proxy will be voted and that where the person solicited specifies by means of ballot provided pursuant to subsection (2) of this section a choice with respect to any matter to be acted upon, the vote will be in accordance with the specifications so made.

(6) The information included in the proxy statement or information statement shall be clearly presented and the statements made shall be divided into groups according to subject matter, with appropriate headings. All printed proxy statements or information statements shall be clearly and legibly presented.

(7) All proxy statements shall disclose, under an appropriate caption, the date by which proposals of security holders intended to be presented at the next annual meeting must be received by the insurer for inclusion in the insurer's proxy statement and form of proxy relating to that meeting, such date to be calculated in accordance with the provisions of Section 9(1) of this administrative regulation. If the date of the next annual meeting is subsequently advanced by more than thirty (30) calendar days or delayed by more than ninety (90) calendar days from the date of the annual meeting to which the proxy statement relates, the insurer shall, in a timely manner, inform security holders of such change, and the date by which proposals of security holders must be received, by any means reasonably calculated to so inform them.

Section 7. Material Required to be Filed. (1) Two (2) preliminary copies of the information statement or the proxy statement and form of proxy and any other soliciting material to be furnished to security holders concurrently therewith shall be filed with the commissioner at least thirty (30) days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period prior to that date as the commissioner may authorize upon a

showing of good cause therefor.

(2) Two (2) preliminary copies of any additional soliciting material relating to the same meeting or subject matter to be furnished to security holders subsequent to the proxy statements shall be filed with the commissioner at least ten (10) days (exclusive of Saturdays, Sundays, or holidays) prior to the date copies of this material are first sent or given to security holders or a shorter period prior to such date as the commissioner may authorize upon a showing of good cause therefor.

(3) Two (2) definitive copies of the information statement or the proxy statement, form of proxy and all other soliciting material, in the form in which this material is furnished to security holders, shall be filed with, or mailed for filing to, the commissioner not later than the date such material is first sent or given to the stockholders.

(4) Where any information statement or proxy statement, form of proxy or other material filed pursuant to these rules is amended or revised, two (2) of the copies shall be marked to clearly show such changes.

(5) Copies or replies to inquiries from security holders requesting further information and copies of communications which do no more than request that forms of proxy theretofore solicited be signed and returned need not be filed pursuant to this section.

(6) Notwithstanding the provisions of subsections (1) and (2) of this section and of Section 12 [~~10~~](5) of this administrative regulation, copies of soliciting material in the form of speeches, press releases and radio or television scripts may, but need not, be filed with the commissioner prior to use or publication. Definitive copies, however, shall be filed with or mailed for filing to the commissioner as required by subsection (3) of this section not later than the date such material is used or published. The provisions of subsections (1) and (2) of this section and Section 12 [~~10~~](5) of this administrative regulation shall apply, however, to any reprints or reproductions of all or any part of such material.

Section 8. Mailing Communications for Security Holders. (1) If the management of the insurer has made or intends to make any solicitation subject to this administrative regulation, the insurer shall perform any of the following acts as may be duly requested in writing with respect to the same subject matter or meeting by any security holder who is, or security holders who are, entitled to vote at least one (1) percent of the votes entitled to be voted on such matter and who shall defray the reasonable expenses to be incurred by the insurer in the performance of the act or acts requested:

(a) The insurer shall mail or otherwise furnish to such security holder, as promptly as practicable after the receipt of such request:

1. A statement of the approximate number of record owners and, to the extent known to the insurer, the approximate number of beneficial owners of any class of securities, any of whom have been or are to be solicited on behalf of the management, or any group of whom the security holder shall designate; and

2. An estimate of the cost of mailing a specified proxy statement, form of proxy or other communication to such owners.

(b) Copies of any proxy statement, form of proxy or other communication furnished by the security holder shall be mailed by the insurer to the security owners specified in paragraph (a)1 of this subsection as the security holder shall designate;

(c) Material furnished by the security holder shall be mailed with reasonable promptness after receipt of the material to be mailed, envelopes or other containers therefor, and postage or payment for postage. The insurer need not, however, mail any such material prior to the first day on which solicitation is made on behalf of the insurer;

(d) The insurer shall not be responsible for such proxy statement, form of proxy or other communication.

(2) In lieu of performing the acts specified above, the insurer may, at its option, furnish promptly to such security holder a reasonably current list of the names and addresses of such of the record owners and, to the extent known to the insurer, the beneficial owners as the security holder shall designate and a schedule of the handling and mailing costs if such schedule has been supplied to the insurer.

Section 9. Proposals of Security Holders. (1) If any holder or holders of the securities of an insurer (hereafter referred to as the "proponent") notifies the insurer in writing not less than ninety (90) days before the insurer's annual meeting of his intention to present a lawful proposal for action at a forthcoming meeting of the insurer's security holders and at the time of such notice the proponent is entitled to vote at least one (1) percent of the votes entitled to be voted on such proposal, the insurer shall set forth the proposal in its proxy statement and identify it in its form of proxy and provide for the specification of approval or disapproval of such proposal. The proxy statement shall also include the name and address of the proponent.

(2) If the insurer opposes any proposal received from a proponent, it shall also, at the request of the proponent, include in its proxy statement a statement of the proponent of not more than 200 words in support of the proposal.

(3) The insurer may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(a) The proponent has submitted more than one (1) proposal in connection with a particular meeting;

(b) The proposal is more than 300 words in length;

(c) The proposal or the supporting statement is contrary to any section of this administrative regulation, including Section 10 of this administrative regulation which prohibits false or misleading statements in proxy soliciting materials;

(d) The proposal relates to the enforcement of a personal claim or the redress of a personal grievance against the insurer, its management, or any other person;

(e) The proposal deals with a matter not significantly related to the insurer's business; a matter beyond the insurer's power to effectuate; a matter relating to the conduct of the ordinary business operations of the insurer; or an election to office;

(f) The proposal is counter to a proposal to be submitted by the insurer at the meeting; the proposal has been rendered moot; or the proposal relates to specific amounts of cash or stock dividends;

(g) The proposal is substantially duplicative of a proposal previously submitted to the insurer by another proponent, which proposal will be included in the management's proxy material for the meeting; or

(h) The substantially same proposal has previously been submitted to security holders in the insurer's proxy statement and form of proxy relating to any annual or special meeting of security holders held within the preceding five (5) calendar years, and received less than five (5) percent of the total number of votes cast in respect thereof at the time of its most recent submission.

(4) If the insurer intends to omit any proposal from its proxy statement or forms of proxy, it shall notify the proponent in writing of its intention at least ten (10) days before the insurer's preliminary proxy material is filed pursuant to Section 7 of this administrative regulation.

Section 10. False or Misleading Statements. No proxy statement, form of proxy, notice of meeting, information statement, or other communication, written or oral, subject to this administrative regulation, shall contain any statement which at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the same meeting or subject matter which has become false or misleading.

Section 11. [~~9.~~] Prohibition of Certain Solicitations. No person making a solicitation which is subject to this administrative regulation

shall solicit any undated or postdated proxy or any proxy which provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

Section 12. [~~10.~~] Special Provisions Applicable to Election Contests. (1) Applicability. This section shall apply to any solicitation subject to this administrative regulation by any person or group for the purpose of opposing a solicitation subject to this administrative regulation by any other person or group with respect to the election or removal of directors at any annual or special meeting of stockholders.

(2) Participant or participant in a solicitation. For purposes of this section the terms "participant" and "participant in a solicitation" include:

(a) The insurer;

(b) Any person or organization retained or employed by a participant to solicit security holders or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties;

(c) Any person employed in the capacity of attorney, accountant, or advertising, public relations or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment;

(d) Any person regularly employed as an officer or employee of the insurer or any of its subsidiaries or affiliates who is not otherwise a participant; or

(e) Any officer or director of, or any person regularly employed by any other participant, if such officer, director, or employee is not otherwise a participant.

(3) Filing of information required by Section 14 [~~12~~] of this administrative regulation.

(a) No solicitation subject to this section shall be made by any person other than the management of an insurer unless at least five (5) business days prior thereto, or such shorter period as the commissioner may authorize upon a showing of good cause therefor, there has been filed, with the commissioner, by or on behalf of each participant in such solicitation, a statement in duplicate containing the information specified by Section 14 [~~12~~] of this administrative regulation and a copy of any material proposed to be distributed to security holders in furtherance of such solicitation. Where preliminary copies of any materials are filed, distribution to security holders should be deferred until the commissioner's comments have been received and complied with.

(b) Within five (5) days after a solicitation subject to this section is made by the management of an insurer, or such longer period as the commissioner may authorize upon a showing of good cause therefor, there shall be filed with the commissioner by or on behalf of each participant in such solicitation, other than the insurer, and by or on behalf of each management nominee for director, a statement in duplicate containing the information specified by Section 14 [~~12~~] of this administrative regulation.

(c) If any solicitation on behalf of management or any other person has been made, or if proxy material is ready for distribution, prior to a solicitation subject to this section in opposition thereto, a statement in duplicate containing the information specified in Section 14 [~~12~~] of this administrative regulation shall be filed with the commissioner, by or on behalf of each participant in such prior solicitation, other than the insurer, as soon as reasonably practicable after the commencement of the solicitation in opposition thereto.

(d) If, subsequent to the filing of the statement required by paragraphs (a), (b) and (c) of this subsection, additional persons become participants in a solicitation subject to this rule, there shall be filed with the commissioner, by or on behalf of such person, a statement in duplicate containing the information specified by Section 14 [~~12~~] of this administrative regulation within three (3) business days after such person becomes a participant, or such longer period as the commissioner may authorize upon a showing of good cause therefor.

(e) If any material change occurs in the facts reported in any statement filed by or on behalf of any participant, an appropriate amendment to such statement shall be filed promptly with the commissioner.

(f) Each statement and amendment thereto filed pursuant to this subsection shall be part of the public files of the commissioner.

(4) Solicitations prior to furnishing required written proxy statement. Notwithstanding the provisions of Section 5(1) of this administrative regulation, a solicitation subject to this section may be made prior to furnishing security holders a written proxy statement containing the information specified in Section 13 [~~11~~] of this administrative regulation with respect to such solicitation, provided that:

(a) The statements required by subsection (3) of this section are filed by or on behalf of each participant in such solicitation.

(b) No form of proxy is furnished to shareholders prior to the time the written proxy statement required by Section 5(1) of this administrative regulation is furnished to such persons: provided, however, that this paragraph shall not apply where a proxy statement then meeting the requirements of Section 13 [~~11~~] of this administrative regulation has been furnished to security holders.

(c) At least the information specified in this paragraph and paragraph (b) of this subsection of the statements required by subsection (3) of this section to be filed by each participant, or an appropriate summary thereof, are included in each communication sent or given to security holders in connection with the solicitation.

(d) A written proxy statement containing the information specified in Section 13 [~~11~~] of this administrative regulation with respect to a solicitation is sent or given security holders at the earliest practicable date.

(5) Solicitations prior to furnishing required written proxy statement; filing requirements. Two (2) copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by Section 5(1) of this administrative regulation shall be filed with the commissioner in preliminary form at least five (5) business days prior to the date definitive copies of such material are first sent or given to such persons, or shorter period as the commissioner may authorize upon a showing of good cause therefor.

(6) Application of this section to report. Notwithstanding the provisions of Section 5(2) and (3) of this administrative regulation, two (2) copies of any portion of the report referred to in Section 5(2) of this administrative regulation which comments upon or refers to any solicitation subject to this section, or to any participant in any such solicitation, other than the solicitation by the management, shall be filed with the commissioner as proxy material subject to this administrative regulation. Such portion of the report shall be filed with the commissioner in preliminary form at least five (5) business days prior to the date copies of the report are first sent or given to security holders.

Section 13. [~~11.~~] Information Required in Proxy Statement. (1) Revocability of proxy. Make a positive statement similar to, "This proxy may be revoked at will, prior to the voting for which it is given; upon notice to the Secretary of the Company." KRS 271A.165 requires proxies be revocable at will.

(2) Dissenters' rights of appraisal. Outline briefly the rights of appraisal or similar rights of dissenting security holders with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by such security holders in order to perfect their rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment, or other similar act, state whether the person solicited will be notified of such date.

(3) Persons making solicitations not subject to Section 12 [~~10~~] of this administrative regulation:

(a) If the solicitation is made by the management of the insurer, so state. Give the name of any director of the insurer who has

informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(b) If the solicitation is made otherwise than by the management of the insurer, state the names and addresses of the persons by whom the cost of solicitation has been or will be borne, directly or indirectly.

(4) Interest of certain persons in matters to be acted upon. Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of any director, nominee for election for director, officer and, if the solicitation is made otherwise than on behalf of management, each person on whose behalf the solicitation is made, in any matter to be acted upon other than elections to office.

(5) Voting securities.

(a) State, as to each class of voting securities of the insurer entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record list of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors, under KRS 271A.180 the persons solicited must have cumulative voting rights. Make a statement that they have such rights and state briefly the technique of cumulative voting.

(6) Nominees and directors. If action is to be taken with respect to the election of directors furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(a) Name each such person, state when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the insurer presently held by him, and indicate which persons are nominees for election as directors at the meeting.

(b) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last five (5) years, unless he is now a director and was elected to his present term of office by a vote of security holders at a meeting for which proxies were solicited under this administrative regulation.

(c) If he is or has previously been a director of the insurer, state the period or periods during which he has served as such.

(d) State, as of the most recent practicable date, the approximate amount of each class of equity security of the insurer or any of its parents, subsidiaries or affiliates other than directors' qualifying shares, beneficially owned directly or indirectly by him. If he is not the beneficial owner of any such equity securities make a statement to that effect.

(7) Remuneration and other transactions with management and others:

(a) This subsection shall apply only to each director whose aggregate remuneration exceeds $40,000 and to each of the three (3) highest paid officers whose aggregate annual remuneration exceeds $40,000.

(b) Furnish the information reported or required in Item 1 of Schedule SIS under the heading "Information Regarding Management and Directors" if action is to be taken with respect to:

1. The election of directors;

2. Any remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the insurer will participate;

3. Any pension or retirement plan in which any such person will participate; or

4. The granting or extension to any such person of any options, warrants or rights to purchase any equity securities other than warrants or rights issued to security holders, as such, on a pro rata basis. If the solicitation is made on behalf of persons other than management, information shall be furnished only as to Item 1-A of the aforesaid heading of Schedule SIS.

(8) Bonus, profit sharing and other remuneration plans. If action is to be taken with respect to any bonus, profit sharing, or other remuneration plan of the insurer, furnish the following information:

(a) A brief description of the material features of the plan, each class of persons who will participate therein, the approximate number of persons in each such class, and the basis of each participation.

(b) The amounts which would have been distributed under the plan during the last calendar year to:

1. Each person named in subsection (7) of this section;

2. Directors and officers as a group; and

3. All other employees as a group, if the plan had been in effect.

(c) If the plan to be acted upon may be amended (other than by a vote of security holders) in a manner which would materially increase the cost thereof to the insurer or to materially alter the allocation of the benefits as between the groups specified in paragraph (b) of this subsection, the nature of such amendments should be specified.

(9) Pension and retirement plan. If action is to be taken with respect to any pension or retirement plan of the insurer, furnish the following information:

(a) A brief description of the material features of the plan, each class of persons who will participate therein, the approximate number of persons in each such class, and the basis of such participation.

(b) State:

1. The approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period;

2. The estimated annual payment to be made with respect to current services; and

3. The amount of such annual payments to be made for the benefit of:

a. Each person named in subsection (7) of this section;

b. Directors and officers as a group; and

c. Employees as a group.

(c) If the plan to be acted upon may be amended (other than by a vote of security holders) in a manner which would materially increase the cost thereof to the insurer or to materially alter the allocation of the benefits as between the groups specified in paragraph (b)3 of this subsection, the nature of such amendments should be specified.

(10) Options, warrants, or rights. If action is to be taken with respect to the granting or extension of any options, warrants or rights (all referred to herein as "warrants") to purchase equity securities of the insurer or any subsidiary or affiliate, other than warrants issued to all security holders on a pro rata basis, furnish the following information:

(a) The title and amount of equity security called for or to be called for, the prices, expiration dates and other material conditions upon which the warrants may be exercised, the consideration received or to be received by the insurer, subsidiary or affiliate for the granting or extension of the warrants and the market value of the equity security called for or to be called for by the warrants, as of the latest practicable date.

(b) If known, state separately the amount of equity security called for or to be called for by warrants received or to be received by the following persons, naming each such person:

1. Each person named in subsection (7) of this section; and

2. Each other person who will be entitled to acquire five (5) percent or more of the equity security called for or to be called for by such warrants.

(c) If known, state also the total amount of equity security called for or to be called for by such warrants, received or to be received by

all directors and officers of the company as a group and all employees, without naming them.

(11) Authorization or issuance of equity securities.

(a) If action is to be taken with respect to the authorization or issuance of any equity security of the insurer, furnish the title, amount and description of the equity security to be authorized or issued.

(b) If the equity securities are other than additional shares of common stock of a class outstanding, furnish a brief summary of the following, if applicable: dividend, voting, liquidation, preemptive, and conversion rights, redemption and sinking fund provisions, interest rate and date of maturity.

(c) If the equity securities to be authorized or issued are other than additional shares of common stock of a class outstanding, the commissioner may require financial statements comparable to those contained in the annual report.

(12) Mergers, consolidations, acquisitions and similar matters.

(a) If action is to be taken with respect to a merger, consolidation, acquisition, or similar matter, furnish in brief outline the following information:

1. The rights of appraisal or similar rights of dissenters with respect to any matters to be acted upon. Indicate any procedure required to be followed by dissenting security holders in order to perfect such rights.

2. The material features of the plan or agreement.

3. The business done by the company to be acquired or whose assets are being acquired.

4. If available, the high and low sales prices for each quarterly period within two (2) years.

5. The percentage of outstanding shares which must approve the transaction before it is consummated.

(b) For each company involved in a merger, consolidation or acquisition, the following financial statements should be furnished:

1. A comparative balance sheet as of the close of the last two (2) fiscal years.

2. A comparative statement of operating income and expenses for each of the last two (2) fiscal years and, as a continuation of each statement, a statement of earnings per share after related taxes and cash dividends paid per share.

3. A pro forma combined balance sheet, and income and expenses statement for the last fiscal year giving effect to the necessary adjustments with respect to the resulting company.

(13) Restatement of accounts. If action is to be taken with respect to the restatement of any assets, capital, or surplus of the insurer, furnish the following information:

(a) State the nature of the restatement and the date as of which it is to be effective.

(b) Outline briefly the reasons for the restatement and for the selection of the particular effective date.

(c) State the name and amount of each account affected by the restatement and the effect of the restatement thereon.

(14) Matters not required to be submitted. If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reason for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by security holders.

(15) Amendment of charter, bylaws, or other documents. If action is to be taken with respect to any amendment of the insurer's charter, bylaws or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment and the vote needed for its approval.

Section 14. [~~12.~~] Information to be included in statements filed by or on behalf of a participant (other than the insurer) in a proxy solicitation in an election contest.

(1) Insurer. State the name and address of the insurer.

(2) Identity and background.

(a) State the following:

1. Your name and business address.

2. Your present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on.

(b) State the following:

1. Your resident address.

2. Information as to all material occupations, positions, offices and employments during the last ten (10) years, giving starting and ending dates of each and the name, principal business and address of any business corporation or other business organization in which each such occupation, position, office or employment was carried on.

(c) State whether or not you are or have been a participant in any other proxy contest involving this company or other companies within the past ten (10) years. If so, identify the principals, the subject matter and your relationship to the parties and the outcome.

(d) State whether or not, during the past ten (10) years, you have been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case. A negative answer to this paragraph need not be included in the proxy statement or other proxy soliciting material.

(3) Interest in equity securities of the insurer.

(a) State the amount of each class of equity security of the insurer which you own beneficially, directly or indirectly.

(b) State the amount of each class of equity security of the insurer which you own of record but not beneficially.

(c) State with respect to the equity security specified in paragraphs (a) and (b) of this subsection the amounts acquired within the past two (2) years, the date of acquisition and the amounts acquired on each date.

(d) If any part of the purchase price or market value of any of the equity security specified in paragraph (c) of this subsection is represented by funds borrowed or otherwise obtained for the purpose of acquiring or holding such equity security, so state and indicate the amount of the indebtedness as of the latest practicable date. If such funds were borrowed or obtained otherwise than pursuant to a margin account or bank loan in the regular course of business of a bank, broker, or dealer, briefly describe the transaction, and state the names of the parties.

(e) State whether or not you are a party to any contracts, arrangements or understandings with any person with respect to any equity security of the insurer, including but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. If so, name the persons with whom such contracts, arrangements, or understandings exist and give the details thereof.

(f) State the amount of equity security of the insurer owned beneficially, directly or indirectly, by each of your associates and the name and address of each such associate.

(g) State the amount of each class of equity security of any parent, subsidiary or affiliate of the insurer which you own beneficially, directly, or indirectly.

(4) Further matters.

(a) Describe the time and circumstance under which you became a participant in the solicitation and state the nature and extent of your activities or proposed activities as a participant.

(b) Describe briefly, and where practicable state the approximate amount of any material interest, direct or indirect, to yourself and of each of your associates in any material transactions since the beginning of the company's last fiscal year, or in any material proposed transactions, to which the company or any of its subsidiaries or affiliates was or is to be a party.

(c) State whether or not you or any of your associates have any arrangement or understanding with any person:

1. With respect to any future employment by the insurer or its

subsidiaries or affiliates; or

2. With respect to any future transactions to which the insurer or any of its subsidiaries or affiliates will or may be a party. If so, describe such arrangement or understanding and state the names of the parties thereto.

(5) Signature. The statement shall be dated and signed in the following manner:

I certify that the statements made in this statement are true, complete, and correct, to the best of my knowledge and belief.

_____ _____

(Date) (Signature of participant or authorized representative)

DON W. STEPHENS, Commissioner
EDWARD J. HOLMES, Secretary

APPROVED BY AGENCY: December 21, 1993

FILED WITH LRC: January 13, 1994 at 11 a.m..

PUBLIC HEARING: Persons with an interest in the subject matter of the proposed regulation may comment at a public hearing scheduled for February 22, 1994 at 10 a.m., (ET), in the offices of the Kentucky Department of Insurance, 229 West Main Street, Frankfort, Kentucky 40601. Written comments may be submitted to Don W. Stephens, Commissioner, Kentucky Department of Insurance, Post Office Box 517, Frankfort, Kentucky 40602. Written comments must be received prior to 10 a.m., (ET) on February 22, 1994, in order to receive consideration. The public hearing scheduled above may be cancelled if no one notifies the Commissioner of Insurance at least five (5) days prior to the hearing that they will be in attendance to comment.

REGULATORY IMPACT ANALYSIS

Contact person: Carla H. Montgomery

Need for the proposed administrative regulation: The Commissioner of Insurance is empowered under KRS 304.26-050 to regulate any form of proxies, consents and authorizations. Under Section 12(g)(2)(G) of the 1934 Securities and Exchange Act, the Securities and Exchange Commission has exempted publicly traded domestic insurers from filing with the SEC under the 1934 Securities and Exchange Act if the insurance company is subject to an administrative regulation concerning proxies, consents and authorizations. This administrative regulation should conform to the model act prescribed by the National Association of Insurance Commissioners (NAIC). The current administrative regulation in the Kentucky Insurance Code is similar to the NAIC model act except that it omits two sections included in the NAIC model act. This proposed amendment adopts these omitted sections and avoids the possibility of insurance companies not being in compliance with the SEC. This proposed amendment will also provide guidance for security holder proxies.

(1) Type and number of entities affected: All domestic stock insurers would be affected. At this time, the department has record of three (3) such companies. However, one company chooses to file with the SEC. The other two file the appropriate information with the department.

(a) Direct and indirect cost or savings to those affected:

1. First year: Two domestic stock insurers are already filing the appropriate information with our department. The insurance companies shall be reimbursed for mailings for security holders. Therefore, no additional cost or savings should be incurred.

2. Continued cost or savings: No continued cost or savings.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The insurance companies will make no additional reports to the Insurance Department. However, the companies will have to follow the requirements for mailings for and proposals by security holders in Section 8 and 9 of this administrative regulation. The security holders must pay for postage and furnish copies to the insurance companies.

(2) Effects on the promulgating administrative body:

(a) Direct and indirect cost or savings:

1. First year: No additional cost or savings.

2. Continued cost or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements: The department already receives filings from these insurance companies. The department foresees no new reporting or paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: An alternative would be to keep the status quo. Even though our administrative regulation substantially conforms with the NAIC model act, domestic stock insurers might risk not being in compliance with the 1934 Securities and Exchange Act, because our current administrative regulation omits two sections of the NAIC model act. Adding these sections to the administrative regulation also gives guidance for security holders and insurance companies when security holders desire to propose proxies.

(5) Statutes, regulations, or governmental policies which may conflict, overlap, or duplicate the proposed regulation: None

TIERING: Tiering is not used since the proposed administrative regulation should apply to all insurance premium finance companies equally.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Housing, Buildings and Construction
Office of State Fire Marshal
(Proposed Amendment)

815 KAR 25:030. Certified installers of manufactured housing.

RELATES TO: KRS 227.550-660

STATUTORY AUTHORITY: KRS 227.570(2), 227.590(1)

NECESSITY AND FUNCTION: This administrative regulation is necessary to establish criteria for the proper installation of regulated manufactured housing by persons qualified to make the installation as required by KRS 227.570(2) and to clarify certified dealer/installer obligations. This amendment is necessary to establish the responsibilities of certified installers and dealers and, to incorporate department policy for foundation systems into law.

Section 1. Definitions. (1) "Approved course of education" means education instruction approved by the Mobile Home Certification and Licensure Board to qualify for certification or to renew certification. This definition shall include:

(a) Manufactured Housing Resources Course, P. O. Box 9, Nassau, Delaware 19968[~~, George Porter, Instructor~~].

(b) Manufactured Housing Installation Course, prepared by the National Conference of States on Building Codes and Standards (NCS/BCS), 505 Huntmar Park Drive, Suite 210, Herndon, Virginia 22070.

(c) Other courses approved by the board.

(2) "Board" means the Mobile Home Certification and Licensure Board defined in KRS 227.550(1).

(3) "Certified installer" means the person qualified to install manufactured [~~(mobile)~~] homes in Kentucky, including the individual applicant.

(4) "Certified installer examination" means the written or oral examination administered by the office to persons seeking to be certified as a certified installer; or the examination administered by the organization following an approved course of education.

(5) "Certified installer identification card" means the card issued

by the office to a certified installer.

(6) "Installation" means the on-site work performed and operations involved in the delivery and placement of a manufactured home onto a foundation system. This definition shall include site preparation, foundation construction, underskirting and [~~, including~~] anchoring devices, together with any accessories and appurtenances specified in the sales contract [;] and[~~, unless exempted by the contract,~~] the connection of utilities.

(7) "Office" means as defined in KRS 227.550(13).

(8) "Person" means an individual, partnership, firm, corporation, association, or other entity.

(9) "Placement" means blocking, leveling and anchoring the manufactured home upon the foundation system prior to occupancy.

Section 2. Requirements for Certification. [~~(1) After September 1, 1993,~~] All applicants for certified installer shall comply with the following:

(1) [~~(a)~~] Make application to the department on the form provided in Section 6 of this administrative regulation;

(2) [~~(b)~~] Pay an application fee of fifty (50) dollars;

(3) [~~(c)~~] Attend fifteen (15) class hours of an approved course of education; and

(4) [~~(d)~~] Pass the certified installer examination approved by the board.

[~~(2) Grandfather clause. Prior to September 1, 1993, examination shall not be necessary if the applicant provides satisfactory proof to the office that the applicant has installed a minimum of ten (10) manufactured homes within the twenty four (24) month period prior to September 1, 1993, and that the applicant has attended fifteen (15) class hours of an approved course of education.~~]

Section 3. Renewal of Certification; Continuing Education. A certified installer shall be recertified annually from July 1 until June 30 of the following year after:

(1) Making approved application, including a twenty-five (25) dollar renewal fee; and

(2) Providing proof of a minimum of five (5) class hours of educational courses, provided by or approved by the department, annually.

(3) If an installer completes ten (10) or more class hours in one (1) year, the excess hours may be carried forward to satisfy the next years requirements.

Section 4. Installations of Manufactured Homes. (1) [~~Mandatory certification. After the effective date of this administrative regulation,~~] Each new manufactured [~~(mobile)~~] home and each used manufactured home for which a "B" seal is required by 815 KAR 25:010 [~~regulated by KRS Chapter 227~~] shall be installed in accordance with this administrative regulation by a certified installer or under the supervision of a certified installer.

(2) Foundation construction, site preparation, underskirting and the connection of utilities specifically assigned to the purchaser by the sales contract may be installed by the owner/purchaser or the agent of the owner/purchaser.

(3) [~~(2)~~] All installations shall be made in accordance with ANSI A225.1/NFPA 501A, Manufactured Home Installations, as incorporated by reference [~~standards set forth~~] in 815 KAR 25:010, Section 4(6).

Section 5. Minimum Foundation and Hook-up Requirements. (1) Minimum foundation requirements. Each foundation shall be protected from frost heave by one (1) of the following:

(a) Approved frost free footings. A footing shall be considered frost-free when the depth of the footing is twelve (12) inches from grade level under the I-beam. A perimeter footing shall be considered frost free when the depth of the footing is twenty-four (24) inches measured from the final grade; or

(b) Approved ground set footings. When a home is protected from frost by proper site preparation, in accordance with subsection (e) of this section, and skirting, including venting, approved frost free footings shall not be required. Footings may be ground set under the I-beams and if perimeter piers are required by the manufacturer, those footings may also be ground set. Ground set is not an approved system for double-wides.

(c) When footings are constructed on solid rock, frost free footings are not required.

(d) Pier spacing. All footing placements shall be located not more than eight (8) feet apart measured from center to center of each footing, unless wider spacing is allowed by the manufacturer.

(e) Footings shall be double four (4) inch by eight (8) inch by sixteen (16) inch (4" x 8" x 16") solid precast blocks or poured concrete, 3000 PSI. Eight (8) inch thickness minimum.

(f) Proper site preparation. All loose soil and organic matter or uneven rock are removed and the site prepared to allow surface water not to accumulate under the home and allow water to run away from the home. A polyvinyl vapor barrier shall be installed on the ground under the home as required by the manufacturer but at a minimum of four (4) mil.

(2) Hook-up requirements.

(a) Anchoring. Approved anchors shall be installed at a minimum of each corner tied to the frame to prevent horizontal and vertical movement. Anchor collars are not required if the home is tied to hurricane straps and frame ties are used.

(b) HVAC system. Outdoor air-conditioning and heating units located outside a manufactured home shall be installed by one (1) of the following methods:

1. A fix-wiring method and energized by a main service pole drop; or

2. Manufacturer installed or approved branch circuit having a disconnecting means located within sight of the equipment with a label recognized by the National Electrical Code permanently affixed adjacent to the outlet box which states the amperage, conductor capacity and authorized signature of the manufacturer, as follows:

"This connection is for heating and/or air-conditioning equipment. The branch circuit is rated at not more than amperes, at volts, 60-Hertz, conductor ampacity.";

or

3. Dealer installed manufactured home branch circuit if the manufacturer provides complete information on the data plate which shall state that the manufactured home electrical system is designed to accommodate outside heating equipment, air-conditioning equipment or both at the prescribed amperage, voltage and conductor capacity, as follows:

"The electrical system is adequate for the addition of outside heating and/or air-conditioning equipment. The branch circuit shall be rated at not more than amperes, at volts, 60-Hertz, conductor ampacity.

The branch circuit energizing the outside equipment shall have branch-circuit conductors terminate in a listed outlet box or disconnecting means located on the outside of the manufactured home.

Section 6. Dealer's Notice to Purchasers. (1) Any dealer whose written contract states that the purchaser/owner shall provide construction of the site preparation, foundation construction, underskirting or utility hook-ups, shall provide the purchaser/owner with a copy of Section 5(1) of this administrative regulation, "Minimum Foundation and Hook-up Requirements" and a copy of the manufacturer's instructions, if applicable.

(2) The dealer shall notify the purchaser, in writing, that failure to install according to the instructions may void the manufacturer's warranty.

Section 7. [~~5.~~] Application of Installation Certification Label. Upon delivery and placement of a home, the certified installer shall inspect the entire installation and [~~making the installation of any unit shall~~]

apply a label [~~provided by the department~~] to the unit certifying and identifying his work and [~~following installation which identifies~~] the date and by whom the installation was made. When any portion of the installation performed by the purchaser/owner is found deficient, the certified installer shall indicate the deficiencies on the inspection report and return the report to the dealer's file. The content of the label shall be as follows:

CERTIFIED

Certification #

I certify that this manufactured home
has been installed and inspected
in accordance with 815 KAR 25:030.

CERTIFIED INSTALLER
DATE

INSTALLER

Section 8. [~~6.~~] Application Form. Any person, firm or company making application to be a certified installer shall complete the following form and the certificate shall be issued jointly in the name of the applicant and any company with whom the applicant shall be associated.

OFFICE OF THE STATE FIRE MARSHAL
MANUFACTURED HOUSING SECTION
1047 US 127 SOUTH
FRANKFORT, KY 40601

CERTIFIED INSTALLER APPLICATION

This application must be COMPLETED in detail and PRINTED. No application shall be reviewed unless the instructions herein are complied with. All statements made in this application are subject to the penalties of perjury as set forth in the Certificate at the end of the application.

"Applicant," as used in this application, means an individual who qualifies himself and the company for which the applicant works.

1. CERTIFIED INSTALLER - $50. An installer of manufactured [~~(mobile)~~] homes shall be required to renew certification annually, July 1 through June 30 the following year, as required by 815 KAR 25:030.

2. Department of Revenue Sales and Use Tax Permit Number _____.

3. Certificate to be issued in:

   _____
   (Company Name) (Individual Name)

4. Name of owner or partners (principal owners or corporate officers indicate percent of business owned and title):

   NAME TITLE PERCENT

   _____
   _____
   _____

   Corporation Name: _____

5. Exact location of place of business:

   _____
   Street Address City

   _____
   Zip Code County Telephone #

6. Mailing address, if different from location of place of business:

7. Is the Applicant or Applicant's Company also a licensed Mobile Home Dealer in Kentucky? YES___ NO___. If so, what is the current dealer license number.

8. Is the Applicant or Applicant's Company licensed as a dealer in any other state? YES___ NO___. If so, list other states.

9. The undersigned is the applicant and is qualified to install manufactured [~~(mobile)~~] homes as required by 815 KAR 25:030. The applicant has read the statement contained in this application and states that the same are true and correct. The statements made herein are made under full and complete knowledge that fraudulent or misleading statements may be grounds for suspension, revocation or denial of the certificate for which this application is submitted. The applicant hereby certifies compliance with 815 KAR 25:030.

   _____
   Signature of Applicant for Company (if applicable)
   (individual taking exam)

   _____
   Social Security Number Home Telephone Number

[~~(GRANDFATHER CLAUSE ONLY)~~
~~PROOF OF INSTALLATION OF~~
~~10 MANUFACTURED (MOBILE) HOMES~~

~~List the name and address of each home installed by applicant.~~

~~1.~~ _____

~~2.~~ _____

~~3.~~ _____

~~4.~~ _____

~~5.~~ _____

~~6.~~ _____

~~7.~~ _____

~~8.~~ _____

~~9.~~ _____

~~10.~~] _____

DENNIS L. DECKER, Chairman
EDWARD J. HOLMES, Secretary
APPROVED BY AGENCY: December 16, 1993
FILED WITH LRC: January 13, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Wednesday, February 23, 1994 at 10 a.m. in the office of the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by February 18, 1994, (five days prior to the hearing) of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a

transcript is received. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: Judith G. Walden, Office of General Counsel, Department of Housing, Buildings and Construction, The 127 Building, 1047 U.S. 127 South, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: Judith G. Walden

(1) Type and number of entities affected: Approximately 10,000 manufactured home buyers per year will be affected and approximately 500 applicants are anticipated the first year.

(a) Direct and indirect costs or savings to those affected: Because bad installations result in costly repairs, manufactured home buyers may expect indirect savings of as much as $100 when their home has been installed by a certified installer and perhaps $50 annually thereafter. Certified installer applicants will pay an application fee of $50 and a $25 annual renewal fee.

1. First year: Approximate figure: 500 applicants could produce $25,000 revenue based on $50 application fee.

2. Continuing costs or savings: Renewal of those 500 applicants could produce $12,500 annually.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Factors increasing or decreasing figures would depend upon number of applicants seeking certification.

(b) Reporting and paperwork requirements: Certified installers will provide an inspection report on each home installed to be placed in the dealer's file.

(2) Effects on the promulgating administrative body: It is not anticipated that the additional administrative work to be handled by office will produce an undue burden.

(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: $50 application fee and $25 annual renewal fee.

(4) Assessment of alternative methods; reasons why alternatives were rejected: None rejected.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: Not aware of any conflicting, overlapping or duplicating law.

(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 not applicable because all homes need to have same minimum standards and all persons making those installations need to be trained in proper installation.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Environmental Health & Community Safety
(Proposed Amendment)

902 KAR 100:021. Disposal of radioactive material.

RELATES TO: KRS 211.842 to 211.852, 211.990(4), 10 CFR 20.2001-.2007, Appendix F to 20.2001-.2401, 49 CFR 173, Subpart I

STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.844, 211.846, 211.8524), 10 CFR 20.2001-.2007, Appendix F to 20.2001-.2401, 49 CFR 173, Subpart I

NECESSITY AND FUNCTION: [~~The Cabinet for Human Resources is empowered by~~] KRS 211.844 authorizes the Cabinet for Human Resources to provide by administrative regulation for the registration and licensing of the possession or use of [~~any~~] sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste. [~~The purpose of~~] This administrative regulation [~~is to~~] provides waste disposal limitations for radioactive material, and applies to [~~:~~

~~Section 1. Applicability. This regulation applies to all~~] persons disposing of radioactive material or waste [~~licensed pursuant to the cabinet's radiation regulations~~].

Section 1. [~~2.~~] General Requirements. (1) A person or [~~No~~] licensee shall dispose of any radioactive material or waste only [~~except~~]:

(a) [~~(1)~~] By transfer to an authorized recipient as provided in 902 KAR 100:040, Section 13, [~~:~~] or 902 KAR 100:022;

(b) By decay in storage;

(c) By release in effluents within the limits in 902 KAR 100:019, Section 10; or

(d) As authorized under Sections 2, 3, 4, or 5 of this administrative regulation.

(2) A person shall be specifically licensed to receive waste containing radioactive material or waste from other persons for:

(a) Treatment prior to disposal;

(b) Treatment or disposal by incineration;

(c) Decay in storage; or

(d) Disposal at a land disposal facility licensed under 902 KAR 100:022.

[~~(2) Pursuant to 902 KAR 100:020, Section 8; 902 KAR 100:022; or this regulation.~~]

Section 2. [~~3.~~] Method for [~~of~~] Obtaining Approval of Proposed Disposal Procedures. A person, licensee, or applicant for a license [~~(1) Any person~~] may apply to the cabinet for approval of proposed procedures, not otherwise authorized in 902 KAR 100:020, 100:021, 100:022, 100:050, and 100:073, to dispose of radioactive material or waste generated by their activities [~~in a manner not otherwise authorized in these regulations~~]. An [~~Each~~] application shall include:

(1) A description of the waste containing radioactive material to be disposed of, including the:

(a) Physical and chemical properties important to risk evaluation; and

(b) Proposed manner and conditions of waste disposal.

(2) An analysis and evaluation of pertinent information on the nature of the environment.

(3) The nature and location of other potentially affected licensed and unlicensed facilities.

(4) Analyses and procedures to ensure that doses are maintained ALARA and within the dose limits in 902 KAR 100:019, Sections 3, 8, 9, and 10. [~~, including the quantities and kinds of radioactive material and levels of radioactivity involved, and the proposed manner and conditions of disposal. The application, where appropriate, should also include an analysis and evaluation of pertinent information as to the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics; usage of ground and surface waters in the general area; the nature and location of other potentially affected facilities; and procedures to be observed to minimize the risk of unexpected or hazardous exposures.~~

~~(2) The cabinet shall not approve any application for a license to receive radioactive material from other persons for disposal on land not owned by the Commonwealth of Kentucky or the federal government.~~]

Section 3. [~~4.~~] Disposal by Release into Sanitary Sewerage

[~~Systems~~]. (1) A person or [~~No~~] licensee may [~~shall~~] discharge licensed [~~radioactive~~] material into [a] sanitary sewerage if the following conditions are satisfied [~~system unless~~]:

(a) The material [~~It~~] is readily soluble, or is readily dispersible biological material, in water;

(b) [~~The quantity of any radioactive material released into the system by the licensee in any one (1) day does not exceed the larger of:~~

~~1. The quantity which, if diluted by the average daily quantity of sewage released into the sewer by the licensee, will result in an average concentration equal to the limits specified in 902 KAR 100:025, Table I, Column 2; or~~

~~2. Ten (10) times the quantity of such material specified in 902 KAR 100:030;~~

~~(c)~~] The quantity of licensed or other [~~any~~] radioactive material that the licensee released into the sewer in [~~any~~] one (1) month, divided [~~if diluted~~] by the average monthly volume [~~quantity~~] of water released into the sewer by the licensee, shall [~~will~~] not exceed the [~~result in an average~~] concentration listed in 902 KAR 100:019, Section 44, Table III; [~~exceeding the limits specified in 902 KAR 100:025, Table I, Column 2; and~~]

(c) If more than one (1) radionuclide is released, the following conditions shall be satisfied:

1. The licensee shall determine the fraction of the limit in 902 KAR 100:019, Section 44, Table III, represented by discharges into the sanitary sewerage by dividing the actual monthly average concentration of each radionuclide released by the licensee into the sewer by the concentration of that radionuclide listed in 902 KAR 100:019, Section 44, Table III; and

2. The sum of the fractions for each radionuclide required by subsection (1)(c)1 of this section does not exceed unity; and

(d) The total [~~gross~~] quantity of licensed and other radioactive material that the licensee releases [~~, excluding hydrogen-3 and carbon-14, released~~] into the sewerage system in a year shall [~~by the licensee does~~] not exceed [~~one (1) curie per year. The quantities of hydrogen-3 and carbon-14 released into the sanitary sewerage system may not exceed~~] five (5) curies (185 GBq) of [~~per year for~~] hydrogen-3, [~~and~~] one (1) curie (37 GBq) of [~~per year for~~] carbon-14, and one (1) curie of other radioactive materials combined.

(2) [~~No licensee shall discharge radioactive material into an individual sewerage disposal system used for the treatment of waste water serving only a single dwelling, office building, industrial plant, or institution except as specifically approved by the cabinet pursuant to Section 3 of this regulation and 902 KAR 100:020, Section 8.~~

~~(3)~~] Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall not be subject to the [~~exempt from any~~] limitations contained in subsection (1) of this section.

Section 4. Treatment or [~~5.~~] Disposal by Incineration. A licensee may treat or dispose of licensed material by incineration only:

(1) In the amounts and forms specified in Section 5 of this administrative regulation; or

(2) As specifically approved by the cabinet and authorized by Section 2 of this administrative regulation. [~~No licensee shall incinerate radioactive material for the purpose of disposal or preparation for disposal except as specifically approved by the cabinet pursuant to Section 3 of this regulation and 902 KAR 100:020, Section 8.~~]

Section 5. [~~6.~~] Disposal of Specific De Minimis Waste. (1) A person or [~~Any~~] licensee may dispose of the following radioactive material without regard to its radioactivity:

(a) 0.05 microcurie or less of hydrogen-3(tritium), carbon-14, or iodine-125 per gram of medium used for liquid scintillation counting or in vitro clinical or in vivo laboratory testing; and

(b) 0.05 microcurie (1.85 kBq) or less of hydrogen-3, carbon-14, or iodine-125 per gram of animal tissue averaged over the weight of the entire animal.

(2) A licensee shall not dispose of [~~; provided, however,~~] tissue pursuant to subsection (1)(b) of this section [~~may not be disposed of under this subsection~~] in a manner that may [~~would~~] permit its use [~~either~~] as food for humans or as animal feed.

(3) A licensee shall maintain records pursuant to Section 11 of this administrative regulation.

[~~(2) Nothing in this section relieves the licensee from maintaining records showing the receipt, transfer and disposal of such radioactive material as specified in 902 KAR 100:015, Section 4 of these regulations.~~]

(4) A [~~(3) Nothing in this section relieves the~~] licensee shall comply [~~from complying~~] with other applicable federal, state, and local regulations governing [~~any~~] other toxic or hazardous properties [~~property~~] of these materials.

Section 6. [~~7.~~] Classification of Radioactive Waste for Near-surface Disposal. (1) Considerations. Determination of the classification of waste shall be given the following [~~involves two (2)~~] considerations:

(a) [~~Consideration must be given to~~] The concentration of long-lived radionuclides, and their shorter-lived precursors, whose potential hazard will persist long after [~~such~~] precautions such as institutional controls, improved waste form, and deeper disposal have ceased to be effective. These precautions delay the time [~~when~~] long-lived radionuclides may [~~could~~] cause exposures. [~~In addition,~~] The magnitude of the potential dose is limited by the concentration and availability of the radionuclide at the time of exposure; and

(b) [~~Consideration must be given to~~] The concentration of shorter-lived radionuclides for which requirements on institutional controls, waste form, and disposal methods are effective.

(2) Classes of waste.

(a) Class A waste shall be [~~is waste that is~~] usually segregated from other waste classes at the disposal site. The physical form and characteristics of Class A waste shall [~~must~~] meet the minimum requirements set forth in Section 7 [~~8~~] of this administrative regulation. If Class A waste also meets the stability requirements set forth in Section 7 [~~8~~] (2) of this administrative regulation, it shall [~~is~~] not be necessary to segregate the waste for disposal.

(b) Class B waste shall [~~is waste that must~~] meet more rigorous requirements on waste form to ensure stability after disposal. The physical form and characteristics of Class B waste shall [~~must~~] meet both the minimum and stability requirements set forth in Section 7 [~~8~~] of this administrative regulation.

(c) Class C waste shall [~~is waste that not only must~~] meet more rigorous requirements on waste form to ensure stability and shall require [~~but also requires~~] additional measures at the disposal facility to protect against inadvertent intrusion. The physical form and characteristics of Class C waste shall [~~must~~] meet both the minimum and stability requirements set forth in Section 7 [~~8~~] of this administrative regulation.

(3) Classification determined by long-lived radionuclides. If the waste contains only radionuclides listed in Table 1 of this subsection, classification shall be determined as follows:

(a) If the concentration does not exceed one-tenth (0.1) times the value in Table 1, the waste shall be [~~is~~] Class A.

(b) If the concentration exceeds one-tenth (0.1) times the value, but does not exceed the value in Table 1, the waste shall be [~~is~~] Class C.

(c) If the concentration exceeds the value in Table 1, the waste shall [~~is~~] not generally be acceptable for near-surface disposal.

(d) For waste containing mixtures of radionuclides listed in Table 1, the total concentration shall be determined by the sum of fractions rule described in subsection (7) of this section.

TABLE 1

Radionuclide	Concentration curies/cubic meter
C-14	8
C-14 in activated metal	80
Ni-59 in activated metal	220
Nb-94 in activated metal	0.2
Tc-99	3
I-129	0.08
Alpha emitting transuranic radionuclides with half-life greater than five (5) years	100*
Pu-241	3500*
Cm-242	20000*
Ra-226	100*

*Units are nanocuries per gram.

(4) Classification determined by short-lived radionuclides. If the waste contains none [~~does not contain any~~] of the radionuclides listed in Table 1 of subsection (3) of this section, classification shall be determined based on the concentrations shown in Table 2 of this subsection. If a nuclide is not listed in Table 2, it shall [~~does~~] not need to be considered in determining the waste class.

(a) If the concentration does not exceed the value in Column 1, the waste shall be [~~is~~] Class A.

(b) If the concentration exceeds the value in Column 1, but does not exceed the value in Column 2, the waste shall be [~~is~~] Class B.

(c) If the concentration exceeds the value in Column 2, but does not exceed the value in Column 3, the waste shall be [~~is~~] Class C.

(d) If the concentration exceeds the value in Column 3, the waste shall [~~is~~] not generally be acceptable for near-surface disposal.

(e) For waste containing mixtures of the radionuclides listed in Table 2, the total concentration shall be determined by the sum of fractions rule described in subsection (7) of this section.

TABLE 2

Radionuclide	Concentration, curies/cubic meter Column 1	Column 2	Column 3
Total of all radionuclides with less than five (5) year half-life	700	*	*
H-3	40	*	*
Co-60	700	*	*
Ni-63	3.5	70	700
Ni-63 in activated metal	35	700	7000
Sr-90	0.04	150	7000
Cs-137	1	44	4600

*There are not limits established for [~~these~~] radionuclides in Class B or C waste. Practical considerations, such as the effects of external radiation and internal heat generation on transportation, handling, and disposal, [~~will~~] limit the concentrations for these wastes. This waste shall be Class B unless the concentrations of other radionuclides in Table 2 determine the waste to be Class C independent of these radionuclides.

(5) Classification determined by both long-lived and short-lived radionuclides. If the waste contains a mixture of radionuclides, some [~~of which are~~] listed in Table 1 of this section, and some [~~of which are~~] listed in Table 2 of this section, classification shall be determined as follows:

(a) If the concentration of a radionuclide listed in Table 1 does not exceed one-tenth (0.1) times the value listed in Table 1, the class shall be [~~that~~] determined by the concentration of radionuclides listed in Table 2.

(b) If the concentration of a radionuclide listed in Table 1 exceeds one-tenth (0.1) times the value, but does not exceed the value listed in Table 1, the waste shall be Class C, if [~~provided~~] the concentration of radionuclides listed in Table 2 does not exceed the value shown in Column 3 of Table 2.

(6) Classification of waste with radionuclides other than those listed in Tables 1 and 2. If the waste contains none of the [~~does not contain any~~] radionuclides listed in [~~either~~] Table 1 or 2 of this section, it shall be [~~is~~] Class A.

(7) The sum of fractions rule for mixtures of radionuclides. The following shall be considered in [~~For~~] determining classification for waste that contains a mixture of radionuclides:

(a) [~~, it is necessary to determine~~] The sum of fractions shall be determined by dividing each radionuclide's concentration by the appropriate limit and adding the resulting values.

(b) The appropriate limits shall [~~must all~~] be taken from the same column of the same table.

(c) The sum of the fractions for the column shall [~~must~~] be less than one (1.0) if the waste class is [~~to be~~] determined by that column.

(d) Example: A waste contains Sr-90 in a concentration of fifty (50) Ci/cubic meter and Cs-137 in a concentration of twenty-two (22) Ci/cubic meter. Since the concentrations both exceed the values in Column 1, Table 2, they shall [~~must~~] be compared to Column 2 values. For Sr-90 fraction, 50/150 = 0.33; for Cs-137 fraction, 22/44 = 0.5; the sum of the fractions = 0.83. Since the sum is less than one (1.0), the waste shall be [~~is~~] Class B.

(8) Determination of concentrations in waste.

(a) If there is reasonable assurance that indirect methods may be correlated with actual measurements, the concentration of a radionuclide may be determined by indirect methods such as use of scaling factors which relate the inferred concentration of one (1) radionuclide to another that is measured or radionuclide material accountability[~~, if there is reasonable assurance that the indirect methods can be correlated with actual measurements~~].

(b) If the units are expressed as nanocuries per gram, the concentration of a radionuclide may be averaged over the volume [~~of the waste,~~] or weight of the waste [~~if the units are expressed as nanocuries per gram~~].

Section 7. [~~8.~~] Radioactive Waste Characteristics. (1) The following shall be [~~are~~] minimum requirements for all classes of waste and are intended to facilitate handling and provide protection of health and safety of personnel at the disposal site:

(a) Waste shall be packaged in conformance with the conditions of the license issued to the site operator to which the waste will be shipped. If [~~Where~~] the conditions of the site license are more restricted than the provisions of this administrative regulation [~~these regulations~~], the site license conditions shall govern.

(b) Waste shall not be packaged for disposal in cardboard or fiberboard boxes.

(c) Liquid waste shall be solidified or packaged in sufficient absorbent material to absorb twice the volume of the liquid.

(d) Solid waste containing liquid shall contain as little freestanding and noncorrosive liquid as is reasonably achievable. [~~, but in no case shall~~] The liquid shall not exceed one (1) percent of the volume.

(e) Waste shall not be readily capable of:

1. Detonation; [~~or of~~]

2. Explosive decomposition or reaction at normal pressures and temperatures; or [~~of~~]

3. Explosive reaction with water.

(f) Waste shall not contain, or be capable of generating, quantities of toxic gases, vapors, or fumes harmful to persons transporting, handling, or disposing of the waste. This shall [~~does~~] not apply to radioactive gaseous waste packaged in accordance with paragraph (h) of this subsection.

(g) Waste shall not be pyrophoric. Pyrophoric materials contained

in waste shall be treated, prepared, and packaged to be nonflammable.

(h) Waste in a gaseous form shall be packaged at a pressure that shall [does] not exceed one and five-tenths (1.5) atmospheres at twenty (20) degrees Centigrade. Total activity shall not exceed 100 curies per container.

(i) Waste containing hazardous, biological, pathogenic, or infectious material shall be treated to reduce to the maximum extent practicable the potential hazard from the nonradiological materials.

(2) [The following requirements are intended to provide stability of the waste.] Stability is intended to ensure that the waste shall [does] not structurally degrade and affect overall stability of the site through slumping, collapse, or other failure of the disposal unit and [thereby] lead to water infiltration. Stability shall [is] also be a factor in limiting exposure to an inadvertent intruder, since it provides a recognizable and nondispersible waste. The following requirements shall provide stability of the waste:

(a) Waste shall have structural stability.

1. A structurally stable waste form shall [will generally] maintain its physical dimensions and its form under [the] expected disposal conditions such as:

a. Weight of overburden and compaction equipment;

b. [the] Presence of moisture and microbial activity; and

c. Internal factors such as radiation effects and chemical changes.

2. Structural stability may [can] be provided by:

a. The waste form itself;

b. Processing the waste to a stable form; or [by]

c. Placing the waste in a disposal container or structure that provides stability after disposal.

(b) Unless otherwise exempted [Notwithstanding the provisions] in subsection (1)(c) and (d) of this section, liquid waste, or waste containing liquid, shall be converted into a form that contains as little free standing and noncorrosive liquid as is reasonably achievable. [; but in no case shall] The liquid shall not exceed one (1) percent of the volume of the waste if [when] the waste is in a disposal container designed to ensure stability, or five-tenths (0.5) percent of the volume of the waste for waste processed to a stable form.

(c) Void spaces within [the waste] and between the waste and its package shall be eliminated [reduced to the extent practicable].

Section 8. [9.] Labeling. Each package of waste shall be clearly labeled to identify if [whether] it is Class A, Class B, or Class C waste, in accordance with Section 6 [7] of this administrative regulation.

Section 9. Transfer for Disposal and Manifests. (1) The requirements of this section and Section 10 of this administrative regulation shall:

(a) Control transfers of low-level radioactive waste intended for disposal at a land disposal facility defined in 902 KAR 100:022;

(b) Establish a manifest tracking system; and

(c) Supplement existing requirements concerning transfers and recordkeeping for the wastes being transferred.

(2) A shipment of radioactive waste intended for disposal at a licensed land disposal facility shall be accompanied by a shipment manifest as specified in Section 10(1) of this administrative regulation.

(3) The shipment manifest shall include a certification by the waste generator as specified in Section 10(3) of this administrative regulation.

(4) A person involved in the transfer for disposal and disposal of waste, including the waste generator, waste collector, waste processor, and disposal facility operator, shall comply with the requirements specified in Section 10(4) of this administrative regulation.

Section 10. Requirements for Low-level Waste Transfer for Disposal at Land Disposal Facilities and Manifests. (1) A [Each] shipment of waste to a licensed land disposal facility shall be accompanied by a shipment manifest. The shipment manifest may be legible carbon copies or photocopies.

(a) The shipment manifest shall contain:

1. [that contains] The name, address, and telephone number of the person generating the waste; and

2. [. The manifest shall also include] The name, address, and telephone number, or the name and U.S. Environmental Protection Agency hazardous identification number, of the person transporting the waste to the land disposal facility.

(b) The manifest shall [also] indicate as completely as practicable:

1. A physical description of the waste;

2. [the] Waste volume;

3. Radionuclide identity and quantity;

4. [the] Total radioactivity; and

5. [the] Principal chemical form.

(c) The solidification agent shall be specified.

(d) Waste containing more than one-tenth (0.1) percent chelating agents by weight shall be identified and the weight percentage of the chelating agent estimated.

(e) Waste classified as Class A, Class B, or Class C in Section 6 [7] of this administrative regulation shall be clearly identified [as such] in the manifest.

(f) The total quantity of the specifically indicated radionuclides H-3, C-14, Tc-99, and I-129 shall be shown on the manifest.

(2) The manifest required in subsection (1) of this section may be shipping papers used to meet U.S. Department of Transportation or U.S. Environmental Protection Agency regulations or requirements of the receiver if [, provided] all the required information is included. [Copies of manifest required by this subsection may be legible carbon copies or legible photocopies.]

(3) A [Each] manifest shall include a certification by the waste generator that the transported materials are properly classified, described, packaged, marked, [and] labeled, and conditioned [are in proper condition] for transportation in compliance with 49 CFR 173, Subpart I and 902 KAR 100:070. [according to the applicable regulations of the U.S. Department of Transportation and the cabinet.] An authorized representative of the waste generator shall sign and date the manifest.

(4) A [Any licensee who transfers waste to a land disposal facility or a licensed waste collector shall comply with the following requirements. Any] licensee who transfers waste to a licensed waste processor who treats or repackages waste shall comply with the requirements of paragraphs (d) through (h) of this subsection. A licensee who transfers waste to a land disposal facility or a licensed waste collector shall comply with the following requirements:

(a) Prepare [all] waste so that the waste is classified according to Section 6 [7] of this administrative regulation and meets the waste characteristics requirements in Section 7 [8] of this administrative regulation.

(b) Label each package of waste to identify if the waste [whether it] is Class A [waste], Class B [waste], or Class C [waste], in accordance with Section 6 [7] of this administrative regulation.

(c) Conduct a quality control program to include management evaluation of audits to assure compliance with Sections 6 [7] and 7 [8] of this administrative regulation.

(d) Prepare shipping manifests to meet the requirements of subsection (1) and (3) of this section.

(e) Forward a copy of the manifest to the intended recipient, at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgment of receipt in the form of a signed copy of the manifest or equivalent documentation from the collector.

(f) Include one (1) copy of the manifest with the shipment.

(g) Retain a copy of the manifest with documentation of acknowledgment of receipt as the record of transfer of licensed material as required by 902 KAR 100:040. [these regulations;]

(h) For [any] shipments or parts [any part] of a shipment for which acknowledgment of receipt has not been received within the times set

forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(5) A [Any] waste collector licensee who handles only prepackaged waste shall:

(a) Acknowledge receipt of the waste from the generator within one (1) week of receipt by returning a signed copy of the manifest or equivalent documentation to the generator.

(b) Prepare a new manifest to reflect consolidated shipments.

1. The new manifest shall serve as a listing or index for the detailed generator manifests.

2. Copies of the generator manifests shall be a part of the new manifest.

3. The waste collector may prepare a new manifest without attaching the generator manifests if [,provided] the new manifest contains for each package the information specified in subsection (2) of this section.

4. The collector licensee shall certify that nothing has been done to the waste which would invalidate the generator's certification.

(c) Forward a copy of the new manifest to the land disposal facility operator at the time of shipment.

(d) Include the new manifest with the shipment to the disposal site.

(e) Retain a copy of the manifest with documentation of acknowledgment of receipt as the record of transfer of licensed material as required by 902 KAR 100:040, [these regulations,] and retain information from generator manifests until disposition is authorized by the cabinet. [; and]

(f) For [any] shipments or parts [any part] of a shipment for which acknowledgment of receipt is not received within the times set forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(6) A [Any] licensed waste processor who treats or repackages waste shall:

(a) Acknowledge receipt of the waste from the generator within one (1) week of receipt by returning a signed copy of the manifest or equivalent documentation to the generator.

(b) Prepare a new manifest that meets the requirements of subsections (1), (2), and (3) of this section. Preparation of the new manifest shall reflect that the processor is responsible for the waste.

(c) Prepare [all] waste so [that] the waste is classified according to Section 6 [7] of this administrative regulation and meets the waste characteristics requirement in Section 7 [8] of this administrative regulation.

(d) Label each package of waste to identify if the waste [whether it] is Class A, Class B, or Class C, in accordance with Sections 6 and 8 [7 and 9] of this administrative regulation.

(e) A quality control program shall be conducted to assure compliance with Sections 6 and 7 [and 8] of this administrative regulation. The program shall include management evaluation of audits.

(f) Forward a copy of the new manifest to the disposal site operator or waste collector at the time of shipment, or deliver to a collector at the time the waste is collected, obtaining acknowledgment of receipt in the form of a signed copy of the manifest or equivalent documentation by the collector.

(g) Include the new manifest with the shipment.

(h) Retain copies of original manifests and new manifests with documentation of acknowledgment of receipt as the record of transfer of licensed material required by 902 KAR 100:040 [these regulations].

(i) For a [any] shipment or part of a shipment for which acknowledgment is not received within the times set forth in this section, conduct an investigation in accordance with subsection (8) of this section.

(7) The land disposal facility operator shall:

(a) Acknowledge receipt of the waste within one (1) week of receipt by returning a signed copy of the manifest or equivalent documentation to the [shipper. The shipper to be notified is the] licensee that [who] last possessed the waste and transferred the waste to the operator. The returned copy of the manifest or equivalent documentation shall indicate [any] discrepancies between materials listed on the manifest and materials received.

(b) Maintain copies of [all] completed manifests or equivalent documentation until the cabinet authorizes [their] disposition. [; and]

(c) Notify the shipper (i.e., the generator, the collector, or processor) and the cabinet if a [when any] shipment or part of a shipment has not arrived within sixty (60) days after the advance manifest was received.

(8) A [Any] shipment or part of a shipment for which acknowledgment is not received within the times set forth in this section shall be [must]:

(a) [Be] Investigated by the shipper if the shipper has not received notification of receipt within twenty (20) days after transfer; and

(b) [Be] Traced and reported.

1. The investigation shall include tracing the shipment and filing a report with the cabinet.

2. A [Each] licensee who conducts a trace investigation shall file a written report with the cabinet within two (2) weeks of completion of the investigation.

Section 11. Records. (1) A [Each] licensee shall maintain records in the same units used in this administrative regulation.

(2) Records of disposal of licensed material made pursuant to this administrative regulation shall [are to] be maintained until the cabinet authorizes [their] disposition or in accordance with 902 KAR 100:073, Section 28.

(3) A licensee shall maintain records of the disposal of licensed materials made pursuant to 902 KAR 100:022 and Sections 2, 3, 4, and 5 of this administrative regulation, and disposal by burial in soil, including burials authorized before January 28, 1981.

(4) A licensee shall retain the records required in subsection (3) of this section until the cabinet terminates each pertinent license requiring the record.

Section 12. Annual Report of Waste Generated. (1) A [Each] licensee issued a specific license, pursuant to 902 KAR 100:040 [these regulations] shall file an annual report with the cabinet containing information regarding low-level radioactive waste associated with activities authorized by the license. This report shall be filed if the [regardless of whether that] licensee was, or was not, a waste generator during the reporting [report] period.

(2) The report shall contain information regarding the [such] waste for a [the] period of one (1) calendar year and shall be filed no later than January 15 of the following year.

(3) The report shall be filed on a form provided by the cabinet and shall contain[, but not be limited to,] types and amounts of generated waste and estimates of future wastes to be generated.

RICE C. LEACH, Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: December 9, 1993

FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for February 22, 1994, at 9 a.m., in the Health Services Auditorium located on the first floor of the Health Services Building, 275 East Main Street, Frankfort, Kentucky. This hearing will be cancelled unless interested persons notify the following office in writing by February 17, 1994, of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John A. Volpe, Ph.D.

(1) Type and number of entities affected: 388 licensees.

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

1. First year: A cost will be realized by some licensees for training employees in regards to the proposed standards, in revising current recordkeeping systems, and in some cases providing additional shielding.

2. Continuing costs or savings: No continuing costs should be incurred by the licensees after the initial costs.

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: Changes in reporting and paperwork requirements will be required by some licensees.

(2) Effects on the promulgated administrative body: Moderate impact, on agency due to training of staff and licensees.

(a) Direct and indirect costs or savings:

1. First year: Costs will be incurred by the agency due to providing copies of regulations to licensees, in providing interpretations and explanation of the new standards and in training of agency staff on implementation of new standards.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative.

(5) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: No statute, regulation or policy will conflict, overlap or duplicate this regulation.

(a) Necessity of proposed administrative 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 licensees are affected by this regulation. The agreement Kentucky has with the U.S. Nuclear Regulatory Commission requires uniformity of this regulation. It applies to all licensees or persons using radioactive material.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 10 CFR Part 20.

2. State compliance standards. The requirements provide uniform national standards for the disposal of radioactive material.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires state regulations to be compatible with federal requirements for the disposal of radioactive waste.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will impose identical requirements and responsibilities as required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no different, stricter or additional responsibilities or requirements.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Environmental Health and Community Safety
(Proposed Amendment)

902 KAR 100:073. Use of radionuclides in the healing arts.

RELATES TO: KRS 211.842 to 211.852, 211.990(4), 10 CFR 35

STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.844, 10 CFR 35

NECESSITY AND FUNCTION: [~~The Cabinet for Human Resources is empowered by~~] KRS 211.844 authorizes the Cabinet for Human Resources to provide by administrative regulation for the registration and licensing of the possession or use of sources [~~any source~~] of ionizing or electronic product radiation and the handling and disposal of radioactive waste. [~~The purpose of~~] This administrative regulation provides [~~is to provide~~] requirements and provisions for the use of radioactive material in the healing arts and for issuance of licenses authorizing the medical use of radioactive material; and [~~:~~

~~Section 1. Applicability. This regulation~~] establishes requirements for specific licensees to possess, use, and transfer radioactive material for medical uses.

Section 1. [~~2.~~] License Required. (1) A [~~No~~] person shall not manufacture, produce, acquire, receive, possess, use, or transfer radioactive material for medical use except in accordance with a specific license issued pursuant to 902 KAR Chapter 100 [~~these regulations~~].

(2) Unless prohibited by license condition, an individual may receive, possess, use, or transfer radioactive material in accordance with the requirements in this administrative regulation under the supervision of an authorized user as provided in Section 8 [9] of this administrative regulation.

Section 2. [~~3.~~] License Amendments. A licensee shall apply for and receive a license amendment before:

(1) [~~Before~~] Using radioactive material for a method or type of medical use not permitted by the license issued under this administrative regulation;

(2) [~~Before~~] Permitting anyone, except a visiting authorized user described in Section 10 of this administrative regulation, to work as an authorized user under the license;

(3) [~~Before~~] Changing a radiation safety officer or teletherapy physicist;

(4) [~~Before~~] Ordering radioactive material in excess of the amount specified on the license;

(5) [~~Before~~] Adding to or changing the areas of use or address [~~or addresses~~] of use identified in the application or on the license; and

(6) [~~Before~~] Changing statements, representations, and procedures which are incorporated into the license.

Section 3. [~~4.~~] Notifications. A licensee shall notify the cabinet in writing within thirty (30) days if [~~when~~] an authorized user, radiation safety officer, or teletherapy physicist permanently discontinues performance of duties under the license.

Section 4. As Low as Reasonably Achievable ([~~5.~~] ALARA) Program. (1) A [~~Each~~] licensee shall develop and implement a written program to maintain radiation doses and releases of radioactive material in effluents to unrestricted areas as low as reasonably achievable (ALARA) in accordance with 902 KAR 100:015, Section 2 [~~of these regulations~~].

(2) To satisfy the requirement of this section:

(a) The management, radiation safety officer, and [~~all~~] authorized users shall participate in the establishment, implementation, and operation of the program as required by this administrative regulation

[~~these regulations~~] or the Radiation Safety Committee; or

(b) For licensees that are not medical institutions, management and [~~all~~] authorized users shall participate in the program as required by the radiation safety officer.

(3) The ALARA program shall include an annual review by the Radiation Safety Committee for licensees that are medical institutions or management, and the radiation safety officer for licensees that are not medical institutions.

(a) The review shall consist of:

1. Summaries of the types and amounts of radioactive material used;

2. Occupational dose reports; and

3. Continuing education and training for [~~all~~] personnel who work with, or in the vicinity of, radioactive material.

(b) The purpose of the review shall be [~~is~~] to ensure that individuals make every reasonable effort to maintain occupational doses, doses to the general public, and releases of radioactive material ALARA [~~as low as reasonably achievable~~], taking into account the state of technology and the cost of improvements in relation to benefits.

(4) The licensee shall retain a current written description of the ALARA program for the duration of the license. The written description shall include:

(a) A commitment by management to keep occupational doses ALARA [~~as low as reasonably achievable~~];

(b) A requirement that the radiation safety officer brief management once each year on the radiation safety program;

(c) [~~Personnel exposure investigational levels that, when exceeded, will initiate an investigation by the radiation safety officer of the cause of the exposure; and~~

~~(d)~~] Personnel exposure investigational levels that, if [~~when~~] exceeded, will initiate a prompt investigation by the radiation safety officer of the cause of the exposure and a consideration of actions that may [~~might~~] be taken to reduce the probability of recurrence.

Section 5. [~~6.~~] Radiation Safety Officer. (1) A licensee shall appoint a radiation safety officer responsible for implementing the radiation safety program. The licensee, through the radiation safety officer, shall ensure that radiation safety activities are being performed in accordance with approved procedures and regulatory requirements in the daily operation of the licensee's radioactive material program.

(2) The radiation safety officer shall:

(a) Investigate overexposures, accidents, spills, losses, thefts, unauthorized receipts, uses, transfers, [~~and~~] disposals, and other deviations from approved radiation safety practice and implement corrective actions as necessary;

(b) Implement written policy and procedures for:

1. Authorizing the purchase of radioactive material;

2. Receiving and opening packages of radioactive material;

3. Storing radioactive material;

4. Keeping an inventory record of radioactive material;

5. Using radioactive material safely;

6. Taking emergency action if control of radioactive material is lost;

7. Performing periodic radiation surveys;

8. Performing checks of survey instruments and other safety equipment;

9. Disposing of radioactive material;

10. Training personnel who work in or frequent areas where radioactive material is used or stored; and

11. Keeping a copy of:

a. [~~all~~] Records and reports required by 902 KAR 100:017, 902 KAR 100:020, 902 KAR 100:021, 902 KAR 100:035, 902 KAR 100:040, 902 KAR 100:050, 902 KAR 100:052, 902 KAR 100:058, 902 KAR 100:060, 902 KAR 100:070, 902 KAR 100:073, and 902 KAR 100:165;

b. This administrative regulation;

c. [~~cabinet regulations, a copy of these regulations, a copy of~~] Each licensing request; [~~and~~]

d. License and amendments; and

e. [~~the~~] Written policy and procedures required by 902 KAR 100:017, 902 KAR 100:020, 902 KAR 100:021, 902 KAR 100:035, 902 KAR 100:040, 902 KAR 100:050, 902 KAR 100:052, 902 KAR 100:058, 902 KAR 100:060, 902 KAR 100:070, 902 KAR 100:073, and 902 KAR 100:165 [~~the regulations~~]; and

(c) For medical use not sited at a medical institution, approve or disapprove radiation safety program changes with the advice and consent of management prior to submittal to the cabinet for licensing action; or

(d) For medical use sited at a medical institution, assist the Radiation Safety Committee in the performance of its duties.

Section 6. [~~7.~~] Radiation Safety Committee. A [~~Each~~] medical institution licensee shall establish a Radiation Safety Committee to oversee the use of radioactive material.

(1) The committee shall meet the following administrative requirements:

(a) Membership shall [~~must~~] consist of at least three (3) individuals and shall include:

1. An authorized user of each type of use permitted by the license;

2. The radiation safety officer;

3. A representative of the nursing service; [~~and~~]

4. A representative of management who is not [~~neither~~] an authorized user or [~~nor~~] a radiation safety officer; and

5. Other members [~~may be included~~] as the licensee deems appropriate.

(b) The committee shall meet at least once each calendar quarter.

(c) To establish a quorum and to conduct business, one-half (1/2) of the committee's membership shall be present, including the radiation safety officer and the management's representative.

(d) The minutes of each Radiation Safety Committee meeting shall include:

1. [~~The~~] Date of the meeting;

2. Members present;

3. Members absent;

4. Summary of deliberations and discussions;

5. Recommended actions and the numerical results of all ballots; and

6. Document [~~any~~] reviews required in Sections 2 [~~3~~] and 6(2) [~~Section 7(2)~~] of this administrative regulation.

(e) The committee shall provide each member with a copy of the meeting minutes and retain one (1) copy until the cabinet authorizes its disposition.

(2) To oversee the use of licensed material, the committee shall:

(a) Be responsible for monitoring the institutional program to maintain occupational doses ALARA [~~as low as reasonably achievable~~];

(b) Review, on the basis of safety and with regard to the training and experience standards of this administrative regulation, and approve or disapprove an [~~any~~] individual who is to be listed as an authorized user, the radiation safety officer, or teletherapy physicist before submitting a license application or request for amendment or renewal;

(c) Review on the basis of safety, and approve or disapprove each proposed method of use of radioactive material;

(d) Review on the basis of safety, and approve with the advice and consent of the radiation safety officer and the management representative, or disapprove procedures and radiation safety program changes prior to submittal to the cabinet for licensing action;

(e) Review quarterly, with the assistance of the radiation safety officer, occupational radiation exposure records of [~~all~~] personnel working with radioactive material;

(f) Review quarterly, with the assistance of the radiation safety officer, [all] incidents involving radioactive material with respect to cause and subsequent actions taken;

(g) Review annually, with the assistance of the radiation safety officer, the radioactive material program; and

(h) Establish a table of investigational levels for occupational dose that, if [when] exceeded, shall [will] initiate investigations and considerations of action by the radiation safety officer.

Section 7. [8.] Statement of Authorities and Responsibilities. (1) A licensee shall provide sufficient authority and organizational freedom to the radiation safety officer and the Radiation Safety Committee to:

(a) Identify radiation safety problems;

(b) Initiate, recommend, or provide solutions; and

(c) Verify implementation of corrective actions.

(2) A licensee shall:

(a) Establish in writing the authorities, duties, responsibilities, and radiation safety activities of the radiation safety officer and the Radiation Safety Committee; and

(b) Retain the current edition of these statements as a record until the cabinet terminates the license.

Section 8. [9.] Supervision. (1) A licensee who permits the receipt, possession, use, or transfer of radioactive material by an individual under the supervision of an authorized user as allowed by Section 1 [2] of this administrative regulation shall:

(a) Instruct the supervised individual in the principles of radiation safety appropriate to that individual's use of radioactive material and provide reinstruction as needed;

(b) Review the supervised individual's use of radioactive material[, provide reinstruction as needed and]

(c) Review records kept to reflect [this] use of radioactive materials;

(d) [(c)] Require the authorized user to be immediately available to communicate with the supervised individual;

(e) [(d)] Require the authorized user to be [able to be] physically present and available to the supervised individual on one (1) hour notice; and

(f) [(e)] Require that only those individuals specifically trained, and designated by the authorized user, shall be permitted to administer radionuclides or radiation to patients.

(2) A licensee shall require the supervised individual receiving, possessing, using, or transferring radioactive material under Section 1 [2] of this administrative regulation to:

(a) Follow the instructions of the supervising authorized user;

(b) Follow the procedures established by the radiation safety officer; and

(c) Comply with 902 KAR Chapter 100 [these regulations] and the license conditions with respect to the use of radioactive material.

Section 9. Quality Management Program. (1) An applicant or licensee shall establish and maintain a written quality management program to provide high confidence that radioactive material or radiation from radioactive material shall be administered as directed by the authorized user, unless otherwise excepted by the cabinet.

(2) The quality management program shall include written policies and procedures to meet the following specific objectives:

(a) Prior to administration, a written directive is prepared for:

1. A teletherapy radiation dose;

2. A gamma stereotactic radiosurgery radiation dose;

3. A brachytherapy radiation dose;

4. An administration of quantities greater than thirty (30) microcuries of either sodium iodide I-125 or I-131; or

5. A therapeutic administration of a radiopharmaceutical, other than sodium iodide I-125 or I-131;

(b) If, because of the patient's condition, a delay in order to provide a written revision to an existing written directive would jeopardize the patient's health, an oral revision to an existing written directive shall be acceptable. The oral revision shall be documented immediately in the patient's record, and a revised written directive shall be signed by the authorized user within forty-eight (48) hours of the oral revision;

(c) A written revision to an existing written directive may be made for a diagnostic or therapeutic procedure if the revision is dated and signed by an authorized user prior to the administration of the radiopharmaceutical dosage, brachytherapy dose, gamma stereotactic radiosurgery dose, teletherapy dose, or next teletherapy fractional dose;

(d) Prior to each administration, the patient's identity shall be verified by more than one (1) method as the individual named in the written directive;

(e) Final plans for treatment and related calculations for brachytherapy, teletherapy, and gamma stereotactic radiosurgery shall be as specified in the respective written directives;

(f) Each administration shall be specified in the written directive; and

(g) An unintended deviation from the written directive shall be identified and evaluated, and appropriate action shall be taken.

(3) A licensee shall develop procedures for, and conduct a review of, the quality management program. The review shall include, since the last review, an evaluation of a representative sample of patient administrations, recordable events, and misadministrations to verify compliance with the quality management programs.

(a) Reviews shall be conducted at intervals not to exceed twelve (12) months;

(b) Reviews shall be evaluated to determine the effectiveness of the quality management program and, if required, modifications shall be made to meet the objectives of subsection (1) of this section; and

(c) Records of each review shall be retained, including the evaluations and findings, for three (3) years. The records shall be in an auditable form.

(4) A licensee shall evaluate and respond, within thirty (30) days after discovery of the recordable event, to each recordable event. The licensee shall:

(a) Assemble relevant facts, including the cause;

(b) Identify corrective action required to prevent recurrence; and

(c) Retain a record of the relevant facts and corrective action taken for three (3) years. The records shall be in an auditable form.

(5) If a written directive is required in subsection (1)(a) of this section, the licensee shall retain the written directive and a record of each administered radiation dose or radiopharmaceutical dosage for three (3) years after the date of administration. The written directive shall be in an auditable form.

(6) A licensee shall modify the quality management program to increase the program's efficiency if the program's effectiveness is not decreased. The licensee shall furnish the modification to the Radiation Control Branch within thirty (30) days after the modification has been made.

(7) An applicant for a new license shall submit to the Radiation Control Branch a quality management program as part of the application for a license, and implement the program upon issuance of the license by the Radiation Control Branch.

(8) An existing licensee shall submit to the Radiation Control Branch, by December 31, 1994, a written certification that the quality management program has been implemented and a copy of the program.

Section 10. Visiting Authorized User. (1) A licensee may permit a [any] visiting authorized user to use licensed material for medical use under the terms of the licensee's license for sixty (60) days each year if:

(a) The visiting authorized user has the prior written permission of the licensee's management and, if the use occurs on behalf of an

institution, the institution's Radiation Safety Committee;

(b) The licensee has a copy of the cabinet, another agreement state, or U.S. Nuclear Regulatory Commission license that identifies the visiting authorized user by name as an authorized user for medical use. [~~; and~~] The supervising authorized user need not be present for each use of radioactive material; and

(c) Only those procedures for which the visiting authorized user is specifically authorized by the cabinet, another agreement state, or U.S. Nuclear Regulatory Commission license are performed by that individual.

(2) A licensee need not apply for a license amendment in order to permit a visiting authorized user to use licensed material as described in this section.

(3) A licensee shall retain copies of the records specified in this section for five (5) years from the date of the last visit.

Section 11. Mobile Nuclear Medicine Service Administrative Requirements. (1) The cabinet shall [~~will only~~] license mobile nuclear medicine services in accordance with this administrative regulation and [~~other~~] applicable requirements of 902 KAR 100:012, 902 KAR 100:015, 902 KAR 100:020, 902 KAR 100:021, 902 KAR 100:035, 902 KAR 100:040, 902 KAR 100:050, 902 KAR 100:060, 902 KAR 100:070, 902 KAR 100:073, and 902 KAR 100:016 [~~these regulations~~] to serve clients [~~who are~~] not licensed for medical use by the cabinet.

(2) Mobile nuclear medicine service licensees shall retain for three (3) years after the last provision of service a letter signed by the management of each location where services are rendered that authorizes use of radioactive material.

(3) A mobile nuclear medicine service shall not have radioactive material delivered directly from the manufacturer or the distributor to the client's address of use.

Section 12. Records and Reports of Misadministrations. (1)(a) If [~~When~~] a misadministration involves a [~~any~~] therapy procedure, the licensee shall notify the:

1. Cabinet; [~~. The licensee shall also notify the~~]
2. Referring physician of the affected patient; and
3. [~~the~~] Patient or a responsible relative or guardian, unless:

a. The referring physician agrees to inform the patient; or

b. Believes, based on medical judgment, that telling the patient or the patient's responsible relative or guardian may [~~would~~] be harmful to one or the other[~~, respectively~~].

(b) [~~These~~] Notifications shall [~~must~~] be made within twenty- four (24) hours after the licensee discovers the misadministration. If the referring physician, patient, or the patient's responsible relative or guardian cannot be reached within twenty-four (24) hours, the licensee shall notify them as soon as practicable.

(c) The licensee shall [~~is~~] not be required to notify the patient or the patient's responsible relative or guardian without first consulting the referring physician. [~~; however,~~]

(d) The licensee shall not delay medical care for the patient because of the notification requirements of this subsection [~~this~~].

(2) Within fifteen (15) days after an initial therapy misadministration report to the cabinet, the licensee shall report, in writing, to the cabinet and to the referring physician, and shall furnish a copy of the report to the patient or the patient's responsible relative or guardian if either was previously notified by the licensee as required by this section.

(a) The written report shall include:

1. The licensee's name;
2. [~~the~~] Referring physician's name;
3. A brief description of the event;
4. [~~the~~] Effect on the patient;
5. [~~the~~] Action taken to prevent recurrence; and
6. If [~~whether~~] the licensee informed the patient or the patient's responsible relative or guardian, and if not, why not.

(b) The report shall not include the patient's name or other information that may [~~could~~] lead to identification of the patient.

(3) If [~~When~~] a misadministration involves a diagnostic procedure:

(a) The radiation safety officer shall:

1. Promptly investigate the [~~its~~] cause;
2. Make a record for cabinet review; and
3. Retain the record as directed in this section.

(b) The licensee shall [~~also~~] notify the referring physician and the cabinet in writing within fifteen (15) days if the misadministration involved:

1. The use of radioactive material not intended for medical use;
2. Administration of dosage five (5) fold different from the intended dosage; or
3. Administration of radioactive material where [~~such that~~] the patient is likely to receive an organ dose greater than two (2) rems or a whole body dose greater than 500 millirems.

(c) Licensees may use dosimetry tables in package inserts, corrected only for amount of radioactivity administered, to determine if [~~whether~~] a report is required.

(4) A [~~Each~~] licensee shall retain a record of each misadministration for ten (10) years. The record shall contain:

(a) [~~the~~] Names of [~~all~~] individuals involved in the event, including:

1. The physician;
2. Allied health personnel;
3. The patient; and
4. [~~the~~] Patient's referring physician;

(b) [~~the~~] Patient's Social Security [~~number~~] or identification number, if one has been assigned;

(c) A brief description of the event;

(d) [~~the~~] Effect on the patient; and

(e) [~~the~~] Action taken[~~, if any,~~] to prevent recurrence.

(5) Aside from the notification requirement, nothing in this section shall affect [~~any~~] rights or duties of licensees,, and physicians in relation to each other, patients, or responsible relatives or guardians.

Section 13. Suppliers. A licensee shall use for medical use only:

(1) Radioactive material manufactured, labeled, packaged, and distributed in accordance with a license issued pursuant to 902 KAR 100:040 and 902 KAR 100:058, [~~these regulations or the~~] equivalent regulations of another agreement state, or the U.S. Nuclear Regulatory Commission; and

(2) Reagent kits [~~that have been~~] manufactured, labeled, packaged, and distributed in accordance with an approval issued by the U.S. Department of Health and Human Services, Food and Drug Administration.

Section 14. Quality Control of Imaging Equipment. A [~~Each~~] licensee shall establish written quality control procedures for [~~all~~] equipment used to obtain images from radionuclide studies.

(1) As a minimum, the procedures shall include:

(a) Quality control procedures recommended by equipment manufacturers; or

(b) Procedures [~~which have been~~] approved by the cabinet.

(2) The licensee shall conduct quality control procedures in accordance with written procedures.

Section 15. Possession, Use, Calibration, and Check of Dose Calibrators. (1) A medical use licensee authorized to administer radiopharmaceuticals shall possess a dose calibrator and use the calibrator [it] to measure the amount of activity administered to each patient.

(2) A licensee shall ensure the constancy, accuracy, linearity, and geometry dependence of the dose calibrator as follows:

(a) [~~Check each dose calibrator for~~] Constancy shall be checked with a dedicated check source at the beginning of each day of use. [~~To satisfy the requirement of this section,~~] The check shall be done on a frequently used setting with a sealed source of not less than ten (10) microcuries of radium-226 or fifty (50) microcuries of [~~any~~] other

photon-emitting radionuclides [~~radionuclide~~] with a half-life greater than ninety (90) days;

(b) [~~Test each dose calibrator for~~] Accuracy shall be tested upon installation and at intervals not to exceed twelve (12) months [~~thereafter~~] by assaying at least two (2) sealed sources containing different radionuclides, the activity [~~of which~~] the manufacturer has determined within five (5) percent of the stated activity, with minimum activity of ten (10) microcuries for radium-226 and fifty (50) microcuries for [~~any~~] other photon-emitting radionuclides, and at least one (1) having [~~of which has~~] a principal photon energy between 100 keV and 500 keV;

(c) [~~Test each dose calibrator for~~] Linearity shall be tested upon installation and at intervals not to exceed three (3) months [~~thereafter~~] over the range of use between ten (10) microcuries and the highest dosage [~~that will be~~] administered; and

(d) [~~Test each dose calibrator for~~] Geometry dependence shall be tested upon installation over the range of volumes and volume configurations for which it shall [~~will~~] be used. The licensee shall keep a record of this test for the duration of the use of the dose calibrator.

(3) A licensee shall mathematically correct dosage readings for [~~any~~] geometry or linearity errors that exceeds ten (10) percent if the dosage is greater than ten (10) microcuries, and shall repair or replace the dose calibrator if the accuracy or constancy error exceed[s] ten (10) percent.

(4) A licensee shall [~~also~~] perform checks and tests required by this section following adjustment or repair of the dose calibrator.

(5) A licensee shall retain a record of each check and test required by this section for three (3) years. The records required shall include:

(a) For subsection (2)(a) of this section, the:

1. Model and serial number of the dose calibrator;
2. [~~the~~] Identity and calibrated activity of the radionuclide contained in the check source;
3. [~~the~~] Date of the check;
4. [~~the~~] Activity measured;
5. [~~the~~] Instrument settings; and
6. [~~the~~] Initials of the individual who performed the check;

(b) For subsection (2)(b) of this section, the:

1. Model and serial number of the dose calibrator;
2. [~~the~~] Model and serial number of each source used and [~~the~~] identity of the radionuclide contained in the source and its activity;
3. [~~the~~] Date of the test;
4. [~~the~~] Results of the test;
5. [~~the~~] Instrument settings; and
6. [~~the~~] Signature of the radiation safety officer;

(c) For subsection (2)(c) of this section, the:

1. Model and serial number of the dose calibrator;
2. [~~the~~] Calculated activities;
3. [~~the~~] Measured activities;
4. [~~the~~] Date of the test; and
5. [~~the~~] Signature of the radiation safety officer; and

(d) For subsection (2)(d) of this section, the:

1. Model and serial number of the dose calibrator;
2. [~~the~~] Configuration and calibrated activity of the source measured;
3. [~~the~~] Activity of the source;
4. [~~the~~] Activity measured and [~~the~~] instrument setting for each volume measured;
5. [~~the~~] Date of the test; and
6. [~~the~~] Signature of the radiation safety officer.

Section 16. Calibration and Check of Survey Instruments. (1) A licensee shall ensure that the survey instruments used to show compliance with this administrative regulation have been calibrated before first use, annually, and following repair.

(2) A [~~To satisfy the requirements of this section, the~~] licensee shall:

(a) Calibrate [~~all~~] required scale readings up to 1000 millirems per hour with a radiation source;

(b) [~~For each scale that shall be calibrated,~~] Calibrate two (2) readings for each scale, separated by at least fifty (50) percent of scale rating; and

(c) Conspicuously note on the instrument the apparent dose rate from a dedicated check source as determined at the time of calibration, and the date of calibration.

(3) A [~~The~~] licensee shall consider a point as calibrated if:

(a) [~~Consider a point as calibrated if~~] The indicated dose rate differs from the calculated dose rate by not more than ten (10) percent; and

(b) [~~Consider a point as calibrated if~~] The indicated dose rate differs from the calculated dose rate by not more than twenty (20) percent and [~~shall conspicuously attach~~] a correction chart or graph is conspicuously attached to the instrument.

(4) A licensee shall check each survey instrument for proper operation with the dedicated check source before each use. The licensee shall [~~is~~] not be required to keep records of these checks.

(5) A [~~The~~] licensee shall retain a record of each calibration required in this section for three (3) years. The record shall include:

(a) A description of the calibration procedure; [~~and~~]

(b) A description of the source used and the certified dose rates from the source; [~~and the~~]

(c) Rates indicated by the instrument being calibrated;

(d) [~~the~~] Correction factors deduced from the calibration data;

(e) [~~the~~] Signature of the individual who performed the calibration; and

(f) [~~the~~] Date of calibration.

(6) A [~~To meet the requirements of this section, the~~] licensee shall [~~may~~] obtain the services of individuals licensed by the cabinet, the U.S. Nuclear Regulatory Commission, or another agreement state, to perform calibrations of survey instruments.

(7) Records of calibrations which contain information required by subsection [~~paragraph~~] (5) of this section shall be maintained by the licensee.

Section 17. Assay of Radiopharmaceutical Dosages. A licensee shall:

(1) Assay, before medical use, the activity of each radiopharmaceutical dosage that contains more than ten (10) microcuries of a photon-emitting radionuclide;

(2) Assay, before medical use, the activity of each radiopharmaceutical dosage with a desired activity of ten (10) microcuries or less of a photon-emitting radionuclide to verify that the dosage shall [~~does~~] not exceed ten (10) microcuries; and

(3) Retain a record of the assays required by this section for three (3) years. [~~To satisfy this requirement,~~] The record shall contain the:

(a) Generic name, trade name, or abbreviation of the radiopharmaceutical, lot number, expiration dates, and the radionuclide;

(b) Patient's name and identification number if one has been assigned;

(c) Prescribed dosage and activity of the dosage at the time of assay, or a notation that the total activity is less than ten (10) microcuries;

(d) Date and time of the assay and administration; and

(e) Initials of the individual who performed the assay.

Section 18. Authorization for Calibration and Reference Sources. A [~~Any~~] person authorized by Section 1 [~~2~~] of this administrative regulation for medical use of radioactive material may receive, possess, and use the following radioactive material for check, calibration, and reference use:

(1) Sealed sources, not exceeding fifteen (15) millicuries per source [~~each~~], manufactured and distributed by persons specifically licensed pursuant to 902 KAR 100:040 and 902 KAR 100:058, [~~these regulations or~~] equivalent provisions of the U.S. Nuclear Regulatory

Commission, or another agreement state;

(2) [~~Any~~] Radioactive materials listed in Sections 29 and [~~or~~] 31 of this administrative regulation with a half-life of 100 days or less in individual amounts not to exceed fifteen (15) millicuries;

(3) [~~Any~~] Radioactive materials listed in Sections 29 and [~~or~~] 31 of this administrative regulation with a half-life greater than 100 days in individual amounts not to exceed 200 microcuries [~~each~~]; and

(4) Technetium-99m in individual amounts not to exceed fifty (50) millicuries.

Section 19. Requirements for Possession of Sealed Sources and Brachytherapy Sources. (1) A licensee in possession of a [~~any~~] sealed source or brachytherapy source shall:

(a) Follow the radiation safety and handling instructions supplied by the manufacturer or equivalent instructions approved by the cabinet; and

(b) [~~shall~~] Maintain the instructions for the duration of source use in a legible form convenient to users.

(2) A licensee in possession of a sealed source shall assure that:

(a) The source is tested for leakage before its first use unless the licensee has a certificate from the supplier indicating that the source was tested within six (6) months before transfer to the licensee; and

(b) The source is tested for leakage at intervals not to exceed six (6) months or at intervals approved by the cabinet, another agreement state, or the U.S. Nuclear Regulatory Commission.

(3) To satisfy the leak test requirements of this section, a [~~the~~] licensee shall assure that:

(a) Leak tests are capable of detecting the presence of 0.005 microcurie of radioactive material on the test sample, or in the case of radium, the escape of radon at the rate of 0.001 microcurie per twenty-four (24) hours;

(b) Test samples are taken from the source or from the surfaces of the device in which the source is mounted or stored on which radioactive contamination may [~~might be expected to~~] accumulate; and

(c) Test samples are taken with [~~when~~] the source [~~is~~] in the "off" position.

(4) A licensee shall retain leak test records for five (5) years. The records shall contain:

(a) [~~the~~] Model number and serial number if assigned, of each source tested;

(b) [~~the~~] Identity of each source radionuclide and its estimated activity;

(c) [~~the~~] Measured activity of each test sample expressed in microcuries;

(d) A description of the method used to measure each test sample;

(e) [~~the~~] Date of the test; and

(f) [~~the~~] Signature of the radiation safety officer.

(5) If the leak test reveals the presence of 0.005 microcurie or more of removable contamination, the licensee shall:

(a) Immediately withdraw the sealed source from use and store it in accordance with the requirements of 902 KAR 100:019 and 902 KAR 100:060 [~~these regulations~~]; and

(b) File a report with the cabinet within five (5) days of receiving the leak test results, describing the:

1. Equipment involved;

2. [~~the~~] Test results; and

3. [~~the~~] Action taken.

(6) A licensee need not perform a leak test on the following sources:

(a) Sources containing only radioactive material with a half-life of less than thirty (30) days;

(b) Sources containing only radioactive material as a gas;

(c) Sources containing 100 microcuries or less of beta or photon-emitting material, or ten (10) microcuries or less of alpha-emitting material;

(d) Seeds of iridium-192 encased in nylon ribbon; and

(e) Sources stored and not being used. The licensee shall[~~, however,~~] test each source for leakage before [~~any~~] use or transfer, unless it has been tested for leakage within six (6) months before the date of use or transfer.

(7) A licensee in possession of a sealed source or brachytherapy source shall conduct a physical inventory of [~~all such~~] sources at intervals not to exceed three (3) months. The licensee shall retain each inventory record for five (5) years, and [~~.~~] the inventory records shall contain:

(a) [~~the~~] Model number of each source;

(b) [~~the~~] Serial number, if one has been assigned;

(c) [~~the~~] Identity of each source radionuclide and its estimated activity;

(d) [~~the~~] Location of each source;

(e) Date of the inventory; and

(f) [~~the~~] Signature of the radiation safety officer.

(8) A licensee in possession of a sealed source or brachytherapy source shall survey with a radiation survey instrument, at intervals not to exceed three (3) months, the [~~all~~] areas where [~~such~~] sources are stored. This requirement shall [~~does~~] not apply to:

(a) Teletherapy sources in teletherapy units; or

(b) Sealed sources in diagnostic devices.

(9) A licensee shall retain a record of each survey required in this section for three (3) years. The record shall include:

(a) [~~the~~] Date of the survey;

(b) A sketch of each area [~~that was~~] surveyed; [~~and~~]

(c) [~~the~~] Measured dose rate at several points in each area expressed in millirems per hour;

(d) [~~the~~] Model [~~number~~] and serial number of the survey instrument used to make the survey; and

(e) [~~the~~] Signature of the radiation safety officer.

Section 20. Syringe Shields. (1) A licensee shall keep syringes that contain radioactive material to be administered in a radiation shield.

(2) A licensee shall require each individual who prepares or administers radiopharmaceuticals to use a syringe radiation shield, unless the use of the shield is contraindicated for that patient.

Section 21. Syringe Labels. A licensee shall conspicuously label each syringe, or syringe radiation shield that contains a syringe with a radiopharmaceutical, with the:

(1) Radiopharmaceutical name or its abbreviation;

(2) [~~the~~] Type of diagnostic study or therapy procedure to be performed; or

(3) [~~the~~] Patient's name, unless the radiopharmaceutical is to be administered immediately.

Section 22. Vial Shields. A licensee shall require each individual preparing or handling a vial that contains a radiopharmaceutical to keep the vial in a vial radiation shield.

Section 23. Vial Shield Labels. A licensee shall conspicuously label each vial radiation shield that contains a vial of a radiopharmaceutical with the radiopharmaceutical name or its abbreviation.

Section 24. Surveys for Contamination and Ambient Radiation Dose Rate. (1) A licensee shall survey with a radiation detection survey instrument at the end of each day of use [~~all~~] areas where radiopharmaceuticals are routinely prepared for use or administered.

(2) A licensee shall survey with a radiation detection survey instrument at least weekly [~~once each week all~~] areas where radiopharmaceuticals or radioactive wastes are stored.

(3) A licensee shall conduct the dose rate surveys [~~required by this section so as to be able~~] to measure dose rates as low as one-tenth (0.1) millirem per hour.

(4) A licensee shall establish dose rate action levels for the surveys [~~required by this section~~] and [~~shall~~] require that the individual performing the survey immediately notify the radiation safety officer if a dose rate exceeds an action level.

(5) A licensee shall survey for removable contamination weekly in [~~each day of use all~~] areas where radiopharmaceuticals are routinely prepared for use, [~~or~~] administered, or stored. [~~and each week where radioactive materials are stored.~~]

(6) A licensee shall conduct the contamination surveys [~~so as to be able~~] to detect contamination on each wipe sample of 2000 disintegrations per minute.

(7) A licensee shall establish removable contamination action levels for the surveys, and [~~shall~~] require that the individual performing the survey immediately notify the radiation safety officer if contamination exceeds action levels.

(8) A licensee shall retain a record of each survey [~~required by this section~~] for three (3) years. The record shall [~~must~~] include:

(a) [~~the~~] Date of the survey;

(b) A sketch of each area surveyed;

(c) Action levels established for each area;

(d) [~~the~~] Measured dose rate at several points in each area expressed in millirems per hour or the removable contamination in each area expressed in disintegrations per minute per 100 square centimeters;

(e) [~~the~~] Serial [~~number~~] and [~~the~~] model number of the instrument used to make the survey or analyze the samples; and

(f) [~~the~~] Initials of the individual who performed the survey.

Section 25. Release of Patients Containing Radiopharmaceuticals or Permanent Implants. (1) A licensee shall not authorize release from confinement for medical care a [~~any~~] patient administered a radiopharmaceutical until [~~either~~]:

(a) The dose rate from the patient is less than five (5) millirems per hour at a distance of one (1) meter; or

(b) The activity in the patient is less than thirty (30) millicuries.

(2) A licensee shall not authorize release from confinement for medical care a [~~any~~] patient administered a permanent implant until the dose rate from the patient is less than five (5) millirems per hour at a distance of one (1) meter.

Section 26. Mobile Nuclear Medicine Service Technical Requirements. A licensee providing mobile nuclear medicine service shall:

(1) Transport to each address of use only syringes or vials containing prepared radiopharmaceuticals or radiopharmaceuticals [~~that are~~] intended for reconstitution of radiopharmaceutical kits;

(2) Bring into each address of use [~~all~~] radioactive material to be used and, before leaving, remove [~~all~~] unused radioactive material and associated radioactive waste;

(3) Secure or keep under constant surveillance and immediate control [~~all~~] radioactive material if [~~when~~] in transit or at an address of use;

(4) Check survey instruments and dose calibrators as required in Sections 15 and [~~Section~~] 16 of this administrative regulation, and check [~~all~~] other transported equipment for proper function before medical use at each address of use;

(5) Carry a calibrated survey meter in each vehicle [~~that is~~] being used to transport radioactive material and, before leaving a client address of use, survey [~~all~~] areas of radiopharmaceutical use with a radiation detection survey instrument to ensure that [~~all~~] radiopharmaceuticals and [~~all~~] associated radioactive waste have been removed; and

(6) Retain a record of each survey [~~required by this section~~] for three (3) years. The record shall [~~must~~] include:

(a) [~~the~~] Date of the survey;

(b) A sketch of each area [~~that was~~] surveyed;

(c) [~~the~~] Measured dose rate at several points in each area of use expressed in millirems per hour;

(d) [~~the~~] Model and serial number of the instrument used to make the survey; and

(e) [~~the~~] Initials of the individual who performed the survey.

Section 27. Storage of Volatiles and Gases. [~~(1)~~] A licensee shall store:

(1) Volatile radiopharmaceuticals and radioactive gases in the shippers' radiation shield and container; and

(2) [~~A licensee shall store and~~] Use a multidose container in a properly functioning fume hood.

Section 28. Decay-in-storage. (1) A licensee shall hold radioactive material with a physical half-life of less than sixty-five (65) days for decay-in-storage before disposal in ordinary trash, and shall be [~~is~~] exempt from the requirements of 902 KAR 100:021, Section 1 [~~2 of these regulations~~] if the licensee:

(a) Holds radioactive material for decay a minimum of ten (10) half-lives;

(b) Monitors radioactive material at the container surface before disposal as ordinary trash and determines that its radioactivity cannot be distinguished from the background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding;

(c) Removes or obliterates [~~all~~] radiation labels; and

(d) Separates and monitors each generator column individually with [~~all~~] radiation shielding removed to ensure that its contents have decayed to background radiation level before disposal.

(2) For radioactive material disposed in accordance with this section, the licensee shall retain a record of each disposal for three (3) years. The record shall [~~must~~] include the:

(a) Date of the disposal;

(b) [~~the~~] Date on which the radioactive material was placed in storage;

(c) [~~the~~] Radionuclides disposed;

(d) [~~the~~] Model and serial number of the survey instrument used;

(e) [~~the~~] Background dose rate;

(f) [~~the~~] Radiation dose rate measured at the surface of each waste container; and

(g) [~~the~~] Name of the individual who performed the disposal.

Section 29. Use of Radiopharmaceuticals for Uptake, Dilution, or Excretion Studies. (1) A licensee shall [~~may~~] use the following prepared radiopharmaceuticals for diagnostic studies involving the measurement of uptake, dilution, or excretion:

(a) Iodine-131 as sodium iodide, iodinated human serum albumin (IHSA), labeled rose bengal, or sodium iodohippurate;

(b) Iodine-125 as sodium iodide or iodinated human serum albumin (IHSA);

(c) Cobalt-57 as labeled cyanocobalamin;

(d) Cobalt-58 as labeled cyanocobalamin;

(e) Cobalt-60 as labeled cyanocobalamin;

(f) Chromium-51 as sodium chromate or labeled human serum albumin;

(g) Iron-59 as citrate;

(h) Technetium-99m as pertechnetate; or

(i) [~~Any~~] Radioactive material in a radiopharmaceutical for a diagnostic use involving measurements of uptake, dilution, or excretion for which the Food and Drug Administration (FDA) has:

1. Accepted a "Notice of Claimed Investigational Exemption for a New Drug" (IND); [~~or~~]

2. Approved a "New Drug Application" (NDA); or

3. Issued a biological product license.

(2) A licensee using a radiopharmaceutical for a clinical procedure other than one specified in the product label or package insert instructions shall comply with the product label or package insert instructions regarding physical form, route of administration, and dosage range.

Section 30. Possession of Survey Instrument. A licensee authorized to use radioactive material for uptake, dilution, and excretion studies shall possess a portable radiation detection survey instrument capable of detecting dose rates over the range one-tenth (0.1) millirem per hour to fifty (50) millirems per hour. The instrument shall be operable and calibrated in accordance with Section 16 of this administrative regulation.

Section 31. Use of Radiopharmaceuticals, Generators, and Reagent Kits for Imaging and Localization Studies. (1) A licensee shall [~~may~~] use one (1) of the following radiopharmaceuticals, generators, and reagent kits for imaging and localization studies:

(a) Molybdenum-99/technetium-99m generators for the elution or extraction of technetium-99m as pertechnetate;

(b) Technetium-99m as pertechnetate;

(c) Prepared radiopharmaceuticals and reagent kits for the preparation of the following technetium-99m labeled radiopharmaceuticals:

1. Sulfur colloid;
2. Pentetate sodium;
3. Human serum albumin microspheres;
4. Polyphosphate;
5. Macroaggregated human serum albumin;
6. Etidronate sodium;
7. Stannous pyrophosphate;
8. Human serum albumin;
9. Medronate sodium;
10. Gluceptate sodium;
11. Oxidronate sodium;
12. Disofenin; and
13. Succimer;

(d) Iodine-131 as sodium iodide, iodinated human serum albumin, macroaggregated iodinated human serum albumin, colloidal (macroaggregated) iodinated human serum albumin, rose bengal, or sodium iodohippurate;

(e) Iodine-125 as sodium iodide or fibrinogen;

(f) Chromium-51 as human serum albumin;

(g) Gold-198 in colloidal form;

(h) Mercury-197 as chlormerodrin;

(i) Selenium-75 as selenomethionine;

(j) Strontium-85 as nitrate;

(k) Ytterbium-169 as pentetate sodium;

(l) Gallium-67 as citrate;

(m) Indium-111 as chloride or DTPA;

(n) Tin-113/indium-113m generators for the elution of indium-113m as chloride;

(o) Yttrium-87/strontium-87m generators for the elution of strontium-87m;

(p) Thallium-201 as chloride;

(q) Iodine-123 as sodium iodide or iodohippurate; or

(r) [~~Any~~] Radioactive material in a diagnostic radiopharmaceutical, except aerosol or gaseous form, or a [~~any~~] generator or reagent kit for preparation and diagnostic use of a radiopharmaceutical containing radioactive material for which the Food and Drug Administration has accepted a "Notice of Claimed Investigational Exemption for a New Drug" (IND), [~~or~~] approved a "New Drug Application" (NDA), or issued a biological product license.

(2) A licensee using radiopharmaceuticals for clinical procedures shall comply with the product label or package insert regarding physical form, route of administration, and dosage range.

(3) A licensee shall elute generators in compliance with Section 32 of this administrative regulation and prepare radiopharmaceuticals from kits in accordance with the manufacturer's instructions.

(4) Technetium-99m pentetate as an aerosol for lung function studies shall [~~is~~] not be subject to the restrictions in subsection (2) of this section.

(5) If [~~Provided~~] the conditions of Section 33 of this administrative regulation are met, a licensee shall use radioactive aerosols or gases only if specific application has been [~~is~~] made to and approved by the cabinet.

Section 32. Permissible Molybdenum-99 Concentration. (1) A licensee shall not administer to humans a radiopharmaceutical containing more than 0.15 microcurie of molybdenum-99 per millicurie of technetium-99m.

(2) A licensee preparing technetium-99m radiopharmaceuticals from molybdenum-99/technetium-99m generators shall measure the molybdenum-99 concentration in each elute or extract.

(3) This testing shall be conducted according to written procedures and by personnel [~~who have been~~] specifically trained to perform the test.

(4) A licensee required to [~~who must~~] measure molybdenum concentration shall retain a record of each measurement for three (3) years. The record shall include, for each elution or extraction of technetium-99m, the:

(a) Measured activity of the technetium expressed in millicuries;

(b) [~~the~~] Measured activity of molybdenum expressed in microcuries;

(c) [~~the~~] Ratio of the measures expressed as microcuries of molybdenum per millicurie of technetium;

(d) [~~the~~] Date of the test; and

(e) [~~the~~] Initials of the individual who performed the test.

(5) A licensee shall report immediately to the cabinet each occurrence of molybdenum-99 concentration exceeding the limits specified in this section.

Section 33. Control of Aerosols and Gases. (1) A licensee who administers radioactive aerosols or gases shall do so with a system that shall [~~will~~] keep airborne concentrations within the limits prescribed by 902 KAR 100:019 [~~100:020~~], Section 3 [~~4 and Section 8 of these regulations~~].

(2) A [~~The~~] system shall [~~either~~] be directly vented to the atmosphere through an air exhaust or provide for collection and decay or disposal of the aerosol or gas in a shielded container.

(3) A licensee shall [~~only~~] administer radioactive gases only in rooms that are at negative pressure compared to surrounding rooms.

(4) Before receiving, using, or storing a radioactive gas, a [~~the~~] licensee shall calculate the amount of time needed after a release to reduce the concentration in the area of use to the occupational limit listed in 902 KAR 100:019 [~~100:025 of these regulations~~].

(a) The calculation shall be based on the highest activity of gas handled in a single container and the measured available air exhaust rate.

(b) A copy of the calculations shall be recorded and retained for the duration of the license.

(5) A licensee shall post the time calculated in this section at the area of use and require that, in case of a gas spill, individuals evacuate the room until the posted time has elapsed.

(6) A licensee shall check the operation of collection systems monthly and measure the ventilation rates in areas of use at intervals not to exceed six (6) months. Records [~~of these checks and measurements~~] shall be maintained for three (3) years.

[~~(7) A copy of the calculations required in subsection (4) of this section shall be recorded and retained for the duration of the license.~~]

Section 34. Possession of Survey Instruments. (1) A licensee authorized to use radioactive material for imaging and localization studies shall possess a portable radiation:

(a) Detection survey instrument capable of detecting dose rates over the range of one-tenth (0.1) millirem per hour to fifty (50) millirems per hour; and

(b) [~~a portable radiation~~] Measurement survey instrument capable of measuring dose rates over the range one (1) millirem per hour to 1000 millirems per hour.

(2) [The] Instruments shall be operable and calibrated in accordance with Section 16 of this administrative regulation.

Section 35. Use of Radiopharmaceuticals for Therapy. A licensee shall [may] use one (1) of the following prepared radiopharmaceuticals:

(1) Iodine-131 as iodide for treatment of hyperthyroidism, cardiac dysfunction, and thyroid carcinoma;

(2) Phosphorus-32 as soluble phosphate for treatment of polycythemia vera, leukemia, and bone metastases;

(3) Phosphorus-32 as colloidal chromic phosphate for intracavitary treatment of malignant effusions;

(4) Gold-198 as colloid for intracavitary treatment of malignant effusions; or

(5) [Any] Radioactive material in a radiopharmaceutical and for a therapeutic use for which the Food and Drug Administration has accepted a "Notice of Claimed Investigational Exemption for a New Drug" (IND), or approved a "New Drug Application" (NDA). The licensee shall comply with the package insert instructions regarding indications and method of administration.

Section 36. Safety Instruction. (1) A licensee shall provide oral and written radiation safety instruction for [all] personnel caring for patients undergoing radiopharmaceutical therapy. Refresher training shall be provided at intervals not to exceed one (1) year.

(2) The instruction shall describe the licensee's procedures for:

(a) Patient control;

(b) Visitor control;

(c) Contamination control;

(d) Waste control; and

(e) Notification of the radiation safety officer or authorized user in case of the patient's death or medical emergency.

(3) A licensee shall keep a record of individuals receiving instruction.

(a) The record shall include:

1. [including a] Description of the instruction;

2. [the] Date of instruction; and

3. [the] Name of the individual who gave the instruction.

(b) The [Such] record shall be maintained for inspection by the cabinet for three (3) years.

Section 37. Safety Precautions. (1) For each patient receiving radiopharmaceutical therapy and hospitalized for compliance with Section 25 of this administrative regulation, a licensee shall:

(a) Provide a private room with a private sanitary facility;

(b) Post the patient's door with a "Caution: Radioactive Material" sign, and note on the door or on the patient's chart where and how long visitors may stay in the patient's room;

(c) Authorize visits by individuals under eighteen (18) years of age only on a case-by-case basis with the approval of the authorized user after consultation with the radiation safety officer;

(d) Promptly after administration of the dosage, measure the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with the requirements of 902 KAR 100:019 [100:020], Section 10 [7 of these regulations] and retain for three (3) years a record of each survey that includes:

1. [the] Time and date of the survey;

2. [a] Plan of the area or list of points surveyed;

3. [the] Measured dose rate at several points expressed in millirems per hour;

4. [the] Model and serial number of the instrument used to make the survey; and

5. [the] Initials of the individual who made the survey;

(e) [Either] Monitor material and items removed from the patient's room to determine that [any] contamination cannot be distinguished from the natural background radiation level with a radiation detection survey instrument set on its most sensitive scale and with no interposed shielding, or handle these materials and items as radioactive waste;

(f) Provide the patient with radiation safety guidance that shall [will] help to keep radiation dose to household members and the public ALARA [as low as reasonably achievable] before authorizing release of the patient;

(g) Survey the patient's room and private sanitary facility for removable contamination with a radiation detection survey instrument before assigning another patient to the room. The room shall [must] not be reassigned until removable contamination is less than 200 disintegrations per minute per 100 square centimeters; and

(h) Measure the thyroid burden of each individual who helped prepare or administer a dosage of iodine-131 within three (3) days after administering the dosage, and retain for the period required by 902 KAR 100:019 [100:020], Section 34(1), [15(3) of these regulations] a record of:

1. Each thyroid burden measurement;

2. Date of measurement;

3. [the] Name of the individual whose thyroid burden was measured; and

4. [the] Initials of the individual who made the measurements.

(2) A licensee shall notify the radiation safety officer or the authorized user immediately if the patient dies or has a medical emergency.

Section 38. Possession of Survey Instruments. A licensee authorized to use radioactive material for radiopharmaceutical therapy shall possess a portable radiation detection survey instrument capable of detecting dose rates over the range one-tenth (0.1) millirem per hour to fifty (50) millirems per hour, and a portable radiation measurement survey instrument capable of measuring dose rates over the range one (1) millirem per hour to 1000 millirems per hour. The instruments shall be operable and calibrated in accordance with Section 16 of this administrative regulation.

Section 39. Use of Sealed Sources for Diagnosis. A licensee shall use the following sealed sources in accordance with the manufacturer's radiation safety and handling instructions:

(1) Iodine-125 as a sealed source in a device for bone mineral analysis;

(2) Americium-241 as a sealed source in a device for bone mineral analysis;

(3) Gadolinium-153 as a sealed source in a device for bone mineral analysis; and

(4) Iodine-125 as a sealed source in a portable device for imaging.

Section 40. Availability of Survey Instrument. A licensee authorized to use radioactive material as a sealed source for diagnostic purposes shall have available for use a portable radiation detection survey instrument capable of detecting dose rates over the range one-tenth (0.1) millirem per hour to fifty (50) millirems per hour, or a portable radiation measurement survey instrument capable of measuring dose rates over the range one (1) millirem per hour to 1000 millirems per hour. The instrument shall be operable and calibrated in accordance with Section 16 of this administrative regulation.

Section 41. Use of Sources for Brachytherapy. A licensee shall use the following sources in accordance with the manufacturer's radiation safety and handling instructions:

(1) Cesium-137 as a sealed source in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(2) Cobalt-60 as a sealed source in needles and applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(3) Gold-198 as a sealed source in seeds for interstitial treatment

of cancer;

(4) Iodine-125 as a sealed source in seeds for interstitial treatment of cancer;

(5) Iridium-192 as seeds encased in nylon ribbon for interstitial treatment of cancer;

(6) Radium-226 as a sealed source in needles or applicator cells for topical, interstitial, and intracavitary treatment of cancer;

(7) Radon-222 as seeds for interstitial treatment of cancer;

(8) Palladium-103 as a sealed source in seeds for interstitial treatment of cancer; and

(9) Strontium-90 as a sealed source in an applicator for treatment of superficial eye conditions.

Section 42. Safety Instruction. (1) A [~~The~~] licensee shall provide oral and written radiation safety instruction to [~~all~~] personnel caring for a patient receiving implant therapy. Refresher training shall be provided at intervals not to exceed one (1) year.

(2) The instruction shall describe:

(a) Size and appearance of the brachytherapy sources;

(b) Safe handling and shielding instructions in case of a dislodged source;

(c) Procedures for patient control;

(d) Procedures for visitor control; and

(e) Procedures for notification of the radiation safety officer or authorized user if the patient dies or has a medical emergency.

(3) A licensee shall maintain for three (3) years a record of individuals receiving instruction. The record shall include:

(a) [~~including, a~~] Description of the instruction;

(b) [~~the~~] Date of instruction; and

(c) [~~the~~] Name of the individual who gave the instruction [~~for three (3) years~~].

Section 43. Safety Precautions. (1) For each patient receiving implant therapy, a licensee shall:

(a) Not place the patient in the same room with a patient who is not receiving radiation therapy unless the licensee can demonstrate compliance with the requirement of 902 KAR 100:019 [~~100:020~~], Section 10, [~~7(1) of these regulations~~] at a distance of one (1) meter from the implant;

(b) Post the patient's door with a "Caution: Radioactive Materials" sign, and note on the door or the patient's chart where and how long visitors may stay in the patient's room;

(c) Authorize visits by individuals under eighteen (18) years of age only on a case-by-case basis with the approval of the authorized user after consultation with the radiation safety officer;

(d) Promptly after implanting the sources, survey the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with 902 KAR 100:019 [~~100:020~~], Section 10, [~~7(1) of these regulations~~] and retain for three (3) years a record of each survey that includes:

1. [~~the~~] Time and date of the survey;

2. A sketch of the area or list of points surveyed;

3. [~~the~~] Measured dose rate at several points expressed in millirems per hour;

4. [~~the~~] Model and serial number of the instrument used to make the survey; and

5. [~~the~~] Initials of the individual who made the survey; and

(e) Provide the patient with radiation safety guidance that will help keep the radiation dose to household members and the public ALARA [~~as low as reasonably achievable~~] before releasing the patient if the patient was administered a permanent implant.

(2) A licensee shall notify the radiation safety officer or authorized user immediately if the patient dies or has a medical emergency.

Section 44. Brachytherapy Sources Inventory. (1) If [~~Each time~~] brachytherapy sources are returned to an area of storage from an area of use, the licensee shall immediately count or otherwise verify the number returned to ensure that [~~all~~] sources taken from the storage area have been returned.

(2) A licensee shall make a record of brachytherapy source utilization which includes the:

(a) [~~The~~] Names of the individuals permitted to handle the sources;

(b) [~~The~~] Number and activity of sources removed from storage including the:

1. Room number of use and patient's name;

2. [~~the~~] Time and date sources [~~they~~] were removed from storage;

3. [~~the~~] Number and activity of sources in storage after the removal;

4. [~~and the~~] Initials of the individual who removed the sources from storage; and

(c) [~~The~~] Number and activity of sources returned to storage, including the:

1. Room number of use and patient's name;

2. [~~the~~] Time and date sources [~~they~~] were returned to storage;

3. [~~the~~] Number and activity of sources in storage after the return;

4. [~~and the~~] Initials of the individual who returned the sources to storage.

(3) Immediately after implanting sources in a patient and immediately after removal of sources from a patient, a [~~the~~] licensee shall make a radiation survey of the patient and the area of use to confirm that no sources have been misplaced. The licensee shall make a record of each survey.

(4) A licensee shall maintain the records required in this section for three (3) years.

Section 45. Release of Patients Treated With Temporary Implants. (1) Immediately after removing the last temporary implant source from a patient, a [~~the~~] licensee shall make a radiation survey of the patient with a radiation detection survey instrument to confirm that [~~all~~] sources have been removed.

(2) A [~~The~~] licensee shall not release from confinement for medical care a patient treated by temporary implants until the [~~all~~] sources have been removed.

(3) [~~(2)~~] A licensee shall maintain a record of patient surveys which demonstrate compliance with this section for three (3) years. The [~~Each~~] record shall include the:

(a) Date of the survey;

(b) [~~the~~] Name of the patient;

(c) [~~the~~] Dose rate from the patient expressed as millirems per hour and measured within one (1) meter from the patient; and

(d) [~~the~~] Initials of the individual who made the survey.

Section 46. Possession of Survey Instruments. A licensee authorized to use radioactive material for implant therapy shall possess a portable radiation detection survey instrument capable of detecting dose rates over the range one-tenth (0.1) millirem per hour to fifty (50) millirems per hour, and a portable radiation measurement survey instrument capable of measuring dose rates over the range one (1) millirem per hour to 1000 millirems per hour. The instruments shall be operable and calibrated in accordance with Section 16 of this administrative regulation.

Section 47. Training for Nonexperienced Radiation Safety Officer. Except as provided in Section 48 of this administrative regulation, an individual fulfilling the responsibilities of the radiation safety officer as provided in Section 5 [~~6~~] of this administrative regulation shall:

(1) Be certified by the:

(a) American Board of Health Physics in Comprehensive Health Physics;

(b) American Board of Radiology in Radiological Physics, Therapeutic Radiological Physics, or Medical Nuclear Physics;

(c) American Board of Nuclear Medicine;

(d) American Board of Science in Nuclear Medicine; or

(e) Board of Pharmaceutical Specialties in Nuclear Pharmacy or Science; [~~or~~]

(2) Have [~~had~~] 200 hours of classroom and laboratory training including [~~as follows~~]:

(a) Radiation physics and instrumentation;

(b) Radiation protection;

(c) Mathematics pertaining to the use and measurement of radioactivity;

(d) Radiation biology;

(e) Radiopharmaceutical chemistry; and

(f) One (1) year of full time experience in radiation safety at a medical institution under the supervision of the individual identified as the radiation safety officer on the cabinet, another agreement state, or U.S. Nuclear Regulatory Commission license that authorizes the medical use of radioactive material; or

(3) Be an authorized user for those radioactive material uses that come within the radiation safety officer's responsibilities.

Section 48. Training for Experienced Radiation Safety Officer. An individual identified as a radiation safety officer on the cabinet, another agreement state, or U.S. Nuclear Regulatory Commission license before June 27, 1990 [~~the effective date of this regulation~~] who oversees only the use of radioactive material for which the licensee was authorized on that date, need not comply with the training requirements of Section 47 of this administrative regulation.

Section 49. Training for Uptake, Dilution, or Excretion Studies. Except as provided in Sections 56 and 57 of this administrative regulation, the licensee shall require the authorized user of a radiopharmaceutical listed in Section 29 of this administrative regulation to be a physician who:

(1) Is certified in:

(a) Nuclear medicine by the American Board of Nuclear Medicine; [~~or~~]

(b) Diagnostic radiology by the American Board of Radiology; [~~or~~]

(c) Diagnostic radiology or radiology within the previous five (5) years by the American Osteopathic Board of Radiology; or

(d) Nuclear medicine by the American Osteopathic Board of Nuclear Medicine; [~~or~~]

(2) Has completed forty (40) hours of instruction in basic radionuclide handling techniques applicable to the use of prepared radiopharmaceuticals, and twenty (20) hours of supervised clinical experience.

(a) To satisfy the basic instruction requirement, forty (40) hours of classroom and laboratory instruction shall include:

1. Radiation physics and instrumentation;

2. Radiation protection;

3. Mathematics pertaining to the use and measurement of radioactivity;

4. Radiation biology; and

5. Radiopharmaceutical chemistry.

(b) To satisfy the requirement for twenty (20) hours of supervised clinical experience, training shall [~~must~~] be under the supervision of an authorized user at a medical institution, and shall include:

1. Examining patients and reviewing their case histories to determine [~~their~~] suitability for radionuclide diagnosis, limitations, or contraindications;

2. Selecting the suitable radiopharmaceuticals and calculating and measuring the dosages;

3. Administering dosages to patients and using syringe radiation shields;

4. Collaborating with the authorized user in the interpretation of radionuclide test results; and

5. Patient follow-up; or

(3) Has successfully completed a six (6) month training program in nuclear medicine as part of a training program [~~that has been~~] approved by the Accreditation Council for Graduate Medical Education [~~and~~] that included:

(a) Classroom and laboratory training;

(b) Work experience; and

(c) Supervised clinical experience in [~~all~~] the topics identified in this section.

Section 50. Training for Imaging and Localization Studies. Except as provided in Sections 56 or 57 of this administrative regulation, the licensee shall require the authorized user of a radiopharmaceutical, generator, or reagent kit specified in Section 31 of this administrative regulation to be a physician who:

(1) Is certified in:

(a) Nuclear medicine by the American Board of Nuclear Medicine; [~~or~~]

(b) Diagnostic radiology by the American Board of Radiology; [~~or~~]

(c) Diagnostic radiology or radiology within the previous five (5) years by the American Osteopathic Board of Radiology; or

(d) Nuclear medicine by the American Osteopathic Board of Nuclear Medicine; [~~or~~]

(2)(a) Has completed:

1. 200 hours of instruction in basic radionuclide handling techniques applicable to the use of prepared radiopharmaceuticals, generators, and reagent kits;

2. 500 hours of supervised work experience; and

3. 500 hours of supervised clinical experience.

(b) [~~(a)~~] To satisfy the basic instruction requirement, 200 hours of classroom and laboratory training shall include:

1. Radiation physics and instrumentation;

2. Radiation protection;

3. Mathematics pertaining to the use and measurement of radioactivity;

4. Radiopharmaceutical chemistry; and

5. Radiation biology.

(c) [~~(b)~~] To satisfy the requirement for 500 hours of supervised work experience, training shall be under the supervision of an authorized user at a medical institution, and shall include:

1. Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

2. Calibrating dose calibrators and diagnostic instruments and performing checks for proper operation of survey meters;

3. Calculating and safely preparing patient dosages;

4. Using administrative controls to prevent the misadministration of radioactive material;

5. Using emergency procedures to contain spilled radioactive material safely and using proper decontamination procedures; and

6. Eluting technetium-99m from generator systems, assaying and testing the elute for molybdenum-99 and alumina contamination, and processing the elute with reagent kits to prepare technetium-99m labeled radiopharmaceuticals.

(d) [~~(c)~~] To satisfy the requirement for 500 hours of supervised clinical experience, training shall be under the supervision of an authorized user at a medical institution, and shall include:

1. Examining patients and reviewing their case histories to determine [~~their~~] suitability for radionuclide diagnosis, limitations, or contraindications;

2. Selecting the suitable radiopharmaceuticals and calculating and measuring the dosages;

3. Administering dosages to patients and using syringe radiation shields;

4. Collaborating with the authorized user in the interpretation of radionuclide test results; and

5. Patient follow-up; or

(3) Has successfully completed a six (6) month training program in nuclear medicine [~~that has been~~] approved by the Accreditation Council for Graduate Medical Education [~~and~~] that included:

(a) Classroom and laboratory training;

(b) Work experience; and

(c) Supervised clinical experience in [all] the topics identified in this section.

Section 51. Training for Therapeutic Use of Radiopharmaceuticals. Except as provided in Section 56 of this administrative regulation, the licensee shall require the authorized user of a radiopharmaceutical listed in Section 35 of this administrative regulation for therapy to be a physician who:

(1) Is certified by:

(a) The American Board of Nuclear Medicine; or

(b) The American Board of Radiology in radiology, therapeutic radiology or radiation oncology; or

(2) Has completed eighty (80) hours of instruction in basic radionuclide handling techniques applicable to the use of therapeutic radiopharmaceuticals, and has [had] supervised clinical experience.

(a) To satisfy the requirement for instruction, eighty (80) hours of classroom and laboratory training shall include:

1. Radiation physics and instrumentation;

2. Radiation protection;

3. Mathematics pertaining to the use and measurement of radioactivity; and

4. Radiation biology.

(b) To satisfy the requirement for supervised clinical experience, training shall be under the supervision of an authorized user at a medical institution, and shall include use of:

1. [Use of] Iodine-131 for diagnosis of thyroid function and the treatment of hyperthyroidism or cardiac dysfunction in ten (10) individuals;

2. [Use of] Soluble phosphorus-32 for the treatment of ascites, polycythemia vera, leukemia, or bone metastases in three (3) individuals;

3. [Use of] Iodine-131 for treatment of thyroid carcinoma in three (3) individuals; and

4. [Use of] Colloidal chromic phosphorus-32 or of colloidal gold-198 for intracavitary treatment of malignant effusions in three (3) individuals.

Section 52. Training for Therapeutic Use of Brachytherapy Sources. Except as provided in Section 56 of this administrative regulation, the licensee shall require the authorized user using a brachytherapy source specified in Section 41 of this administrative regulation for therapy to be a physician who:

(1) Is certified in:

(a) Radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; [or]

(b) Radiation oncology by the American Osteopathic Board of Radiology; [or]

(c) Radiology, with a specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or

(d) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or

(2)(a) Is in the active practice of therapeutic radiology, and has completed:

1. 200 hours of instruction in basic radionuclide handling techniques applicable to the therapeutic use of brachytherapy sources; [and]

2. 500 hours of supervised work experience; and

3. A minimum of three (3) years of supervised clinical experience.

(b) [(a)] To satisfy the requirement for instruction, 200 hours of classroom and laboratory training shall include:

1. Radiation physics and instrumentation;

2. Radiation protection;

3. Mathematics pertaining to the use and measurement of radioactivity; and

4. Radiation biology.

(c) [(b)] To satisfy the requirement for 500 hours of supervised work experience, training shall be under the supervision of an authorized user at a medical institution, and shall include:

1. Ordering, receiving, and unpacking radioactive materials safely and performing the related radiation surveys;

2. Checking survey meters for proper operation;

3. Preparing, implanting, and removing sealed sources;

4. Using administrative controls to prevent the misadministration of radioactive material; and

5. Using emergency procedures to control radioactive material.

(d) [(c)] To satisfy the requirement for a period of supervised clinical experience, training shall include one (1) year in a formal training program approved by the Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association, and an additional two (2) years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution. The supervised clinical experience shall include:

1. Examining individuals and reviewing their case histories to determine [their] suitability for brachytherapy treatment, and [any] limitations or contraindications;

2. Selecting the proper brachytherapy sources, dose, and method of administration;

3. Calculating the dose; and

4. Postadministration follow-up and review of case histories in collaboration with the authorized user.

Section 53. Training for Teletherapy. Except as provided in Section 56 of this administrative regulation, the licensee shall require the authorized user of a sealed source specified in 902 KAR 100:017, Section 2, in a teletherapy unit to be a physician who:

(1) Is certified in:

(a) Radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; [or]

(b) Radiation oncology by the American Osteopathic Board of Radiology; [or]

(c) Radiology, with specialization in radiotherapy, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology"; or

(d) Therapeutic radiology by the Canadian Royal College of Physicians and Surgeons; or

(2)(a) Is in the active practice of therapeutic radiology, and has completed:

1. 200 hours of instruction in basic radionuclide techniques applicable to the use of a sealed source in a teletherapy unit;

2. 500 hours of supervised work experience; and

3. A minimum of three (3) years of supervised clinical experience.

(b) [(a)] To satisfy the requirement for instruction, the classroom and laboratory training shall include:

1. Radiation physics and instrumentation;

2. Radiation protection;

3. Mathematics pertaining to the use and measurement of radioactivity; and

4. Radiation biology.

(c) [(b)] To satisfy the requirement for supervised work experience, training shall be under the supervision of an authorized user at an institution, and shall include:

1. Review of the full calibration measurements and periodic spot checks;

2. Preparing treatment plans and calculating treatment times;

3. Using administrative controls to prevent misadministrations;

4. Implementing emergency procedures to be followed in the event of the abnormal operation of a teletherapy unit or console; and

5. Checking and using survey meters.

(d) [(c)] To satisfy the requirement for a period of supervised clinical experience, training shall include:

1. One (1) year in a formal training program approved by the

Residency Review Committee for Radiology of the Accreditation Council for Graduate Medical Education or the Committee on Postdoctoral Training of the American Osteopathic Association; and

2. An additional two (2) years of clinical experience in therapeutic radiology under the supervision of an authorized user at a medical institution. The supervised clinical experience shall include:

a. [1.] Examining individuals and reviewing their case histories to determine [their] suitability for teletherapy treatment, and [any] limitations or contraindications;

b. [2.] Selecting the proper dose and how it is to be administered;

c. [3.] Calculating the teletherapy doses and collaborating with the authorized user in the review of patients' progress and consideration of the need to modify originally prescribed doses as warranted by patients' reaction to radiation; and

d. [4.] Postadministration follow-up and review of case histories.

Section 54. Training for Ophthalmic Use of Strontium-90. Except as provided in Section 56 of this administrative regulation, the licensee shall require the authorized user using only strontium-90 for ophthalmic radiotherapy to be a physician who is:

(1) [Is] Certified in radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; or

(2) [Is] In the active practice of therapeutic radiology or ophthalmology, and has completed twenty-four (24) hours of instruction in basic radionuclide handling techniques applicable to the use of strontium-90 for ophthalmic radiotherapy and a period of supervised clinical training in ophthalmic radiotherapy.

(a) To satisfy the requirement for instruction, the classroom and laboratory training shall include:

1. Radiation physics and instrumentation;
2. Radiation protection;
3. Mathematics pertaining to the use and measurement of radioactivity; and
4. Radiation biology.

(b) To satisfy the requirement for a period of supervised clinical training in ophthalmic radiotherapy, training shall be under the supervision of an authorized user at a medical institution and shall include the use of strontium-90 for the ophthalmic treatment of five (5) individuals that includes:

1. Examination of each individual to be treated;
2. Calculation of the dose to be administered;
3. Administration of the dose; and
4. Follow-up and review of each individual's case history.

Section 55. Training for Use of Sealed Sources for Diagnosis. Except as provided in Section 56 of this administrative regulation, the licensee shall require the authorized user, using a sealed source in a device specified in Section 39 of this administrative regulation, to be a physician, dentist, or podiatrist who:

(1) Is certified in:

(a) Radiology, diagnostic radiology with special competence in nuclear radiology, therapeutic radiology, or radiation oncology by the American Board of Radiology; [or]

(b) Nuclear medicine by the American Board of Nuclear Medicine; [or]

(c) Diagnostic radiology or radiology by the American Osteopathic Board of Radiology; or

(2) Has completed eight (8) hours of classroom and laboratory instruction in basic radionuclide handling techniques specifically applicable to the use of the device. To satisfy the requirement for instruction, the training shall include:

(a) Radiation physics, mathematics pertaining to the use and measurement of radioactivity, and instrumentation;

(b) Radiation biology; and

(c) Radiation protection and training in the use of the device for the purposes authorized by the license.

Section 56. Training for Experienced Authorized Users. Practitioners of the healing arts identified as authorized users for the human use of radioactive material on the cabinet, another agreement state, or U. S. Nuclear Regulatory Commission license, before June 27, 1990, [the effective date of this regulation,] who perform only those methods of use for which they were authorized on that date, need not comply with the training requirements of Section 47 through Section 55 of this administrative regulation.

Section 57. Physician Training in a Three (3) Month Program. A physician who, before July 1, 1984, began a three (3) month nuclear medicine training program approved by the Accreditation Council for Graduate Medical Education and has successfully completed the program, shall be [is] exempted from the requirements of Section 49 or [Section] 50 of this administrative regulation.

Section 58. Recentness of Training. The training and experience specified in Sections 47 through [Section] 55 of this administrative regulation shall have been obtained within the five (5) years preceding the date of application or the individual shall have had continuing applicable experience since the required training and experience was completed.

RICE C. LEACH, Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: December 9, 1993

FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for February 22, 1994, at 9 a.m., in the Health Services Auditorium located on the first floor of the Health Services Building, 275 East Main Street, Frankfort, Kentucky. This hearing will be cancelled unless interested persons notify the following office in writing by February 17, 1994, of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John A. Volpe, Ph.D.

(1) Type and number of entities affected: 75 licensees.

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

1. First year: A cost will be realized by licensees providing therapeutic treatments with radionuclides in writing the quality management program and maintaining records.

2. Continuing costs or savings: Records will continue to be required resulting in a small cost to the licensee.

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: Additional paperwork in the form of record maintenance will be required.

(2) Effects on the promulgated administrative body: A review will be required of each quality management plan.

(a) Direct and indirect costs or savings:

1. First year: The agency will be required to review each written quality management program submitted by the licensee.

2. Continuing costs or savings: Additional inspection time will be required to review the program during routine inspections.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative.

(5) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: No

statute, regulation or policy will conflict, overlap or duplicate this regulation.

(a) Necessity of proposed administrative 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. This regulation will only apply to those medical licensees providing therapeutic treatments with radionuclides. The agreement Kentucky has with the U.S. Nuclear Regulatory Commission requires uniformity of this requirement.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 10 CFR Part 35.

2. State compliance standards. The standards require medical facilities using radionuclides for therapeutic uses to have a written quality management program.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires state regulations to be compatible in requiring a quality management for therapeutic uses of radionuclides.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will impose identical requirements and responsibilities as required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no different, stricter or additional responsibilities or requirements.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Environmental Health and Safety
(Proposed Amendment)

902 KAR 100:100. Industrial radiography.

RELATES TO: KRS 211.842 to 211.852, 211.990(4), 10 CFR 34, 71, 21 CFR 1020.40

STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.844, 10 CFR 34, 71, 21 CFR 1020.40

NECESSITY AND FUNCTION: [~~The Cabinet for Human Resources is empowered by~~] KRS 211.844 authorizes the Cabinet for Human Resources to provide by administrative regulation for the registration and licensing of the possession or use of sources [~~any source~~] of ionizing or electronic product radiation and the handling and disposal of radioactive waste. [~~The purpose of~~] This administrative regulation provides [~~is to provide~~] radiation safety requirements for industrial radiographic operations and applies to [~~:~~

~~Section 1. Applicability. The requirements of this regulation apply to all~~] licensees or registrants who use sources of radiation for industrial radiography. [~~The requirements of this regulation are in addition to, and not in substitution for, other requirements of the Cabinet for Human Resources radiation regulations.~~]

Section 1. Performance Provisions for Radiography Equipment. Equipment used in industrial radiographic operations shall meet the following criteria:

(1) Radiographic exposure devices and associated equipment shall meet the provisions specified in American National Standard (ANSI) N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography".

(2)(a) Radiographic exposure devises shall have attached to it by the user, a durable, legible, clearly visible label bearing the following:

1. Chemical symbol and mass number of the radionuclide in the device;

2. Activity and date on which this activity was last measured;

3. Model and serial number of the sealed source;

4. Manufacturer of the sealed source; and

5. Name, address, and telephone number of the licensee.

(b) Radiographic exposure devices intended for use as Type B transport containers shall meet the applicable provisions of 10 CFR 71.

(c) Modification of exposure devices and associated equipment shall be prohibited, unless the design of a replacement component, including source holder, source assembly, controls, or guide tubes, will not compromise the design safety features of the system.

(3) In addition to the provisions specified in subsections (1) and (2) of this section, the following provisions shall apply to radiographic exposure devices and associated equipment that allow the source to be moved out of the device for routine operation:

(a) The coupling between the source assembly and the control cable shall be designed in a manner that the source assembly cannot:

1. Become disconnected if cranked outside the guide tube; and

2. Be unintentionally disconnected under normal and reasonably foreseeable abnormal conditions.

(b) The device shall automatically secure the source assembly if it is cranked back into the fully shielded position within the device. The securing system shall only be released by a deliberate operation on the exposure device.

(c) The outlet fittings, lock box, and drive cable fittings on each radiographic exposure device shall be equipped with safety plugs or covers which shall be installed during storage and transportation to protect the source assembly from water, mud, sand, or other foreign matter.

(d) A sealed source or source assembly shall have attached to it or engraved on it, a durable, legible, visible label with the words: "DANGER-RADIOACTIVE". The label shall not interfere with the safe operation of the exposure device or associated equipment.

(e) The guide tube shall have passed:

1. The crushing tests for the control tube as specified in ANSI N432; and

2. A kinking resistance test that closely approximates the kinking forces likely to be encountered during use.

(f) Guide tubes shall be used if moving the source out of the device.

(g) An exposure head or similar device designed to prevent the source assembly from passing out the end of the guide tube shall be attached to the outermost end of the guide tube during radiographic operations.

(h) The guide tube exposure head connection shall withstand the tensile test for control units specified in ANSI N432.

(i) Source changers shall provide a system for assuring that the source cannot be accidentally withdrawn from the changer if connecting or disconnecting the drive cable to or from a source assembly.

(j) Newly manufactured radiographic exposure devices and associated equipment acquired by licensees after January 1, 1994, shall comply with the provisions of this section.

(k) Radiographic exposure devices and associated equipment in use after January 10, 1996, shall comply with the provisions of this section.

Section 2. Limits on Levels of Radiation for Radiographic Exposure Devices and Storage Containers. (1) Radiographic exposure devices measuring less than four (4) inches ([~~i.e.,~~] ten (10) centimeters) from the sealed source storage position to an [~~any~~] exterior surface of the device shall have no radiation level in excess of fifty (50) milliroentgens per hour (mR/hr) at six (6) inches ([~~i.e.,~~] fifteen (15) centimeters) from an [~~any~~] exterior surface of the device.

(2) Radiographic exposure devices measuring a minimum of four

(4) inches from the sealed source storage position to an [any] exterior surface of the device, and [all] storage containers for sealed sources or outer containers for radiographic exposure devices shall have no radiation level in excess of 200 milliroentgens per hour (mR/hr) at an [any] exterior surface and ten (10) mR/hr at 39.4 inches ([i.e.,] one (1) meter) from an [any] exterior surface.

(3) The radiation levels specified shall be [are] with the sealed source in the shielded ([i.e.,] "off") position.

(4) Subsections (1), (2), and (3) of this section shall apply to equipment manufactured prior to January 10, 1992. After January 10, 1992, radiographic equipment other than storage containers and source changers shall meet the provisions of Section 1 of this administrative regulation, and Section 1 of this administrative regulation shall apply only to storage containers (source changers).

Section 3. Locking of Sources of Radiation. (1) Sources [Each source] of radiation shall be provided with a lock or outer locked container designed to prevent unauthorized or accidental production of radiation or removal or exposure of a sealed source from its shielded position. [and]

(a) An exposure device or its container shall be kept locked [at all times] except:

1. If [when] under the direct surveillance of a radiographer or radiographer's assistant; or

2. As may be [otherwise] authorized by Section 16 of this administrative regulation [these regulations].

(b) A [Each] storage container and source changer [likewise] shall be:

1. Provided with a lock; and

2. [shall be] Kept locked if [when] containing sealed sources, except if [when] the container is under the direct surveillance of a radiographer or radiographer's assistant.

(2) Radiographic exposure devices, source changers, and storage containers[, prior to being moved from one (1) location to another, and also prior to being secured at a given location,] shall be locked and surveyed to assure that the sealed source is in the shielded position prior to being:

(a) Moved from one (1) location to another; and

(b) Secured at a given location.

Section 4. Storage Precautions. (1) Locked radiographic exposure devices, source changers, storage containers, and other sources of radiation, including radiation machines, shall be physically secured to prevent tampering or removal by unauthorized personnel.

(2) Radiographic exposure devices, source changers, and transport containers that contain radioactive material shall not be stored in residential locations. This provision shall not apply to storage of radioactive material in a vehicle in transit for use at temporary job sites if:

(a) The licensee complies with subsection (3) of this section; and

(b) The vehicle does not constitute a permanent storage location as described in subsection (4) of this section.

(3) If a vehicle is used for storage of radioactive material, a vehicle survey shall be performed after securing radioactive material in the vehicle and before transport to ensure that radiation levels shall not exceed the limits specified in 902 KAR 100:019, Section 10(b), at the exterior surface of the vehicle.

(4) A storage or use location shall be considered permanent if:

(a) Radioactive material is stored at the location for more than ninety (90) days; and

(b) One (1) or more of the following applies to the location:

1. Telephone service is established by the licensee;

2. Industrial radiographic services are advertised for or from the location; or

3. Industrial radiographic operations are conducted at other sites due to arrangements made from the location.

Section 5. Radiation Survey Instruments. (1) A [The] licensee or registrant shall maintain sufficient calibrated and operable radiation survey instruments to make physical radiation surveys as required by this administrative regulation and 902 KAR 100:019, Section 12(1).

(2) A [these regulations. Each] radiation survey instrument shall be calibrated:

(a) At energies appropriate for use; [against appropriate energy and radiation fields]

(b) At intervals not to exceed three (3) months; [and]

(c) After each instrument servicing so [such] that accuracy within plus or minus twenty (20) percent can be demonstrated;

(d) At two (2) points located approximately one-third (1/3) and two-thirds (2/3) of full-scale for linear scale instruments;

(e) Midrange of each decade, and at two (2) points of at least one (1) decade for logarithmic scale instruments; and

(f) Appropriate points for digital instruments. [or more widely separated points, other than zero, on each scale.]

(3) Records of these calibrations [A record] shall be maintained [of the date of calibration] for two (2) years after the calibration date for inspection by the cabinet.

(4) Instrumentation required by this section shall have a range so [such] that two (2) milliroentgens per hour through one (1) roentgen per hour may [can] be measured.

(5) A radiation survey instrument shall be checked with a radiation source at the beginning of each day of use and at the beginning of each work shift to ensure it is working properly.

Section 6. Leak Testing, Repairing [Repair], Tagging, Opening, Modification, and Replacement of Sealed Sources. (1) The replacement of a [any] sealed source fastened to or contained in a radiographic exposure device, and leak testing, repairing [repair], tagging, opening, or [any] other modification of a [any] sealed source shall be performed only by persons specifically authorized [to do so] by the cabinet, the U.S. Nuclear Regulatory Commission, or an [any] Agreement State.

(2) A [Each] sealed source shall be tested for leakage and contamination in accordance with 902 KAR 100:060. Records of leak test results shall be maintained for inspection by the cabinet:

(a) For six (6) months after the next required leak test is performed; or

(b) Until the sealed source [sources] is transferred or disposed.

(3) A sealed source [which is] not fastened to or contained in a radiographic exposure device shall have permanently attached to it a durable tag at least one (1) inch square bearing:

(a) The prescribed radiation caution symbol in conventional colors, magenta or purple on a yellow background; and

(b) At least the instructions: "Danger - Radioactive Material - Do Not Handle - Notify Civil Authorities if Found."

Section 7. Quarterly Inventory. (1) A [Each] licensee or registrant shall conduct a quarterly physical inventory to account for sealed [all] sources and radiography exposure devices [of radiation] received or possessed by him.

(2) [The] Records of the inventories shall be maintained for two (2) years from the date of the inventory for inspection by the cabinet. The records of inventories [and] shall include:

(a) [the] Quantities and kinds of radioactive material; [or rate power, manufacturer, and identifying number of radiation machines,]

(b) [the] Location of sealed [all] sources;

(c) [of radiation, the] Date of the inventory;

(d) [the] Name of the individual making the inventory; and

(e) [the] Manufacturer, [the] model number, and [the] serial number of sealed sources and radiography exposure devices.

Section 8. Utilization Logs. A [Each] licensee or registrant shall maintain current logs, which shall be kept available for inspection by the cabinet for two (2) years from the date of the recorded event, at

the address specified in the license or on the registration, showing for each source of radiation the following information:

(1) A description (or make and model number) of each source of radiation or storage container in which a sealed source is located;

(2) [~~The~~] Identity of the radiographer to whom assigned;

(3) [~~The~~] Site where used and dates of use; and

(4) [~~The voltage and current, where applicable, and exposure time for each radiographic exposure employing a source of radiation; and~~

~~(5) The~~] Date[~~(s)~~] each source of radiation is removed from storage and returned to storage.

Section 9. Inspection and Maintenance of Radiographic Exposure Devices, Storage Containers, and other Sources of Radiation. (1) A [~~Each~~] licensee or registrant shall ensure that checks for obvious defects in radiation machines, radiographic exposure devices, storage containers, and source changers are performed prior to each day of use.

(2) A [~~Each~~] licensee or registrant shall conduct a program for [~~of at least quarterly~~] inspection and maintenance of radiation machines, radiographic exposure devices, storage containers, and source changers to assure proper functioning of components important to safety prior to the first use, and subsequently at intervals not to exceed three (3) months. [~~All~~] Appropriate parts shall be maintained as specified by the manufacturer [~~in accordance with manufacturer's specifications~~].

(3) If an [~~any~~] inspection [~~conducted pursuant to this section~~] reveals damage to components critical to radiation safety, the device shall be:

(a) Removed from service; and

(b) Labeled as defective until repairs have been made.

(4) Records of [~~such~~] inspection and maintenance shall be kept for two (2) years for inspection by the cabinet.

Section 10. Permanent Radiographic Installations. Permanent radiographic installations having high radiation area entrance controls of the type described in 902 KAR 100:019, Section 14(1)(b) and (c), shall also meet the following provisions:

(1) The entrance used for personnel access to the high radiation area shall have both visible and audible warning signals to warn of the presence of radiation.

(a) The visible signal shall be activated by radiation.

(b) The audible signal shall be activated if an attempt is made to enter the installation while the source is exposed.

(2) The control device or alarm system shall be tested for proper operation at the beginning of each day of equipment use. (a) If a control device or alarm system is operating improperly, it shall be immediately labeled as defective and repaired before industrial radiographic operations are resumed.

(b) Records of these tests shall be maintained for inspection by the cabinet for two (2) years from the date of the test.

Section 11. [~~10.~~] Training and Testing of Radiographers and Radiographers' Assistants. (1) A [~~No~~] licensee or registrant shall not permit an [~~any~~] individual to act as a radiographer as defined in 902 KAR 100:010 until the [~~such~~] individual has:

(a) [~~Has~~] Been instructed in the subjects outlined in Section 20 [~~17~~] of this administrative regulation;

(b) [~~Has~~] Received copies of and demonstrated an understanding of the following:

1. Provisions [~~The requirements~~] contained in this administrative regulation;

2. Other applicable provisions of 902 KAR Chapter 100 [~~these regulations~~];

3. [~~The~~] Conditions of the license or registration certificate issued by the cabinet; and

4. [~~The~~] Licensee's or registrant's approved operating and emergency procedures;

(c) [~~Has~~] Demonstrated competence to use the sources of radiation, related handling tools, and survey instruments which shall [~~will~~] be employed at his assignment; and

(d) [~~Has~~] Successfully demonstrated an understanding of the instructions in this subsection by successful completion of a:

1. Written test; and

2. [a] Field examination on the subjects covered.

(2) A [~~No~~] licensee or registrant shall not permit an [~~any~~] individual to act as a radiographer's assistant as defined in 902 KAR 100:010 until the [~~such~~] individual has:

(a) [~~Has~~] Received copies of, and instructions in, the licensee's or registrant's approved operating and emergency procedures;

(b) [~~Has~~] Demonstrated competence to use, under the personal supervision of the radiographer, the sources of radiation, radiographic exposure devices, related handling tools, and radiation survey instruments which may [~~will~~] be employed in his assignment; and

(c) [~~Has~~] Successfully demonstrated an understanding of the instructions in this subsection by:

1. Written or oral test; and

2. Field examination on the subjects covered.

(3) [~~Each licensee or registrant shall maintain~~] Records of the above training, including copies of written tests and dates of oral tests and field examinations, shall be maintained by a licensee or registrant [~~and testing which demonstrate that the requirements of subsections (1) and (2) of this section are met~~] for inspection by the cabinet for three (3) years following termination of employment.

Section 12. [~~11.~~] Operating and Emergency Procedures. A [~~Each~~] licensee's or registrant's operating and emergency procedures shall include instructions in at least the following:

(1) The handling and use of sources of radiation to be employed so [~~such~~] that no individual is likely to be exposed to radiation doses in excess of the limits established in 902 KAR 100:019, Section 3; [~~100:020.~~]

(2) Methods and occasions for conducting radiation surveys;

(3) Methods for controlling access to radiographic areas;

(4) Methods and occasions for locking and securing sources of radiation;

(5) Personnel monitoring and the use of personnel monitoring equipment, including steps that shall [~~must~~] be taken immediately by radiography personnel if [~~in the event~~] a pocket dosimeter is found to be off-scale;

(6) Transportation to field locations, including:

(a) Packing of sources of radiation in vehicles;

(b) Posting of vehicles; and

(c) Control of sources of radiation during transportation;

(7) Minimizing exposure of individuals if [~~in the event of~~] an accident occurs;

(8) The procedure for notifying proper personnel if [~~in the event~~] of an accident occurs;

(9) Maintenance of records; and

(10) The inspection and maintenance of radiographic exposure devices, source changers, storage containers, and other sources of radiation.

Section 13. [~~12.~~] Personnel Monitoring Control. (1) A [~~No~~] licensee or registrant shall not permit an [~~any~~] individual to act as a radiographer or [~~as a~~] radiographer's assistant unless, [~~at all times~~] during radiographic operations, the [~~each such~~] individual wears a direct reading pocket dosimeter; an alarm ratemeter; and [~~either~~] a film badge or a thermoluminescent dosimeter (TLD).

(a) The wearing of an alarming ratemeter shall not be required for permanent radiography facilities in which other appropriate alarming or warning devices are in routine use.

(b) Pocket dosimeters shall have a range from zero to at least 200 milliroentgens and [~~shall~~] be recharged daily or at the start of each shift.

(c) A [~~Each~~] film badge or thermoluminescent [~~(TLD)~~] dosimeter shall be assigned to, and worn by, only one (1) individual.

(2) Pocket dosimeters shall be read and exposures recorded at least once daily.

(a) If a pocket dosimeter is discharged beyond its range:

1. The [A] film badge or thermoluminescent dosimeter shall be immediately processed;

2. Radiograph operations by the individual shall cease; and

3. The individual shall not return to work with sources of radiation until a determination of the radiation exposure has been made.

(b) [~~If a pocket dosimeter is discharged beyond its range. The~~] Reports received from the film badge or thermoluminescent dosimeter processor and records of daily pocket dosimeter readings shall be kept for inspection until the cabinet authorizes their disposal. [~~Records of daily pocket dosimeter readings shall be kept for two (2) years.~~]

(3) If a film badge or thermoluminescent dosimeter is lost or damaged, the worker shall cease work immediately until:

(a) A replacement film badge or thermoluminescent dosimeter is provided; and

(b) The exposure is calculated for the time period from issuance to loss or damage of the film badge or thermoluminescent dosimeter.

(4) Pocket dosimeters shall be checked for correct response to radiation at periods not to exceed one (1) year.

(a) Acceptable dosimeters shall read within plus or minus thirty (30) percent of the true radiation exposure.

(b) Records of this check shall be maintained for inspection by the cabinet for two (2) years from the date of the check.

(5)(a) An alarm ratemeter shall:

1. Be checked to ensure that the alarm functions properly (sounds) prior to use at the start of each shift;

2. Be set to give an alarm signal at a preset dose rate of 500 mR/hr;

3. Require special means to change the preset alarm functions; and

4. Be calibrated at periods not to exceed one (1) year for correct response to radiation.

(b) Acceptable ratemeters shall alarm within plus or minus twenty (20) percent of the true radiation dose rate.

[~~(5) The requirements for use of personnel monitoring as specified in subsections (1) and (2) of this section shall not apply in industrial radiography utilizing sources of machine radiation in cabinet x-ray systems which are equipped with interlocks such that the source of radiation will not produce an exposure radiation field unless all openings are securely closed and which is so shielded that every location on the exterior meets conditions for an uncontrolled area.~~

~~(6) Upon application the cabinet may authorize methods of personnel dosimetry other than film badges or thermoluminescent dosimetry.~~]

Section 14. [~~13.~~] Documents Required at Temporary Job Sites. A [~~Each~~] licensee or registrant conducting industrial radiography at a temporary site shall have the following records available at that site for inspection by the cabinet:

(1) A copy of the operating and emergency procedures;

(2) A current copy of the radioactive material license or registration certificate;

(3) A copy of 902 KAR 100:020, 902 KAR 100:100, and 902 KAR 100:165 [~~Applicable regulations~~];

(4) Survey records required by [~~pursuant to~~] Section 20 [~~18~~] of this administrative regulation and 902 KAR 100:019, Section 31, for the period of operation at the site;

(5) Daily pocket dosimeter records for the period of operation at the site; and

(6) The latest instrument calibration and leak test record for specific devices in use at the site. Acceptable records include tags or labels [~~which are~~] affixed to the device or survey meter.

Section 15. Specific Provisions for Radiographic Personnel Performing Industrial Radiography. (1) At a jobsite, the following shall be supplied by a licensee or registrant:

(a) At least one (1) operable, calibrated survey instrument; (b) A current whole body personnel monitor (TLD or film badge) for each individual;

(c) An operable, calibrated pocket dosimeter with a range of zero to 200 milliroentgens for each worker;

(d) Appropriate barrier ropes and signs; and

(e) An alarming ratemeter.

(2) Industrial radiographic operations shall not be performed if the items in subsection (1) of this section are not available at the jobsite or are inoperable.

(3) During an inspection by the cabinet, the cabinet inspector may terminate an operation if items in subsection (1) of this section are not available and operable. Operations shall not be resumed until conditions are met.

Section 16. [~~14.~~] Security. During each radiographic operation, a [~~the~~] radiographer or radiographer's assistant shall maintain a direct surveillance of the operation to protect against unauthorized entry into a high radiation area, except if the high radiation area is:

(1) [~~Where the high radiation area is~~] Equipped with a control device or an alarm system as described in 902 KAR 100:019, Section 14(1); or

(2) [~~Where the high radiation area is~~] Locked to protect against unauthorized or accidental entry.

Section 17. [~~15.~~] Posting. Except as otherwise exempt in [~~Notwithstanding any provisions of~~] 902 KAR 100:019, Section 25 [~~100:020, Section 13~~], areas in which radiography is being performed shall be conspicuously posted as required in 902 KAR 100:019, Section 24(1) and (2) [~~100:020~~].

Section 18. Special Provisions and Exemptions for Cabinet X-ray Systems. (1) Systems for cabinet radiography designed to allow admittance of individuals shall:

(a) Comply with applicable provisions of this administrative regulation and 902 KAR 100:019, Section 10; and

(b) Be evaluated at intervals not to exceed one (1) year to assure compliance with the applicable provisions as specified in Section 15 of this administrative regulation. Records of these evaluations shall be maintained for inspection by the cabinet for a period of two (2) years after the evaluation.

(2) If a system is a certified cabinet x-ray system, it shall comply with applicable provisions of this administrative regulation and 21 CFR 1020.40.

(3) Certified cabinet x-ray systems designed to exclude individuals from the interior of the cabinet shall be exempt from the provisions of this administrative regulation, except operating personnel shall be provided with a film badge or a thermoluminescent dosimeter.

(a) A report of the results of the film badge or thermoluminescent dosimeter shall be maintained for inspection by the cabinet.

(b) A registrant shall not permit an individual to operate a cabinet x-ray system until the individual has:

1. Received a copy of, and instruction in, the operating procedures for the unit; and

2. Demonstrated competence in its use.

(c) Records which demonstrate compliance with this subsection shall be maintained for inspection by the cabinet until disposition is authorized by the cabinet.

(d) Tests for proper operation of high radiation area control devices or alarm systems, if applicable, shall be conducted, recorded, and maintained as described in Section 10 of this administrative regulation.

(e) A registrant shall perform an evaluation, at intervals not to exceed one (1) year, to determine compliance with 902 KAR 100:019,

Section 10.

1. If a system is a certified cabinet x-ray system, it shall be evaluated at intervals not to exceed one (1) year to determine compliance with 21 CFR 1020.40.

2. Records of these evaluations shall be maintained for inspection by the cabinet for a period of two (2) years after the evaluation.

(4) Certified cabinet x-ray systems shall be maintained in compliance with 21 CFR 1020.40, unless prior approval has been granted by the cabinet under 902 KAR 100:015, Section 7. [~~16. Special Requirements and Exemptions for Cabinet X-ray Systems. (1) Except as provided by Section 12(4) of this regulation, registrants using cabinet x-ray systems are exempt from the requirements of this regulation.~~

~~(2) Cabinet x-ray systems shall meet the requirements of 902 KAR 100:145, relating to cabinet x-ray systems.~~]

Section 19. [~~17.~~] Minimum Training Requirements for Industrial Radiographers. [~~All~~] Industrial radiographers shall receive minimum training in the following areas:

(1) Fundamentals of radiation safety.

(a) Characteristics of radiation;

(b) Units of radiation dose (mrem) and quantity of radioactivity (curie);

(c) Significance of radiation dose:

1. Radiation protection standards;

2. Biological effects of radiation dose;

3. Case histories of radiography accidents;

(d) Levels of radiation from sources of radiation;

(e) Methods of controlling radiation dose:

1. Working time;

2. Working distances;

3. Shielding.

(2) Radiation detection instrumentation to be used.

(a) Use of radiation survey instruments:

1. Operation;

2. Calibration;

3. Limitations;

(b) Survey techniques:

(c) Use of personnel monitoring equipment:

1. Film badges;

2. Pocket dosimeters;

3. Thermoluminescent dosimeters;

4. Alarm ratemeters.

(3) Radiographic equipment to be used.

(a) Remote handling equipment;

(b) Operation and control of radiographic exposure devices and sealed sources, including pictures or models of source assemblies (pigtails);

(c) Storage and transport containers and source changers;

(d) Operation and control of x-ray equipment;

(e) Collimators.

(4) Provisions [~~The requirements~~] of 10 CFR 34 [~~pertinent federal~~] and 902 KAR Chapter 100. [~~state regulations; and~~]

(5) The licensee's or registrant's written operating and emergency procedures.

Section 20. [~~18.~~] Radiation Surveys and Survey Records. (1) A [~~No~~] radiographic operation shall not be conducted unless calibrated and operable radiation survey instrumentation, as described in Section 5 of this administrative regulation, is available and used at each location of [~~site where~~] radiographic operations [~~exposures are made~~].

(2) A survey with a [~~physical~~] radiation survey instrument shall be made after each radiographic exposure to determine that the sealed source has been returned to its shielded position. [~~condition and a survey shall be made of the storage area pursuant to Section 5 of this regulation whenever a radiographic exposure device is being placed in storage.~~]

(a) The entire circumference of the radiographic exposure device shall be surveyed.

(b) If the radiographic exposure device has a source guide tube, the survey shall also include the guide tube.

(3) A survey shall be made of the storage area if a radiographic exposure device is being placed in storage.

(4) [~~(3)~~] A physical radiation survey required by [~~pursuant to~~] Section 3 of this administrative regulation shall be made to determine that each sealed source is in its shielded position prior to securing the radiographic exposure device, storage container, or source changer in a storage area.

(5) [~~(4)~~] A physical radiation survey shall be made after each radiographic exposure using radiographic machines to determine that the machine is "off".

(6) [~~(5)~~] Records shall be kept of surveys and maintained for inspection by the cabinet for two (2) years after completion of the survey. If the survey was used to determine an individual's exposure, [~~however,~~] the records of the survey shall be maintained until the cabinet authorizes their disposition.

Section 21. [~~19.~~] Required Administrative Procedures for Industrial Radiography Program. (1) Licensees and registrants shall have an adequate program for training radiographers and radiographers' assistants, and submit to the cabinet a schedule or description of the [~~such~~] program which specifies the:

(a) Initial training;

(b) Periodic training;

(c) On-the-job training;

(d) Means to be used by the licensee or registrant to determine the radiographer's knowledge and understanding of and ability to comply with 902 KAR Chapter 100, [~~cabinet regulations~~] and licensing requirements, and the licensee's or registrant's operating and emergency procedures; and

(e) Means to be used by the licensee or registrant to determine the radiographer's assistant's knowledge and understanding of, and ability to comply with, the licensee's or registrant's operating and emergency procedures.

(2) A [~~The~~] licensee or registrant shall establish and submit to the cabinet satisfactory written operating and emergency procedures.

(3) A [~~The~~] licensee or registrant shall [~~have and~~] submit to the cabinet a description of its inspection program adequate [~~details of an adequate internal audit system, or other management control,~~] to ensure [~~assure~~] that license provisions, administrative regulations, and the licensee's or registrant's operating and emergency procedures shall be [~~are~~] followed by radiographers and radiographers' assistants. The inspection program [~~Such inspections~~] shall:

(a) Include observation of the performance of each radiographer and radiographer's assistant during an actual radiographic operation at intervals not to exceed three (3) months;

(b) Provide that, if a radiographer or a radiographer's assistant has not participated in a radiographic operation for more than three (3) months since the last inspection, the [~~that~~] individual's performance shall [~~must~~] be observed and recorded the next time the individual participates in a radiographic operation; and

(c) Include the retention of inspection records on the performance of radiographers or radiographers' assistants for two (2) years.

(4) A [~~The~~] licensee or registrant shall submit to the cabinet a description of his overall organizational structure pertaining to the radiography program, including:

(a) Specified delegations of authority; and

(b) Responsibility for operation of the program.

(5) A [~~The~~] licensee who desires to conduct his own leak tests [~~test~~] shall establish adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination, and shall submit to the cabinet a description of the [~~such~~] procedures including:

(a) Instrumentation to be used;

(b) Method of performing tests (e.g., points on equipment to be smeared and method of taking smear); and

(c) Pertinent experience of the person who will perform the test.

~~[Section 20. Field X-Ray Radiographic Operations. In addition to the applicable requirements of this regulation, x-ray machines in field operations shall also meet the requirements of 902 KAR 100:105, relating to the use and operation of x-ray machines.~~

~~Section 21. Inspection and Maintenance of High Radiation Area Control Devices or Alarm Systems. For any high radiation area equipped with a control device or alarm system as described in 902 KAR 100:020, the control device or alarm system shall be tested for proper operation at the beginning of each period of use. If a control device or alarm system is operating improperly, it shall be immediately labeled as defective and repaired before industrial radiographic operations are resumed. Records of such tests shall be maintained for inspection by the cabinet for two (2) years.]~~

Section 22. [~~Personal~~] Supervision of Radiographer's Assistant. If [~~Whenever~~] a radiographer's assistant uses radiographic exposure devices, sealed sources, or related source handling tools, or conducts radiation surveys required by Section 20 [~~18~~] of this administrative regulation to determine that the sealed source has returned to the shielded position after an exposure, the radiographer's assistant [~~the radiographer~~] shall be under the personal supervision of a radiographer. The personal supervision shall include the radiographer:

(1) Being physically present at the site where sources of radiation and associated equipment are being used;

(2) Watching the performance of the operations referred to in this section by the radiographer's assistant; and

(b) Being in a [~~such~~] proximity that immediate assistance may [~~can~~] be given if required.

Section 23. Material Incorporated by Reference. The American National Standard (ANSI) N432-1980, "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography," (January 1981), is incorporated by reference. A copy of the "Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography" may be viewed or obtained at the Office of the Commissioner of Health Services, 275 East Main Street, Frankfort, Kentucky 40621, 8 a.m. until 4:30 p.m., Monday through Friday.

RICE C. LEACH, Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: December 9, 1993

FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for February 22, 1994, at 9 a.m., in the Health Services Auditorium located on the first floor of the Health Services Building, 275 East Main Street, Frankfort, Kentucky. This hearing will be cancelled unless interested persons notify the following office in writing by February 17, 1994, of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John A. Volpe, Ph.D.

(1) Type and number of entities affected: 10 licensees.

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

1. First year: Some radiography licensees will be required to purchase new equipment and alarming ratemeters. Other licensees have already done so.

2. Continuing costs or savings: No continuing costs should be incurred by the licensees after the initial costs.

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: No changes in reporting and paperwork requirements will occur.

(2) Effects on the promulgated administrative body: Minor impact in that only a few licenses will require modification.

(a) Direct and indirect costs or savings:

1. First year: A few licenses may have to be revised to include new equipment.

2. Continuing costs or savings: There are no continuing costs or savings.

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative.

(5) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: No statute, regulation or policy will conflict, overlap or duplicate this regulation.

(a) Necessity of proposed administrative regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments:

TIERING: Was tiering applied? No. This regulation applies to all industrial radiography licensees as mandated by the U.S. Nuclear Regulatory Commission.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 10 CFR Part 34.

2. State compliance standards. This regulation provides requirements for industrial radiography equipment and requires the use of alarming ratemeters to warn of equipment failures.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires state regulations to be compatible for requirements for industrial radiography equipment and alarming ratemeters.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will impose identical requirements and responsibilities as required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no different, stricter or additional responsibilities or requirements.

CABINET FOR HUMAN RESOURCES
Department for Social Services
(Proposed Amendment)

905 KAR 1:030. Selection and approval of adoptive parents.

RELATES TO: KRS 199.471, 199.472

STATUTORY AUTHORITY: KRS 194.050, 199.472

NECESSITY AND FUNCTION: This administrative regulation is necessitated by the mandate found in KRS 199.472. It functions to establish guidelines for the placement of children for adoption by the Cabinet for Human Resources.

Section 1. The rights and best interests of children to be adopted shall be paramount. Placement of children shall be based upon the

needs of individual children available for adoption and the ability of the adoptive applicants to meet these needs.

Section 2. The approval of applicants for adoption shall not guarantee the placement of a [~~any~~] child with the applicants [~~them~~].

Section 3. [~~In order~~] To be approved, applicants shall make themselves available to representatives of the Cabinet for Human Resources for the purpose of evaluating their abilities to meet the needs of children available for adoption.

Section 4. Applicants shall be subject to departmental visitation, supervision, and evaluation of the child in the applicant's home after the child has been placed.

Section 5. Placement of a particular child with an applicant shall require prior approval by the Cabinet for Human Resources.

Section 6. The Cabinet for Human Resources shall consider placement of a child with an adoptive applicant of:

(1) Appropriate and responsible age;
(2) Sufficient physical and mental health;
(3) Adequate financial resources; and
(4) Housing facilities to provide a stable environment that meets the child's needs. The home shall provide an environment that is conducive to the child's well-being.

Section 7. An [~~No~~] applicant shall not be approved, and a [~~no~~] child shall not be placed with an applicant, if it is determined that the applicant has opinions or feelings, as evidenced by statement or action, which might be expected to adversely affect the applicant's capacity for adoptive parenting. [~~Such~~] Feelings or opinions include[~~, but are not limited to,~~] those concerning:

(1) Infertility;
(2) Illegitimacy;
(3) Heredity;
(4) Race;
(5) Physical characteristics or resemblances.

Section 8. To be approved an applicant shall:

(1) Have a love for children;
(2) Have a desire and capacity for parenting;
(3) Have a capacity for feeling satisfaction from contributing to the development of a child;
(4) Have an ability to deal with developmental differences and a sensitivity to, understanding of, and tolerance for children's differences; and
(5) Be flexible about their expectations and capable of accepting a chid as the child is or may develop. [~~In order to be approved, an applicant shall have a love for children and shall have a desire and capacity for parenting. They shall have a capacity for feeling satisfaction from contributing to the development of a child, and shall have an ability to deal with developmental differences and a sensitivity to, understanding of, and tolerance for children's differences. They shall be flexible about their expectations and be capable of accepting a child as the child is or may develop.~~]

Section 9. The approved applicants shall be able to present the adoptive child with appropriate opportunities for religious, spiritual, or ethical development.

Section 10. Applicants with natural or adopted children shall be given the same consideration as childless applicants.

Section 11. An [~~No~~] applicant for adoption and a [~~no~~] child suitable for adoptive placement shall not be denied approval or placement solely on the basis of:

(1) Age;
(2) Race;
(3) Sex;
(4) Marital status;
(5) Religion; or
(6) National origin.

Section 12. Brothers and sisters shall not be separated from one another unless the Cabinet for Human Resources shows conclusively that the separation will benefit the child.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: October 13, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are prospective applicants to become adoptive parents.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all prospective applicants to become adoptive parents statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Family Services
(Proposed Amendment)

905 KAR 1:050. Approval of subsidies.

RELATES TO: KRS 199.555, 199.557 [~~Acts 1990, Chapter 199, Section 2. p. 4-9, Section 4, p. 11-13~~], 42 USC 673

STATUTORY AUTHORITY: KRS 194.050, 199.557 [~~Acts 1990 c. 199, Section 2. p. 7-8, Section 4, p. 12~~], 42 USC 673

NECESSITY AND FUNCTION: This administrative regulation is required by KRS 199.557 [~~Acts 1990 c. 199, Section 2. p. 7-8 and Section 4, p. 12~~]. It serves to set forth guidelines for the implementation of the law on state funded adoption assistance and federal title IV E adoption assistance.

Section 1. The decision to pay a subsidy for the adoption of a particular child shall be the responsibility of the Secretary of the Cabinet for Human Resources or his designated representative and shall be made in the best interest of the child. An adoptive subsidy shall be construed as being primarily for the benefit of the child and not the adoptive parents. An adoptive subsidy shall be limited to special needs children. Special needs children include those children for whom adoptive homes are difficult to find because of age, a sibling group of three (3) or more children, a physical disability [~~handicap~~], a mental condition, emotional problems requiring counseling, children who have suffered physical or sexual abuse, and children whose background includes mental illness.

Section 2. The child considered for state funded adoption assistance shall be committed to the Cabinet for Human Resources and has no parents with a legal claim to his custody. The child considered for federal title IV E adoption assistance shall meet the eligibility criteria established in 42 USC 673 at the time the adoption proceedings are initiated and have no parents with a legal claim to his custody.

Section 3. Parents receiving a child for subsidized adoption shall meet the same standards as those applied to other adoptive applicants, except as those standards relate to financial resources. Their financial situation shall be that they are able to meet the daily expenses of their existing family, but are unable to care for an additional child without a subsidy.

Section 4. A contract setting forth the scope and limits of the subsidy shall be signed by the adoptive parents and the Secretary of the Cabinet for Human Resources or his designated representative. The amount of the subsidy shall be determined according to the financial needs of the child and the ability of the adoptive parents to meet those needs. The adoptive subsidy shall begin on the date the adoption judgment is entered and shall continue until the child reaches the age of majority. The adoption subsidy shall continue for disabled children who receive supplemental security income and are enrolled in a state or federal educational program until age twenty-one (21). [~~or age twenty-one (21) for handicapped children who receive supplemental security income and are enrolled in a state or federal educational program.~~] The subsidy may be decreased or increased as changes occur in the family situation but shall not exceed the amount which may be paid for foster care for the child and may include or consist entirely of payment for extraordinary medical care. The subsidy for disabled [~~handicapped~~] children who receive supplemental security income after age eighteen (18) is limited to extraordinary medical expenses not covered by Medicaid. The subsidy shall not be altered by the adoptive parents moving out of the state or country.

Section 5. Annual contact with the adoptive family shall be made by mail or home visit to make appropriate adjustments in the amount of the subsidy.

Section 6. The number of subsidized adoptions shall be limited by available funds for the subsidy program.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are adoptive parents of special need children receiving adoption assistance and individuals between the age of 18 and 21 who may be eligible for extraordinary medical assistance.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to adoptive parents of special needs children receiving adoption assistance and individuals between the age of 18 and 21 who may be eligible for extraordinary medical assistance statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Family Services
(Proposed Amendment)

905 KAR 1:140. Foster care, adoption assistance.

RELATES TO: KRS 199.467

STATUTORY AUTHORITY: KRS 194.050, 42 USC 620-628, 672, 673

NECESSITY AND FUNCTION: This administrative regulation is required by 42 USC 620-628, 672, 673 [~~PL 96-272~~], Adoption Assistance and Child Welfare Act of 1980. It serves to set forth the maximum number of children in foster care who can remain in care for more than twenty-four (24) months and the steps which shall [~~will~~] be taken to achieve the [~~such~~] goal.

Section 1. Definitions. (1) "Child care institution" means an institution as governed by 42 USC 672 [~~caring for no more than twenty-five (25) children that is licensed by the Cabinet for Human Resources~~].

(2) [~~(3)~~] "Family foster [~~family~~] home" means a private family household [~~home~~] which is approved by the Cabinet for Human Resources for out-of-home care.

(3) [~~(2)~~] "Foster care" means care of a child in a family foster [~~family~~] home or child care institution.

Section 2. Children in Care. During the federal fiscal year beginning October 1, 1993 [~~1984~~] and succeeding fiscal years, the maximum number of children who may receive foster care in excess of twenty-four (24) months is 3000 [~~1,225~~].

Section 3. Goal Achievement. Activities directed at the achievement of this goal may include:

(1) [~~but not be limited to~~] Supportive services to the child and [~~his~~] family to prevent or eliminate the need for removal of the child;

(2) Attempting to place the child in close proximity to the family and in the least restrictive setting;

(3) Implementing case plan and a case review procedure that periodically assess the appropriateness of the child's placement and reevaluate the services provided to assist the child and [~~his~~] family;

(4) Providing supportive services to the family to make it possible for the child to return home; and

(5) At the end of six (6) months in foster care to formulate a permanent plan for the child.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are foster children receiving services from the Department for Social Services.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A and to revise the goal of the maximum number of children in care in excess of 24 months.

1. First year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A and to revise the goal of the maximum number of children in care in excess of 24 months.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in

compliance with KRS Chapter 13A and to revise the goal of the maximum number of children in care in excess of 24 months.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A and to revise the goal of the maximum number of children in care in excess of 24 months.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A and to revise the goal of the maximum number of children in care in excess of 24 months.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A and to revise the goal of the maximum number of children in care in excess of 24 months.

1. First year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A and to revise the goal of the maximum number of children in care in excess of 24 months.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A and to revise the goal of the maximum number of children in care in excess of 24 months.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: The department has revised the maximum number of children receiving care in excess of 24 months from the 1984 point in time number of 1225 to 3000, which is a number based on annual data collected by the department. Although this appears to be a major increase, data reflects that the percent of children in care in excess of 24 months has remained constant between 46% to 49% of the total number of children in care. Since 1984 the total number of children in care has continued to increase as a result of the increase in the number of children in poverty, increases in the number of substantiated investigations of child abuse, neglect or exploitation and other social and economic factors. The revised goal is 94% of the current number of children in care in excess of 24 months and with the planned initiatives for family based services and intensive family preservation services is a more attainable goal than the previous point in time goal. There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all foster children receiving services from the Department for Social Services statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Family Services
(Proposed Amendment)

905 KAR 1:180. DSS policy and procedures manual.

RELATES TO: KRS 194.060, 199.420 to 199.990, 200.080 to 200.120, 205.201 to 205.204, 205.455 to 205.465, Chapters 208, 209, and 600 to 645

STATUTORY AUTHORITY: KRS 194.050, 199.420, 200.080, 209.030, 605.150, 615.050, 620.180, 625.120, 630.140, 635.100, 640.120, 645.250

NECESSITY AND FUNCTION: 42 USC 9901-9912, "Block Grants for Social Services - Title XX," authorizes grants to states for social services. KRS 194.050 authorizes the Cabinet for Human Resources to adopt regulations as are necessary to implement programs mandated by federal law, or to qualify for receipt of federal funds and as are necessary to cooperate with federal agencies for the proper administration of the cabinet and its programs. This administrative regulation is amended to incorporate into regulatory form, by reference, materials used by the cabinet in the implementation of a statewide social service program. [~~The function of this manual is to implement a statewide social services program. This administrative regulation is amended in order to comply with KRS 13A.221, that requires a separate administrative regulation for each topic of general subject matter. Material related to child protective services, adult protective services, and fair hearings is deleted from this regulation. New administrative regulations have been promulgated - 905 KAR 1:330, Child protective services; 905 KAR 5:070, Adult protective services; 905 KAR 1:320, Fair hearings - that shall contain provisions relating to child protection, adult protection and fair hearings respectively.~~]

Section 1. DSS Policies and Procedures Manual. For the purpose of implementing and enforcing those sections of the Kentucky Revised Statutes relating to social service programs for children and adults that apply to the Department for Social Services, the Secretary of the Cabinet for Human Resources hereby adopts, by reference, the Department for Social Services' Policy and Procedural Manual as revised December, 1993 [~~March, 1991~~], as the current policies and procedures of that department. The manual contains policies and procedures relating to management procedures, adult services, support services, family and children's services, and youth services. The Department for Social Services' Policy and Procedures Manual may be reviewed in any departmental field office located in each of the 120 counties or at the Office of the Commissioner, Department for Social Services, 275 East Main Street, Frankfort, Kentucky, during regular working hours.

Section 2. Material Incorporated by Reference. In Chapter I, Management Procedures, delete the entire chapter dated July 1987, refer to revised Department for Social Services policy nine (9) Higher Level of Care revised March, 1993, policy ten (10) Voluntary Psychiatric Placement revised September, 1990, policy twelve (12)

Preventative Assistance revised April, 1990, policy thirteen (13) Life Support Systems revised April, 1990, policy fifteen (15) Abortion or Sterilization Information revised April, 1990, policy eighteen (18) Child Custody Investigations revised April, 1990, policy twenty (20) HIV or Aids revised September, 1993, policy twenty-one (21) Intensive Family Based Services revised January, 1990, policy eighty (80) through eighty-six (86) Children's Benefits Section revised July, 1992. In Chapter II, Adult Services delete the entire chapter and refer to policy 190 through 193 Alternate Care section revised October, 1990. In Chapter III, Support Services, delete the entire chapter and refer to policy 110 Paraprofessional Section revised April, 1990, policy 120 through 122 Services for Expectant Parents, revised September, 1990, policy 140 through 141 Refugee Assistance Section, revised March, 1990, policy 145 New Eyes for the Needy, revised March, 1990. In Chapter IV, Family and Children Services, delete the entire chapter and refer to policy ninety (90) Title IV-E, revised November, 1992, policies 254 through 264 Commitment Section, revised March, 1990, policies 300 through 319 Termination of Parental Rights Section, revised October, 1991, policies 350 through 392 Out of Home Care Section, revised January, 1993, policies 400 through 432 Adoption Section, revised August, 1991. In Chapter V, Youth Services, delete the entire chapter and refer to policies 500 through 530 Youth Services General Administration Section, revised August, 1991, policies 550 through 556 Admissions Section, revised August, 1991, policies 576 through 586 Treatment Section, revised February, 1992, policies 600 through 626 Health and Safety Services Section, revised January, 1993 and policies 750 through 796 Juvenile Services in the Community Section, revised January, 1993. [~~Summary of Amendment. In Chapter I, Management Procedures, delete in their entirety Section A.5., Fair Hearings, dated November, 1987, refer to 905 KAR 1:320. In Chapter II, Adult Services, delete in their entirety Section A. Adult Protection, Spouse Abuse, General Adult Services, dated July, 1987, refer to 905 KAR 5:070. In Chapter IV, Family and Children's Services, delete in their entirety Section a., Child Protective Services, dated January, 1988, refer to 905 KAR 1:330, Child protective services.~~]

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are all families, children and adults who may be benefited by the implementation of the statewide social service programs through the current policies and procedures of the Department for Social Services.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KAR Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KAR KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments update the material incorporated by reference that has not been submitted as a topical administrative regulation in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation amends the policies and procedures of all offices of the Department for Social Services and is effective statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Family Services
(Proposed Amendment)

905 KAR 1:210. Alternative to detention; court resource home.

RELATES TO: KRS 199.645
STATUTORY AUTHORITY: KRS 194.050, 199.645
NECESSITY AND FUNCTION: KRS 199.645 requires the cabinet to establish administrative regulations and standards for nonsecure alternatives to detention for children in preadjudicative status. The function of this administrative regulation is to set minimum standards for court resource homes.

Section 1. Definitions. (1) "Administering agency" means the Justice Cabinet which shall be [~~state agency~~] responsible for developing a system of alternatives to detention: court resource homes. The Justice Cabinet [~~administering agency~~] may enter into agreements with local agencies for program supervision and monitoring.

(2) "Applicant" means the adult who has made application to the agency to operate a court resource home in compliance with this administrative regulation.

(3) "Children" means:

(a) Those persons under the age of eighteen (18) against whom a status or public offense petition is pending, and who are placed in a court resource home as an alternative to detention; or

(b) Those persons under the age of eighteen (18) against whom status or public offense petitions may or may not be pending, who require emergency shelter, and are placed in a court resource home by law enforcement personnel as an alternative to detention.

(4) "Court" means the juvenile session of the district court including the court designated worker, with jurisdiction of children placed in a court resource home.

(5) "Court resource home" means a private, single-family residence which meets the specifications contained herein and is approved by the agency.

(6) "House parents" means the adult persons living in the court resource home who meet the qualifications specified herein and are approved by the agency.

(7) "Local agency" means the agency that approves, administers and monitors on a local level the application of court resource home administrative regulations. This local agency may be:

(a) The court designated worker;

(b) [~~Cabinet for Human Resources;~~

~~(c)~~] A local unit of government; or

(c) [~~(d)~~] Other responsible person designated by the court who agrees to supervise children prior to the disposition of their case.

Section 2. Scope of Operations and Services. Court resource homes, operated and maintained as alternatives to detention, provide temporary custodial care and supervision on a twenty-four (24) hour basis for children against whom public or status offense petitions are pending, and whose cases are awaiting disposition by district courts. Court resource homes may also be utilized by the court or law enforcement personnel for those children requiring emergency shelter, regardless of whether or not status or public offense petitions are pending against them. Services may include emergency medical or psychological care as required.

Section 3. Qualifications of House Parents. (1) House parents shall be persons of reputable character who possess personal qualities of:

(a) Maturity;

(b) Stability;

(c) Flexibility;

(d) The ability to cope with stress;

(e) The ability to give and receive affection relative to the children placed in their court resource home; and

(f) Being willing and able to cooperate with the local agency and the court in providing proper care and supervision for children.

(2) Criminal records.

(a) Applicants and other adults residing in the household shall authorize the release of criminal records to the local agency;

(b) Applicants and other adults residing in the household shall authorize the release of child and adult abuse registry checks from the Department of Social Services to the local agency;

(c) [~~(b)~~] Households shall not have [~~be approved by the local agency if~~] an adult family household member who is currently:

1. In prison;

2. Charged with a crime; or

3. On parole or probation, will not be approved by the local agency;

(d) [~~(c)~~] Applicants with felony convictions as adults shall not be approved by the local agency;

(e) [~~(d)~~] Applicants with misdemeanor offenses shall not be approved. The local agency may make exceptions to this requirement, provided written documentation is placed in the record as to extenuating circumstances which make the applicant's household appropriate for the care of children; and

(f) [~~(e)~~] Applicants shall not be approved if children in the home other than children defined in Section 1 of this administrative regulation [~~other than the children as defined herein~~)] have petitions pending against them in district court, or if they have a history of involvement with the district court due to dependency, status, or public offense petitions. Exceptions to this requirement may be made by the local agency, provided written documentation is placed in the record as to extenuating circumstances which make the applicants' household appropriate for children.

(3) Age requirements. House parent applicants shall be at least twenty-one (21) years of age. In studying the applicants, the local agency shall consider their ages as it affects their physical energy, flexibility, and ability to care for children.

(4) Income and employment.

(a) Applicants shall have sufficient income for maintaining their own family, to preclude dependence upon income generated by children placed in their home. Exceptions may be made by the local agency, provided documentation justifying the exception is included in the record;

(b) Applicants shall not at the same time they are functioning as approved house parents:

1. Care for unrelated adults on a commercial basis; or

2. Be licensed and accepting children for day care or family foster care; and

(c) At least one (1) house parent applicant shall not be employed outside the home. The local agency may make exceptions based on:

1. The ages and behavioral characteristics of the children to be placed;

2. Hours worked by the applicants; and

3. The applicants' ability to make suitable alternative plans for the care and supervision of the children to be placed.

(5) Marital status.

(a) The local agency may approve single house parents if their circumstances justify approval and written justification is documented in the record;

(b) Married applicants shall have been married for at least one (1) year prior to their initial application and their relationship shall have been continuous and stable. Exceptions may be made if circumstances permit, and written justification is included in the record;

(c) Single persons living together, but not married, shall not be approved as house parents. Exceptions may be granted if written justification is included in the record;

(d) Approved house parents shall notify the local agency of a

change in marital status; and

(e) The local agency, upon receipt of a notification pursuant to paragraph (d) of this subsection, shall conduct a review of the court resource home to determine if it shall continue to be approved for the care and supervision of children.

(6) Medical status.

(a) House parent applicants shall provide the local agency:

1. The health history of each member of the household, including physical and mental health services received; and

2. Information regarding a household member taking psychotropic medication; and

(b) Applicants shall provide the local agency with a statement from a licensed physician verifying that each member of the household is free of communicable diseases, specific illnesses, or disabilities which may interfere with the applicant family's capability to care for children. The physician shall have examined members of the applicants' household during the year preceding the date of application.

Section 4. Application Process. (1) Applicants shall provide the local agency with three (3) personal references and one (1) credit reference. Personal references shall attest to the applicants' character and ability to care for children.

(a) References shall include an immediate neighbor and a current or former employer, if possible; and

(b) Shall not include more than one (1) personal reference from a relative of the applicant.

(2) The local agency may require applicants to report:

(a) A history of child care for unrelated children;

(b) Association with child caring organizations; and

(c) Provide the names of individuals who may serve as references regarding these associations.

(3) The local agency shall conduct telephone or face-to-face interviews with references. If there is a question as to the propriety of applicants, then face-to-face interviews shall be conducted, if possible.

(4) Adult children of applicants shall be interviewed face-to- face by the local agency if they reside in the community. If they reside outside the community, they may be interviewed by telephone.

Section 5. Selection of House Parents. (1) The local agency shall be responsible for approving the applicants' home based upon a study of the home conducted by planned interviews and home visits.

(2) Applicants shall provide authorization for release of information to the local agency in regard to a history of reports of child abuse or neglect made regarding family members, or reports of spouse abuse.

(3) The home study shall include personal interviews with members of the applicants' household.

(4) Children shall not be placed by the local agency court, or law enforcement personnel in court resource homes which have not received the local agency's prior approval.

Section 6. Agency Contract with Approved House Parents. The local agency shall have a written agreement, signed by the approved house parents and by a designated agency representative, prior to placing a child into the court resource home. The agreement shall delineate the respective responsibilities and expectations of the local agency and the house parents, and shall specify the rate at which the house parents are to be reimbursed by the local agency. This agency agreement shall not preclude the court resource home from developing a contract or written agreement with a fiscal court for funding at an established rate by other sources for other children.

Section 7. Agency Evaluation and Supervision of Approved Court Resource Homes. (1) Approved court resource homes shall be evaluated at least annually by the local agency. The local agency shall maintain the results of these evaluations in files for each approved court resource home. These files shall be available for periodic review by the administering agency.

(2) The local agency shall maintain continuing supervision of court resource homes and the children placed in them, and shall assure that children are receiving the care, supervision, and services they require.

(3) When applicants have been approved, a subsequent change in their circumstances shall require the local agency to review the court resource home to determine if it continues to be appropriate for children.

(4) The local agency shall submit a summary of its findings in regard to the reviews and evaluations required by this section to courts utilizing the court resource homes as alternatives to detention. Reports to the courts shall include information required to keep the court informed as to the status of the court resource homes.

(5) House parents shall cooperate with the local agency in the agency's ongoing monitoring and supervision of court resource homes, and the children placed in them.

(6) Court resource homes may be closed at the discretion of the local agency. Reasons for closure may include, but are not limited to:

(a) Sexual abuse or exploitation;

(b) Physical or emotional injury or abuse;

(c) Consistent lack of affection, care, or supervision;

(d) Court resource home environment not conducive to acceptable standards of child care; and

(e) Consistent violation of agency court resource home policies.

(7) The local agency shall conduct a review of a court resource home if there is a:

(a) Death or disability of a family member;

(b) Separation, divorce, or marriage of house parent;

(c) Substantial decrease in, or loss of, income;

(d) Birth of a child; or [~~and~~]

(e) Allegation of abuse or neglect of a child.

(8) Courts utilizing the court resource homes as an alternative to detention shall be notified by the local agency of the closure or of other circumstances which may affect the judges' use of the home.

Section 8. House Parent Reimbursement. The local agency shall devise policies and procedures which provide for timely payment of house parents by the local agency at the rate specified in the written agreement required by Section 6 of this administrative regulation, including special payments for children's clothing and personal toilet and grooming articles.

Section 9. Physical Facilities. (1) The court resource homes shall not present hazards to the safety of children. Physical standards shall be sufficient to assure the safety and well-being of occupants.

(2) Court resource homes shall be accessible to schools, recreational facilities, medical facilities and other resources required by children.

(3) Court resource homes shall be comparable in condition and style to other homes in the area in which they are located.

(4) Court resource homes shall have functioning and maintained plumbing, including at least:

(a) One (1) flush toilet;

(b) One (1) wash basin with running water; and

(c) One (1) bath or shower with hot and cold running water, which affords privacy.

(5) Court resource homes shall have at least two (2) doors which provide unrestricted exits in case of fire emergency. Occupied bedrooms shall not be locked from the outside.

(6) House parents shall develop fire emergency procedures, approved by the local agency, including unrestricted egress. House parents shall brief children on the emergency fire procedures and the identified means of egress.

(7) Court resource homes shall have sufficient living or family

room space, comfortably furnished and accessible to family members, including children placed in the home.

(8) The bedroom or sleeping areas of children placed in the court resource homes shall not be in an attic or basement, unless the attic or basement has been renovated, and the house parents or their natural children have a bedroom in these areas. The local agency may make exceptions to this requirement, with documentation in the record as to the rationale for granting the exception.

(9) The court resource home shall have sufficient bedroom or sleeping space to allow children adequate living space. More than four (4) children shall share a bedroom. Children sharing a bedroom shall be of the same gender.

(10) Each child placed in the court resource home shall have his individual place to sleep that is appropriate to his height and weight, including bedding, which shall be maintained in a state of repair and cleanliness.

(11) House parents shall have a bedroom separate from those of children placed in their home, but not so far removed as to prevent adequate supervision of children.

Section 10. Sanitation and Hygiene. (1) Housekeeping and cleanliness standards of the court resource home shall be acceptable to the local agency.

(2) Physical standards of court resource homes shall be those which are accepted as necessary for occupants' health and safety, including:

(a) A continuous supply of clean safe drinking water;

(b) An adequate supply of hot water for bathing and dishwashing purposes; and

(c) A premises free of rodents, insects, and other vermin.

(3) House parents shall provide children placed in their homes with items necessary for personal hygiene and grooming.

(4) Court resource homes shall be well-ventilated and heated, with provisions for cooling in summer months, either with air conditioners, fans or other means of providing circulation of fresh air.

Section 11. Safety and Emergency Requirements. (1) The house parents shall have a maintained and functioning telephone, and shall post the following emergency telephone numbers in a visible location near the telephone:

(a) Fire and police departments;

(b) Ambulance and rescue services;

(c) Designated local agency staff; and

(d) Poison control centers.

(2) Poisonous chemicals, cleaning materials, and other dangerous materials, shall be stored out of reach of children.

(3) Firearms and ammunition shall be kept in separate locked locations accessible only to the house parents or other responsible adults in the household.

(4) First aid supplies shall be available and stored in a location accessible to occupants of the court resource home.

(5) The court resource home shall be free from fire hazards.

(6) Court resource homes shall have operating:

(a) Smoke alarms within ten (10) feet of each bedroom or sleeping area; and

(b) A Class ABC fire extinguisher in the cooking area.

(7) Combustible items shall be stored away from sources of heat.

(8) Mobile homes shall be anchored to assure their structural integrity in high winds.

(9) Vehicles used to transport children shall be maintained and operated in a manner in compliance with applicable motor vehicle laws. Drivers of vehicles shall have a valid driver's license, including insurance coverage.

(10) House parents shall notify the local agency which shall notify the judge with jurisdiction of the child of:

(a) Illness;

(b) Accidents;

(c) Injury; or

(d) Unusual circumstances affecting the health, safety, physical and emotional well-being of children placed in their home.

Section 12. Food Service. (1) House parents shall provide children with meals adequate to meet their daily nutritional requirements.

(2) House parents shall provide for special dietary needs of a child placed in their homes.

Section 13. Training of House Parents. Ongoing preservice and in-service training programs for court resource homes shall be provided by the local agency, or if available, by the administering agency. Training shall be designed to teach house parents to care for and supervise children from diverse backgrounds and races, and with varying problems, on a short-term basis, and shall include training in first aid procedures and techniques. Records of preservice and in-service training shall be maintained for each house parent.

Section 14. Medical and Health Services. (1) Upon admission of a child to a court resource home, the house parents shall:

(a) Complete a health screening procedure as specified by the local agency; and

(b) Notify the local agency or court of serious health problems identified.

(2) Within one (1) week of placement the local agency shall cause the child to be examined by a licensed physician, if indicated.

(3) House parents shall report to the local agency encounters of children placed in their homes with medical providers and corrective or follow-up medical or dental care required.

(4) House parents shall give medications to children placed in their homes only with a physician's prescription or authorization and shall dispense only the exact amount of medications prescribed or authorized.

(5) House parents shall keep medications, locked in a location accessible only to responsible adults in the household.

Section 15. Recordkeeping. (1) The local agency shall keep a written record of the findings of its court resource home study and the evidence upon which these findings are based.

(2) The local agency shall maintain records of evaluations and reevaluations of its court resource homes, including nonroutine reviews of specific court resource homes.

(3) The local agency shall maintain records on each child placed in court resource homes. Copies of correspondence relating to children placed in court resource homes shall also be maintained by the local agency.

(4) The date of discharge of children from court resource homes, and the name and address of the person or organization to which the children are released shall be recorded and maintained by the local agency, or the house parents.

(5) The local agency shall maintain the confidentiality of case records as governed by KRS 194.060 and 610.340.

(6) House parents and members of their households shall treat personal information regarding children placed in their home and these children's natural families in a confidential manner.

(7) House parents shall maintain records, in accordance with local agency requirements, on the children placed in their home. The records shall include information specified by the local agency.

Section 16. Admissions and Intake Procedures. (1) Placement of a child in a court resource home approved by the local agency shall require the prior approval of the local agency or a court of competent jurisdiction, except that court or law enforcement personnel may place children requiring emergency shelter into a court resource home without prior approval. When these placements, the house parents shall notify the court or local agency of the placement no later than

the next working day, if the child was placed on a holiday or weekend.

(2) Approval of house parent applicants by the local agency shall not guarantee the placement of a child in their court resource home.

(3) The total number of children in a court resource home shall, including the house parents' own children, not exceed six (6).

(4) The actual number of children placed in a court resource home shall be determined by:

(a) Stamina;

(b) Capacities;

(c) Skills of the house parents;

(d) The home's physical accommodations; and

(e) The effect of a child's placement upon the stability of the court resource home.

Section 17. Programs and Services. (1) House parents, in collaboration with the local agency, shall arrange for the provision of services required by children placed in court resource homes.

(2) House parents may assign chores to children placed in their home which are appropriate for their ages and abilities and which are commensurate with chores assigned to their own children.

(3) Children shall be supervised by a house parent or other responsible adult in the court resource home unless the child is:

(a) At school;

(b) With local agency staff; or

(c) Under the direct supervision of some other responsible adult. The local agency may grant exceptions to this requirement in regard to specific children. The reason for the exception shall be in writing and shall be maintained in the child's record.

(4) The local agency and the house parents shall cooperate in assuring the continuity of children's education to the extent practicable.

Section 18. Communication: Mail, Visitation, and Telephone. (1) Visitation between children placed in court resource homes and their families and appropriate others, and telephone contacts, are permitted at recommended hours ordered by a court.

(2) Written correspondence to or from children placed in court resource homes shall not be opened, read, or withheld from them, except on the basis of a court order.

(3) House parents shall cooperate with children's Cabinet for Human Resources representatives, authorized treatment agencies, and with attorneys in arranging for interviews at reasonable times and in locations with a reasonable degree of privacy.

Section 19. Rights. (1) The rights and best interests of children shall be paramount, with due regard for the interests of the community.

(2) An applicant for house parent status or a child needing a court resource home as an alternative to detention shall not be denied approval or placement on the basis of age, race, sex, marital status, religion, or national origin, except as provided herein.

(3) The local agency shall assure that the rights of children placed in court resource homes, their natural parents, and house parents are protected.

(4) Natural parents have the following rights:

(a) To maintain meaningful contact with their children through visitation, phone calls, and letters;

(b) To provide and consent to medical care for their children;

(c) To file formal complaints with the agency; and

(d) To receive protection of confidentiality in their personal affairs.

(5) Children have the following rights:

(a) Adequate food, clothing, and shelter; and

(b) To be free from physical, sexual, and emotional injury, exploitation and abuse.

(6) Personal belongings.

(a) House parents shall allow children to bring and acquire appropriate personal belongings and shall send personal belongings with children when they depart the court resource home; and

(b) House parents shall not accept part of a child's earned or unearned income without prior written agreement of the local agency and the child placed in their home.

(7) Religious and ethnic heritage.

(a) House parents shall respect children's religious beliefs and shall not coerce them to participate in religious activities; and

(b) House parents shall demonstrate respect for children's natural families and their ethnic heritage.

Section 20. Rules and Discipline. (1) House parents shall establish well-defined and consistently enforced rules, which set expectations and limits to the behavior of children.

(2) Discipline and guidance of children shall emphasize praise and encouragement for proper behaviors, as opposed to punishment for undesirable behaviors.

(3) House parents shall not subject the children placed in their home to:

(a) Verbal abuse;

(b) Derogatory remarks about themselves or their natural families; or

(c) Threats of removal from the court resource home.

(4) Children shall not be isolated from others for undue periods of time and shall not be placed in locked areas in the court resource home. House parents may place them apart from other family members for brief "cooling off" periods, but shall remain near to facilitate supervision.

(5) House parents shall not administer the following forms of discipline:

(a) Cruel, severe, bizarre, or humiliating actions;

(b) Denial of food, clothing, or shelter;

(c) Denial of visits, telephone usage, or written contacts with members of the natural family and appropriate others; and

(d) Assignment of exercise or work as punishment.

(6) House parents shall not punish children placed in their home for bedwetting.

(7) House parents shall not permit children to discipline other children.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: December 27, 1993

FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are those applicants for approval as court resource homes as the regulation sets minimum standards for all court resource homes.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all applicants for approval as court resource homes statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Family Services
(Proposed Amendment)

905 KAR 1:230. Emergency protective services.

RELATES TO: KRS 620.010, 620.040, 620.050, 620.060
STATUTORY AUTHORITY: KRS 194.050, 620.180
NECESSITY AND FUNCTION: The purpose of this administrative regulation is to establish guidelines for protective action required by KRS 620.040 and 620.050, if a child is in danger of serious physical injury due to abuse, neglect or dependency, the Cabinet for Human Resources is under an obligation to take necessary action and offer protective services under KRS 620.050(3). [~~; however,~~] Police are authorized to take children into protective custody under KRS 620.040(4) only if there exist reasonable grounds to believe the child is in danger of imminent death or serious physical injury, or is being sexually abused and the parents or other persons exercising custodial control or supervision of the child are unwilling or unable to care for the child. [~~The emergency that exists is that child protective workers and law enforcement personnel need clarification of the provisions of KRS Chapter 620 inasmuch as some children are in danger of serious physical injury but there is disagreement as to when such danger exists and children may suffer as a result of this disagreement.~~] This administrative regulation is intended to establish guidelines that shall [~~will~~] protect children from the danger of serious physical injury pending a temporary removal hearing by the court.

Section 1. Guidelines for Determining Danger of Serious Physical Injury. The following circumstances shall be considered reasonable grounds to believe that the child is in danger of serious physical injury:

(1) The child is threatened with abuse or neglect as defined in KRS 600.020 which is likely to result in serious physical injury; or the child has recently suffered substantial physical pain or any impairment as a result of abuse or neglect and there exists a likelihood of additional abuse or neglect that may result in serious physical injury from which the custodian is unable or unwilling to protect the child.

(2) The child is not attended by a responsible person and the child, due to age, physical or mental impairment or other circumstances, is unable to protect himself from serious physical injury and after a reasonable inquiry, it is determined that there is no parent, relative, or other responsible adult willing or available to attend to the child.

Section 2. Cabinet for Human Resources and Law Enforcement Actions Related to Protective Services. If there exist grounds to believe a child is in danger of imminent death or serious physical injury as set forth in Section 1 of this administrative regulation, an [~~any~~] appropriate law enforcement officer may take the child into protective custody.

(1) In counties containing a city of the first class, a police officer who has taken a child into protective custody and is unable to locate a responsible parent, relative or other adult willing and able to protect the child may request the Cabinet for Human Resources to provide necessary protective services, which may include immediate placement of the child in an emergency shelter operated by or under contract to the cabinet.

(2) If the child is taken into protective custody under subsection (1) of this section between the hours of 5 p.m. and 8 a.m., the Cabinet for Human Resources may, upon determination that there exists reasonable grounds to believe a child is in danger of imminent death, serious physical injury, or is being sexually abused, and the parent is unable or unwilling to protect the child, request the officer to take the child to an appropriate emergency shelter for protective services.

(3) If the child is taken into protective custody under subsection

(1) of this section between the hours of 8 a.m and 5 p.m., the child may be released to the Cabinet for Human Resources or its designee. If the circumstances indicate the necessity of retaining the child in custody, the Cabinet for Human Resources or the law enforcement officer may request the court to issue an emergency custody order.

Section 3. Temporary Removal Petition. If the court declines to issue an ex parte emergency custody order, the Cabinet for Human Resources shall return the child to the custodial home. If the cabinet believes the child will be dependent neglected or abused if in the custody of his parent or other person exercising custodial control or supervision, the cabinet may file a dependency petition and request a temporary removal hearing be held within seventy-two (72) hours in order to protect the child.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency contact person: Michael Cheek
(1) Type and number of entities affected: The type and number of entities affected are Department for Social Services Family Service Workers, law enforcement jurisdictions, county and commonwealth attorneys, district court judges and children and their families.
(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.
1. First year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.
2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.
3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.
(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.
(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.
(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.
1. First year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.
2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.
3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.
(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements.
(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This administrative regulation may be in conflict with KRS 620.040(4).
(a) Necessity of proposed regulation if in conflict: This administrative regulation allows the cabinet, if deemed necessary, to obtain emergency custody prior to a child being seriously injured or killed.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: No effort was made to harmonize the proposed administrative regulation with the conflicting provisions; however, there is currently a conflict in the statute, described as follows: KRS 620.040(4) authorizes the removal of children only if there exists reasonable grounds to believe the child is in imminent danger, however KRS 620.050(3) states the Cabinet for Human Resources is under obligation to take necessary action toward safeguarding the welfare of the child. It is the cabinet's position that this administrative regulation allows the cabinet to fulfill this mandate.
(6) Any additional information or comments: There are no additional information or comments of which we are aware.
TIERING: Was tiering applied? No. This administrative regulation was not tiered as it has application statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
(Proposed Amendment)

905 KAR 1:300. Standards for child-caring facilities.

RELATES TO: KRS 199.011, 199.640 to 199.670, 600.020, 615.010, 620.020
STATUTORY AUTHORITY: KRS 194.030,194.050, 199.640(3), 199.645, 615.050
NECESSITY AND FUNCTION: KRS 199.640 authorizes the Cabinet to issue administrative regulations relating to standards of care and service for child-caring facilities. This proposed administrative regulation consolidates the provisions of 905 KAR 1:065, 1:091, 1:110, 1:120, and 1:200.

Section 1. Definitions. (1) "Advisory board" means a group of citizens approved by the board of directors who lends advice, counsel, and support to an agency.
(2) "Aftercare" means services provided to the child after discharge from a child-caring facility.
(3) "Board of directors" means that group which is by law or charter delegated the responsibility for governing the facility.
(4) "Case coordinator" means the individual on the treatment team who has responsibility for the coordinated implementation of the child's individual treatment plan [~~ITP~~].
(5) "Child-caring program" means the method of delivering child-caring services.

(6) "Community resources" means services and activities available in the community that supplement those provided by the child-caring facility or child-placing agency in the care and treatment of children.

(7) "Direct child-care staff" means any employee providing face-to-face care and supervision of children.

(8) "Division" means the Division of Licensing and Regulation, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

(9) "Executive director" means the person employed by the board of directors to be responsible for the administration and management of an agency.

(10) "Independent living program" means a planned program designed to teach youth life skills that will enable them to become self-sufficient.

(11) "Individual treatment plan (ITP)" means a plan of action developed and implemented to address the needs of an individual child.

(12) "Indoor living areas" means those areas in the facility that are separate from hallways, bedrooms, kitchens, stairways, vestibules, bathrooms, closets, unfinished basements, and attics.

(13) "Latching device" means an instrument used to secure a seclusion room door that does not require the use of a key or combination.

(14) "Living unit" means a building or part thereof in which children reside, not exceeding sixteen (16) beds.

(15) "Safe physical restraint" means the use of the human body to safely control the actions of another.

(16) "Seclusion room" means a room in a youth treatment center for the temporary seclusion of a child in danger of harming self or others which may use a latching device to secure the door.

(17) "Social services" means a planned program of assistance to help an individual move toward a mutual adjustment of the individual and his social environment.

(18) "Temporary shelter" means a facility which provides nonsecure, residential care on a temporary or emergency basis.

(19) "Time-out" means a treatment intervention utilized by child-caring staff to separate a child from others in a nonsecure area for a time limited period to permit the child to regain control over his behavior.

(20) "Treatment" means individualized management and care of a child utilizing professional staff and components of the treatment environment to assist the child in resolving his emotional conflict or behavioral disorder.

(21) "Treatment director" means the person responsible for supervising the day-to-day operation of the program for children served by the agency or facility.

(22) "Treatment team" means a representative group of people who provide services to the child and the child's family.

(23) "Youth-treatment center" means a residential treatment facility as defined in KRS 600.020 providing intensive professional treatment oriented services.

Section 2. Scope of Operations and Services. These standards pertain to the out-of-home care of children who may benefit by the experiences residential services may [~~can~~] offer. Child-caring programs function within a continuum of care, providing an array of services to families and children. Types of child-caring programs covered by this regulation are temporary shelter, group homes, residential child care, and residential treatment services.

Section 3. Administration and Operation. (1) Licensing procedures.

(a) Initial licensure.

1. If [~~When~~] applying for an initial license, the facility shall provide the following:

a. A complete application as determined by the cabinet;

b. A licensure fee of $155;

c. A copy of the Articles of Incorporation;

d. A mission statement of purposes, objectives, scope of services provided, and intake policy specifying kinds of children to be accepted for care;

e. A copy of the constitution and bylaws;

f. A list of officers, board members, and advisory board members, if any, including addresses and professions;

g. Names and titles of officers and terms of office;

h. A list of all staff including positions or title and qualifications; and

i. Applications for a child-caring facility license shall be in compliance with the applicable regulations or shall have submitted an acceptable plan for correction of violations relating to the particular child-caring facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the child-caring facility. Representatives of the division shall have access to the child-caring facility at any time. Regulatory violations identified during these inspections shall be transmitted in writing to the child-caring facility by the division. The child-caring facility shall submit a written plan for the elimination or correction of the regulatory violations to the inspecting agency within ten (10) days. The plan shall specify the dates by which each of the violations shall be corrected. Following a review of the plan, the Division shall notify the child-caring facility in writing of the acceptability of the plan. If [~~When~~] a portion or all of the plan is unacceptable, the division shall specify the reasons for the unacceptability. In these cases; the child-caring facility shall modify or amend the plan and resubmit it to the division within ten (10) days.

2. A license shall be issued by the Cabinet for Human Resources when:

a. The facility has been approved by the State Fire Marshal; and

b. The facility has been surveyed by the Cabinet for Human Resources and it is determined that the facility qualifies for licensure.

(b) Renewal licensure. Facilities shall be relicensed annually from the date of issuance of the original license. To be eligible for relicensure, the facility shall:

1. Submit a renewal application;

2. Submit a relicensure fee of eighty (80) dollars; and

3. Comply with the applicable portions of this regulation.

(c) Every child-caring facility shall provide the following information as part of the annual inspection:

1. A list of officers, board members, and advisory board members, if
any, including addresses and professions;

2. Names and titles of officers and terms of office; and

3. A list of all staff including positions or title and qualifications.

(d) The facility shall have an annual audit completed by an independent accounting firm or certified public accountant.

(e) The facility shall comply with its mission statement, child-caring program narrative, and all applicable federal and state regulations in regard to child-caring program operations.

(f) Applications for renewal licenses shall, as a condition precedent to licensure or relicensure, be in compliance with the applicable regulations relating to the particular child-caring facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the child-caring facility. The inspection procedures for relicensure shall be the same as set forth in paragraph (a)1i of this subsection.

(g) The license shall specify the types of care and service the facility is authorized to provide based upon the application and inspection.

(h) The facility shall provide only the types of care and services for which they are licensed.

(i) The licensed capacity of the facility shall not exceed the capacity specified by the State Fire Marshal's Office and the division.

(j) A license shall be issued for a specific physical location and for operation by a sponsoring organization.

(k) Licenses shall not be transferable.

(l) If [~~When~~] a circumstance covered by the license changes, notification of the following shall be made to the division in advance to allow for approval before implementation:

1. Ownership or sponsorship;
2. Location;
3. Capacity; and
4. Services.

(m) The facility shall post its license in a place visible to the public.

(2) Board of directors.

(a) The facility shall have a board of directors consisting of a minimum of seven (7) members, the majority of whom shall be residents of Kentucky.

(b) The board of directors shall meet at least quarterly. Minutes of these meetings shall be taken and kept in written form.

(c) At least one (1) board meeting shall be held at each facility or agency in every calendar year. If [~~When~~] a board of directors has responsibility for multiple facilities, a board committee:

1. May be appointed to meet at least once a year at each facility; and
2. Shall submit a written report of this meeting to the full board.

(d) The board of directors shall employ an executive director. The division shall be notified in writing of a change of the facility's executive director within seven (7) days.

(e) The board of directors shall be responsible for and have the authority to ensure the continuing compliance with the requirements of this regulation and all other relevant federal, state or local laws or regulations.

(f) The board of directors shall conduct and approve an annual evaluation of the performance of the executive director.

(g) The board of directors shall approve a written annual budget for the agency which ensures funding to meet all operating requirements.

(h) The board of directors shall in consultation with the executive director approve and annually review all written policies of the facility.

(i) The board of directors shall obtain a criminal records check of prior convictions or pleas of guilty of the executive director prior to employment.

(j) The board of directors shall approve a mission statement delineating:

1. The purposes;
2. Objectives;
3. Scope of services to be provided; and

(3) Executive director.

(a) The duties of the executive director shall be determined by the board of directors and shall include the following responsibilities:

1. Select, employ, and terminate staff;
2. Develop and implement facility policies as approved by the board of directors;
3. Provide professional help to the board of directors in:

a. Carrying out their responsibilities;

b. Interpreting the needs of the children and families served; and

c. Assisting in periodic evaluation of the facility's services;

4. Supervise the preparation of an annual budget for board consideration;
5. Keep the board informed of financial needs;
6. Provide financial statements on at least a quarterly basis;
7. Operate within the established budget;
8. Attend board meetings;
9. Ensure that orientation is provided for all new employees and continual training for all staff; and
10. Delegate appropriate duties to other staff.

(b) If [~~When~~] the executive director is not on the premises, a designated staff person shall be responsible for the day-to-day operations of the child-caring program.

(4) Staff qualifications. Persons employed as executive director after the effective date of this regulation shall possess the following qualifications:

(a) An executive director shall possess a Master's degree in the human services field including:

1. Social work;
2. Sociology;
3. Psychology;
4. Guidance and counseling;
5. Education;
6. Religion;
7. Business administration;
8. Criminal justice;
9. Public administration; or
10. Child care administration;
11. Christian education;
12. Divinity;
13. Pastoral counseling;
14. Nursing;
15. Other human service field related to working with families and children; and

(b) Two (2) years of work experience in management of a human services program or a Bachelor's degree with a major in social work, sociology, psychology, criminal justice, guidance and counseling, education, Christian education, divinity, pastoral counseling, religion, business administration, public administration, or child care administration and four (4) years work experience in human services programs.

(c) Persons employed after the effective date of this regulation other than the executive director employed in positions responsible for supervising, evaluating, or monitoring social work or other treatment staff shall possess at least:

1. A Master's degree in the human services area including the areas of social work, sociology, psychology, guidance and counseling, pastoral counseling and religion; and
2. Two (2) years work experience in the human services field.

(d) Employees responsible for social work, counseling, or planning and coordinating these services to children shall have at least a Bachelor's degree in the human services field.

(e) Persons employed in positions responsible for supervising, evaluating, or monitoring the daily work of direct child-care staff shall possess at least two (2) years of college and two (2) years of work experience in a child-caring facility; or a high school diploma or an equivalence certificate and at least five (5) years work experience in a child-caring facility.

(f) Persons employed in positions responsible for the daily direct care or supervision of children after the effective date of this regulation shall possess a high school diploma or equivalency certificate.

(g) If an employee is responsible for varied job responsibilities and falls within more than one (1) of the categories specified, the employee shall meet those qualifications which are the most rigorous.

(5) Staffing requirements.

(a) The facility shall have a written policy describing a child-to-direct-child-care staff ratio. This policy shall explain the assignment of these staff to ensure the health and safety of children and to implement the child-caring program.

(b) There shall be at least one (1) staff member present in each facility building if [~~when~~] children are present if the staff-to-child ratios specified in subsection (c) of this section are met.

(c) There shall be at least one (1) direct care staff member to provide supervision for each ten (10) children or fraction thereof if [~~when~~] children are present. There shall be at least one (1) direct care staff member for each five (5) children or fraction thereof under age six (6) if [~~when~~] children are present.

(d) The facility shall have a written work schedule and a policy providing for utilization of relief staff.

(e) The facility shall employ an individual who is responsible for the overall planning and coordinating of social services to families and

children.

(f) If a staff member is required to work more than six (6) consecutive days he shall be granted at least twenty-four (24) consecutive hours off duty. If a staff member is required to work seven (7) consecutive days, he shall be granted at least forty-eight (48) consecutive hours off.

(g) Social services staff shall not carry a case load of more than fifteen (15) children and their families.

(6) Personnel policies.

(a) All employees shall be at least eighteen (18) years of age. This does not include children involved in the facility's work program.

(b) There shall be a written job description which shall be reviewed and revised if ~~when~~ necessary for each position which describes:

1. The duties of the position;
2. The skills necessary to fill the position; and
3. Identifies the immediate supervisor of the position.

(c) Upon employment personnel shall receive written facility policies and procedures to include the following:

1. Salary plan;
2. Leave provisions;
3. Working conditions;
4. Fringe benefits;
5. Employment and termination;
6. Job descriptions;
7. Staff evaluation;
8. Provisions for staff development;
9. Employee grievance;
10. Disciplinary action; and
11. Child-caring program narrative.

(d) Personnel orientation. Within one (1) month of initial employment personnel shall receive an orientation to facility policies and procedures.

(e) Current personnel records shall be maintained for each employee which include the following:

1. Name, address, Social Security Number, date of employment, and date of birth;
2. Evidence of a current registration, certification, or licensure;
3. Records of participation of staff development;
4. Records of performance evaluation;
5. Criminal records check;
6. Records of physical exams related to employment as specified in the facility's policy;
7. Personnel actions;
8. Application for employment and resume or contract; and
9. Evidence of personnel orientation.

(f) If a criminal records check reveals a prior criminal conviction or plea of guilty pursuant to KRS Chapter 510 or a Class A felony, the applicant shall not be employed.

(g) The facility shall assure that at least one (1) staff person who is certified in first aid and CPR is on the premises if ~~when~~ children are present.

(h) The facility shall have an ongoing staff development program for the administrative, professional, volunteer, and support personnel.

1. Records of attendance at workshops, conferences, and academic courses related to work responsibilities shall be kept on all employees.

2. The staff development program shall be under the supervision of a designated staff member.

3. All direct child care staff shall have at least forty (40) hours of annual training in the following:

a. Emergency and safety procedures;
b. Principles and practices of child care;
c. Behavior management; and
d. First aid.

(i) An employee under indictment or legally charged with felonious conduct shall be immediately removed from contact with children within the facility until the employee is cleared of the charge.

(j) Volunteers who perform similar functions as paid staff shall meet the same requirements and qualifications.

(7) Facility policies. There shall be written administrative policies which the facility follows covering all aspects of operation including:

(a) Administration;
(b) Personnel;
(c) Fiscal management;
(d) Physical plant;
(e) Case records;
(f) Child-caring program;
(g) Health and safety;
(h) Internal review and evaluation;
(i) Transportation of children;
(j) A description of organization structure, staffing, and allocation of responsibility and accountability;
(k) A child-caring program narrative describing in detail:

1. The services offered;
2. Methods and protocols for service delivery;
3. Goals of the services; and
4. Grievance procedures for children.

(8) Internal review and evaluation.

(a) Each facility shall provide and conduct a self-evaluation of its services at least every three (3) years from the effective date of this regulation.

(b) Specific written criteria and procedures for evaluating the facility performance and management shall be established. These shall be approved by the board of directors.

(c) The required evaluation shall examine the following factors:

1. Child-caring program content in relation to the stated role and purpose of the facility.
2. Child-caring program effectiveness based on stated and measurable goals.
3. Roles of the board of directors and management staff.
4. Personnel policies.
5. Staffing patterns and job responsibilities.
6. Staff effectiveness.
7. Staff turnover, causes, and effects.
8. Staff training program.
9. Budgeting and fiscal management.
10. Physical facility management.
11. Classification of children.
12. Admissions, planned and unplanned discharges, and length of stay of children in care.
13. Emergency and safety procedures.
14. Dietary and menu evaluation.
15. Content of the treatment program as related to the needs of the child and family based upon a random review of treatment plans.
16. The service continuum from intake through aftercare.
17. The caregiving program, including practices in regard to food, sleep, personal possessions, clothing, health, discipline, recreation, religion, and education.
18. Review of incident reports.

(d) A copy of each three (3) year evaluation shall be kept on file at the facility and a copy shall be given to each member of the board of directors.

(e) Accreditation by the Council on Accreditation sponsored by the Child Welfare League of America or the Joint Commission on Accreditation of Health Care Organizations shall substitute for the three (3) year evaluation.

(f) The facility shall ensure that the rights of children and their families, including that of confidentiality, are protected in all phases of evaluation. Services shall not be denied or restricted to any client based upon his participation or lack thereof in the evaluation process.

(9) Interstate placements.

(a) Prior to accepting a child from another state or prior to placing a child outside Kentucky, the facility shall comply with all applicable

provisions of KRS 615.030 to 615.040, Interstate Compact on Placement on Children; and KRS 615.010, Interstate Compact on Juveniles.

(b) If ~~[When]~~ a child committed to the cabinet makes a brief visit out of state, not accompanied by facility personnel, the facility shall obtain prior consent from the social worker in the Department for Social Services who has case responsibility.

(c) If ~~[When]~~ an emergency placement of a child into a licensed child-caring facility is made, compliance with KRS 615.030 to 615.040 shall be the responsibility of the placing agency. If ~~[When]~~ the receiving facility is aware of noncompliance by the placing agency, then compliance shall become the responsibility of the receiving facility.

Section 4. Physical Plant. (1) Facilities shall comply with applicable state and local laws and regulations relating to construction, sanitation, and maintenance of buildings.

(2) The facility shall conform to the life safety code standards adopted by the State Fire Marshal's Office.

(3) A climate control system shall be provided. A minimum temperature of sixty-five (65) degrees Fahrenheit shall be maintained in occupied areas in cold weather conditions. In warm weather conditions and periods of extreme heat, the facility shall assure that occupied areas are properly ventilated. If ~~[When]~~ a facility is not air-conditioned, the facility director shall assure that if ~~[when]~~ the facility temperature in occupied areas exceeds eighty-five (85) degrees Fahrenheit that fans are utilized to circulate air, the facility is properly ventilated to outside air, that ice water is readily available and served to residents and that staff frequently monitor residents for signs and symptoms of heat related illness.

(4) The water supply shall be from an approved source and easily available from drinking fountains, the refrigerator, or cold water tap.

(5) Plumbing and waste disposal systems shall comply with state plumbing standards ~~[and applicable state laws and regulations]~~ regarding waste disposal systems as governed by KRS 211.350 to 211.380.

(6) Housekeeping and maintenance services.

(a) Housekeeping. The buildings shall be maintained in a clean and safe condition.

(b) Maintenance. Requirements shall include:

1. Gas stoves, gas furnaces, gas heaters, and gas water heaters shall be ventilated to ensure the safety of the building's occupancy;

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

3. The interior of the building including walls, ceilings, floors, windows, window coverings, doors, plumbing, and electrical fixtures shall be in good repair. Windows and doors which may be opened for ventilation shall be screened;

4. Garbage and trash shall be stored in areas separate from those used for the preparation and storage of food and shall be removed from the premises regularly. Containers shall be cleaned regularly; and

5. A pest control program shall be in operation in the facility. Pest control services shall be provided by maintenance personnel of the facility or by contract with a pest control company. The pest control compounds shall be stored in a locked area.

(7) Bedrooms.

(a) Bedrooms shall be of adequate size to permit at least three (3) linear feet between each bed or set of bunk beds. Newly constructed buildings after the effective date of this regulation shall have bedrooms housing not more than four (4) residents per room.

(b) Bedrooms sleeping children above age three (3) shall be equipped with individual beds for each child. Each bed shall not be less than thirty (30) inches wide nor less than five (5) feet in length and shall be long and wide enough to accommodate the child's size. Children under the age of three (3) shall be provided with a standard size crib or baby bed. Each bed shall be equipped with a support mechanism and a clean mattress.

(c) Beds occupied by children shall be placed so that a child shall not experience discomfort because of proximity to radiators, heat outlets, or exposure to drafts.

(d) There shall be separate sleeping quarters for boys and girls over the age of five (5), except for siblings if ~~[when]~~ indicated by individualized treatment plans.

(e) Closet space and drawer space shall be provided for each child to accommodate personal belongings.

(f) Children shall not be housed in rooms, detached buildings, or other enclosures which have not been previously inspected and approved for resident use.

(g) Each child shall be provided with clean sheets, pillowcases, a pillow, and blankets. Sheets and pillowcases shall be changed and laundered at least weekly or more frequently if ~~[when]~~ needed. Waterproof mattress coverings shall be provided.

(8) Indoor living areas.

(a) An indoor living area of at least thirty-five (35) square feet per child shall be provided by the facility.

(b) Indoor living areas shall be provided with comfortable furnishings for the number of children served.

(9) Bathrooms.

(a) Each living unit shall have a minimum of one (1) wash basin with hot and cold water, one (1) flush toilet, and one (1) bath or shower with hot and cold water for every six (6) children, or fraction thereof, residing within the living unit.

(b) Each bathroom shall be supplied with toilet paper, towels, soap, and wastebaskets.

(c) Bathtubs and showers shall have enclosures or screens for individual privacy. If ~~[When]~~ more than one (1) toilet is located in the same bathroom, each toilet shall be partitioned and include a door capable of remaining closed.

(d) Each bathroom shall contain at least one (1) nondistorting mirror secured to the wall at a convenient height.

Section 5. Health, Safety, and Nutritional Requirements. (1) Health.

(a) Every facility shall have written policies and procedures for health and medical care including provisions for illness and emergency care.

(b) Services of a physician shall be made available to the children. If ~~[When]~~ services of a licensed physician are not available in the community, the facility shall request the assistance of the county health department or the Cabinet's Division of Maternal and Child Health located in Frankfort, Kentucky.

(c) Staff shall follow licensed physician orders for medicines, prescriptions, and medical care.

(d) Within forty-eight (48) hours of admission to a facility excluding weekends and holidays, and annually thereafter, each child shall have a physical examination under the supervision of a licensed physician unless it has been documented that the child has received an examination during the past twelve (12) months. The examining physician shall report in writing observations and findings including:

1. The developmental history of the child, illnesses, operations, and immunizations if available to the physician;

2. Any limitations the child may have which may prevent participation in activities scheduled by the facility;

3. Visual and auditory examinations;

4. Recommendations and orders for future care, treatment, and examinations;

5. TB skin tests unless contraindicated by a physician; and

6. Any other tests for communicable disease as indicated by the medical and social history of the child.

(e) Upon admission, the facility shall consult with a physician if ~~[when]~~ there is evidence that the child may require medical attention.

(f) The facility shall develop procedures for children requiring

specific provisions for infectious medical conditions.

(g) A separate health record shall be maintained for each child. Health records shall be kept on the premises and be made available to physician, nurse, or designated staff. The health record shall contain the following:

1. Copy of annual physical examination, including any recommendations for treatment;

2. Previous and continuing health and medical history if [~~when~~] available;

3. Records or reports of tests, immunizations, periodic reexaminations, and physicians' orders and instructions;

4. Reports and dates of dental examinations and treatments;

5. Authorization for regular and emergency medical, dental, and surgical care signed by the legal custody holder upon admission;

6. Documentation of all medication administered to the child; and

7. Documentation of all special provisions made for the child in accordance with physician orders.

(h) Each child's medical needs shall be provided for as recommended by a licensed physician.

(i) Each child cared for by the facility shall be immunized within thirty (30) days of admission and comply with the requirements of KRS 214.034 and all other statutes and regulations pertaining to immunizations.

(j) If a child dies while in the care of a facility or in any home operated or supervised by the facility:

1. The facility shall immediately notify the county coroner and the child's parent, guardian or custodian, and the case worker;

2. A verbal report of the death shall be made immediately to the Commissioner of the Department for Social Services;

3. A written comprehensive report from the executive director outlining the circumstances shall be forwarded to the Office of the Commissioner, Department for Social Services, on the next working day following the verbal report; and

4. If a child's death occurred as a result of alleged abuse or neglect, the executive director shall follow reporting procedures specified in KRS 620.030 (1) and (2).

(k) Every facility shall take immediate action for medical care in cases of illnesses and emergencies.

(l) Upon discharge, medical information shall follow the child if [~~when~~] release forms have been obtained.

(m) The facility, within one (1) week after a child's admission, shall schedule an appointment for a dental examination unless an examination has been performed in the six (6) months preceding the admission. Emergency dental needs shall be treated by a licensed dentist as they arise.

(n) Every child age two (2) years and above shall be examined at least annually by a licensed dentist.

(o) The facility shall document the information required in this subsection and shall assure the confidentiality of this information.

(p) The facility shall maintain a continuous program of personal hygiene.

(2) Safety.

(a) The facility shall provide a safe environment and shall comply with the life safety code standards adopted by the State Fire Marshal's Office.

1. Children with physical and mental handicaps shall be protected.

2. Children shall be instructed in fire prevention. Matches, open flame, or combustible materials shall be used by children only under direct supervision of staff. Staff shall instruct children in fire emergency procedures.

3. The facility shall maintain and post a current, written emergency fire evacuation plan and diagrams, including evacuation routes and procedures and locations of fire extinguishers. Documented fire and other emergency drills shall be performed monthly.

4. Emergency plans shall designate suitable shelters in case of severe storm warnings, flash flooding, tornadoes, and other emergency situations.

(b) Sports activities shall be supervised by staff. The presence of a Red Cross-Certified Lifeguard shall be required if [~~when~~] children swim. If the facility has a swimming pool, it shall conform to applicable state statutes and regulations.

(c) Donated home processed foods are prohibited.

(d) Transportation.

1. If [~~When~~] transportation is provided directly, contracted for, or arranged by a facility, these requirements shall apply:

a. The facility shall comply with state laws pertaining to vehicles, drivers, and insurance;

b. Each child shall have a seat and remain seated while the vehicle is in motion;

c. A seat belt[~~s~~], if [~~when~~] provided, shall be used to secure each individual children;

d. All vehicles used to transport children off campus shall have seats for each passenger as manufactured standard equipment;

e. A vehicle containing children shall never be left unattended; and

f. The maximum number of children, if [~~when~~] any are under the age of six (6), a driver shall supervise alone is five (5). The applicable staff-child ratios of this regulation shall apply after this number. Children under forty (40) inches tall or forty (40) pounds in weight shall not be transported unless restrained in an approved safety seat pursuant to KRS 189.125 [~~Kentucky Revised Statutes~~].

2. The vehicle shall not pick up and deliver children under the age of six (6) to a location which requires the child to cross the street or highway unless accompanied by an adult.

3. The following standards shall be met if [~~when~~] transportation is provided by any means other than licensed public transportation:

a. The vehicle shall be maintained in a safe mechanical and operable condition.

b. A thorough inspection of the vehicle shall be made and documented by a qualified mechanic at least annually.

c. If the driver is not in his seat, the motor shall be turned off, keys removed, and brake set.

(3) Nutritional requirements.

(a) Children shall be served nutritious meals.

1. Meals shall meet the nutritional guidelines of the U.S. Department of Agriculture which includes foods from the five (5) [~~dietary allowances of the Food and Nutrition Board of the National Research Council which include foods from the four (4)~~] basic food groups.

2. Amounts shall accommodate the needs of each child as to age, activity of each child in care, and prescribed diet or ITP.

(b) Each child shall be encouraged to eat the food served, but shall not be subjected to coercion.

(c) Orders for modified diets from licensed physicians shall be followed by the facility.

(d) Menus shall be planned at least one (1) week in advance and shall be dated and posted. Menus shall be kept on file for one (1) year.

(e) At least three (3) meals a day shall be provided at regular intervals except if [~~when~~] children receive meals at school. No more than fourteen (14) hours shall lapse between the evening meal and the morning meal except for weekends and holidays.

1. Nourishing snacks shall be provided and may be part of the daily food needs but they shall not replace regular meals. These snacks shall be recorded on the menu.

2. Meals shall be scheduled at set times each day so that meals are not hurried, allowing time for conversation.

3. Food shall not be used as a punishment.

4. Only pasteurized milk and milk products and U.S. Government inspected meat shall be served to the children.

5. Foods shall be prepared to preserve nutritive value and heighten flavor and appearance.

6. Children and staff are to be served the same foods unless differences in age or special dietary needs are factors.

(f) Table service shall be provided for all those capable of eating at a table.

1. Tables and chairs shall be of a height which corresponds to the size of the children served. They shall be constructed of material that can be easily sanitized.

2. Children who have not had opportunities to learn how to handle food with the usual table service shall be managed in a way that they will not be embarrassed or subjected to ridicule.

(g) Persons handling food shall wear clean outer garments and shall keep their hands and fingernails clean while handling food, drink, utensils, or equipment.

(h) Written reports of sanitary inspections by municipal, county, or federal authorities shall be kept on file at the facility. The sanitation of facilities shall meet local, state, and federal regulations.

(i) If a facility subcontracts food services, all applicable federal and state administrative regulations shall apply.

Section 6. General Requirements. (1) Promotional use of children.

(a) Exploitation of children for promotional purposes is prohibited.

(b) Children shall not be used in any manner in which they or their family could suffer discomfort or embarrassment.

(c) Children shall not be used personally for fund-raising purposes for the facility, except as indicated in paragraph (d) of this subsection.

(d) If pictures, slides, recordings, or other private and personal effects of children are used in fund-raising or promotional efforts of facilities:

1. Written permission shall be obtained from parents or guardians.

2. If the child is committed to the Cabinet for Human Resources, permission shall be obtained from an authorized representative of the cabinet.

(2) Clothing and personal possessions.

(a) Through agreement with the child's custody holder, the facility shall provide each child with clothing and footwear which is clean, well-fitting, and seasonal.

(b) Clothing shall be age and sex appropriate and acceptable according to the standards of the surrounding community.

(c) Each child shall be provided individual articles of personal hygiene.

(d) The facility shall allow children to have personal belongings and property consistent with the regulations and facility policies.

(3) Children's money.

(a) The facility shall have written policies and procedures relating to money belonging to children.

(b) If arrangements are not made with a financial institution for the establishment and maintenance of children's accounts, the facility shall:

1. Establish an account for each child who wishes to have an account; and

2. Shall provide each child who maintains an account with a quarterly written report of the account's balance, deposits, withdrawals, and interest earned, if any.

(c) The facility shall give each school age child a weekly allowance.

(d) Within thirty (30) days of discharge, funds belonging to a child shall be transferred with or returned to the child.

(4) Visitation and communication.

(a) The facility shall have written policies concerning visitation and communication.

(b) The facility shall ensure that arrangements for visitation are not in conflict with the ITP.

(c) All scheduled visits shall be documented in the case record.

(d) The facility, in accordance with the ITP and agency policy, shall allow a child access to a telephone to permit the child to make and receive phone calls.

(5) Religion, culture, and ethnic heritage.

(a) The facility shall demonstrate consideration for and sensitivity to the racial, cultural, ethnic, or religious backgrounds of children in care. The facility, in conjunction with the custodian, shall make available to a child in care cultural or ethnic activities appropriate to the child's cultural or ethnic background.

(b) Opportunity shall be provided each child in care to practice the religious beliefs and faith of the child's individual or family preference if the practice is not destructive. A child may be encouraged to participate in religious activities, but shall not be coerced to do so.

(6) Education.

(a) If [~~When~~] a facility operates its own school program, it shall have written policies and procedures regarding the development and implementation of the educational program. These policies and procedures shall include:

1. School attendance;

2. Teaching staff;

3. School records;

4. Educational supplies, equipment, and facilities; and

5. Individual educational plans and use of community school.

(b) Facilities shall ensure that the children attend an accredited educational program the number of days required by law.

(c) Each child shall be enrolled in an accredited educational program within one (1) week of admission.

(d) School-age children who are ineligible or unable to attend an accredited school shall have an educational program specific to the individualized needs of the child which may include a General Education Diploma or vocational training.

(e) If [~~When~~] facilities operate their own educational programs, maintenance of school records shall comply with state law and regulations of educational bodies having jurisdiction.

(f) The facility shall provide a quiet area and designated time for study.

(7) Work and chore assignments.

(a) An assigned chore or work assignment shall not place the child in physical danger.

(b) A chore assignment shall be posted within the child's living quarters.

(c) Children may be given jobs for which they receive payment which shall be clearly differentiated from chores expected of any child in relation to the routines of daily living. This work shall be done in compliance with child labor laws.

(d) If a child intentionally destroys or damages property or equipment, the child may be required to make restitution.

(e) Work assignments outside of daily routine chores at the facility shall not be used as a form of punishment.

1. Additional chore assignments beyond what is regularly assigned to a child may be performed as restitution for intentional property damage made by the child.

2. Additional chore or work assignments may be given to a child for violation of facility rules only upon mutual agreement between the child and supervisory child-caring staff. The child shall not be coerced to enter into an agreement.

(f) Children shall be given rest periods of at least ten (10) minutes during each hour worked.

(g) Use of children to perform chores or work assignments shall not negate the facility's ultimate responsibility for the maintenance of the facility nor the employment of staff sufficient to maintain the facility.

(8) Discipline.

(a) Facilities shall have written policies and procedures governing disciplinary actions.

(b) Discipline shall be utilized as an educational tool and be related to the child's actions initiating the disciplinary process.

(c) Discipline shall be consistent both with the child's ITP and in response to the child's lack of control or misbehavior.

(d) The following practices shall not be allowed:

1. Cursing;

2. Screaming;

3. Name calling;

4. Threatening of physical harm;
5. Intimidation;
6. Humiliation;
7. Denial of food or sleep;
8. Spanking;
9. Hitting;
10. Unnecessarily rough handling;
11. Paddling; or
12. Any other physical punishment.
13. Denial of visitation with family or custody holder.

(e) Children shall not directly discipline other children.

(f) Handcuffs, weapons, mechanical restraining, or other restraining devices shall not be used.

(g) Children placed in a time-out area shall be in sight or sound of staff. Staff shall check the child at least every five (5) minutes until it is determined the child is ready to continue normal activities.

(h) Safe physical restraint shall be used only to prevent a child from injury to self or others or to prevent serious disruption of the facility's program.

(i) Safe physical restraint shall not be used as punishment or for the convenience of staff.

(j) In facilities where safe physical restraint is used, the facility shall have clearly written policy and procedures governing the safe physical restraint of children. Direct child-caring staff shall be trained in methods of safe physical restraint utilized by the facility.

(k) The program director shall daily review the uses of safe physical restraint to assure compliance with facility policies.

(l) [~~14.~~] The entire group shall not be punished due to the misbehavior of one (1) or more individual group members.

(9) Suspected child abuse or neglect. Staff shall report all incidents of suspected child abuse or neglect in accordance with KRS 620.030(1) and (2).

Section 7. Child-caring Program Services. (1) Admissions and intake.

(a) The facility shall have clearly defined written policies and procedures for admissions that identify the age, sex, and detailed description of the type of child served.

(b) Acceptance of a referral shall be based on the assessment that the child's need is one which the services of the facility are designed to address and which cannot be met in a less restrictive setting. The facility shall not accept into care any child for whom services cannot be provided based on the child-caring program's mission statement and child-caring program's narrative.

(c) The facility shall have a written placement agreement with the child's custodian.

(d) There shall be a preadmission interview with the child.

(e) The following information regarding the child shall be obtained by the facility from the child's custodian during intake:

1. Commitment order or signed voluntary admission form;
2. Verification of birth;
3. Immunization record; and
4. Social history and needs assessment which includes medical, educational, developmental, and family history.

(f) Written consents pertaining to the child's care shall be obtained from the child's custodian for:

1. Photographs, video, and audio tapes;
2. Emergency and routine medical care; and
3. Release of case record information.

(g) Prior to admission, the child and custodian shall be informed in writing of their rights and facility responsibilities including policies pertaining to services offered to the child.

(h) Upon admission, the child shall be oriented to life at the facility including rules and consequences for violation of the rules.

(i) A child under age six (6) may be placed only in temporary shelter care unless the child is a member of a sibling group being placed in residential child care.

(2) Casework planning.

(a) The facility shall have written policy and procedures for the individual treatment planning (ITP) process including assessment, assignment of a treatment team, designation of a case coordinator, development, implementation, and evaluation of the ITP and family involvement.

(b) An initial assessment shall be completed by designated staff within five (5) hours of admission to include:

1. Identifying information;
2. Presenting problem;
3. History (developmental, social, emotional); and
4. Current level of functioning including strengths and weaknesses.

(c) An initial ITP shall be developed by designated staff and implemented within five (5) hours of admission.

(3) Comprehensive assessment and treatment plan.

(a) A comprehensive emotional and behavioral assessment of each child shall be completed by the treatment team and entered in the case record within twenty-one (21) days of admission including the following:

1. A history of previous emotional, behavioral, and substance abuse problems and treatment;
2. The child's current emotional, behavioral, and developmental functioning including strengths and weaknesses;
3. A psychiatric evaluation if [~~when~~] recommended by the treatment team;
4. A psychological evaluation if [~~when~~] recommended by the treatment team;
5. Other functional evaluations of language, self-care, social affective, and visual-motor functioning if [~~when~~] recommended by the treatment team;
6. Social assessment which includes environment and home, religion, developmental history, family dynamics and composition, education; and
7. Recommendations for provision of treatment.

(b) A coordinated treatment team approach shall be utilized in the development, implementation, and evaluation of comprehensive ITPs.

(c) Comprehensive ITPs shall be developed and implemented per the individual needs of the child, and the child's family if [~~when~~] appropriate, and shall include at a minimum:

1. Short-term and long-term goals and objectives;
2. Time frames projected for completion of goals and objectives;
3. Methods for accomplishing goals and objectives;
4. Persons responsible for completion of goals and objectives; and
5. Projected discharge date and placement plans.

(d) The ITP shall be developed within twenty-one (21) days of admission. Treatment team reviews of the child's and family's progress toward meeting treatment goals shall occur at least monthly. Every effort shall be made to involve the child and his family in the monthly treatment team reviews. Treatment team evaluation of the comprehensive ITP shall occur at least on a quarterly basis. Additional assessments shall be completed upon the recommendation of the treatment team. This information shall be documented and maintained in the child's record.

(e) The child shall be offered the opportunity to sign ITPs and ITP reviews signifying understanding of the ITP. If the child refuses to sign or is too young to understand the circumstances, this shall be documented in the record. The child and his family or custodian shall receive a copy of the ITP.

(4) Treatment environment. The daily child-caring program shall be planned in the following manner to create an atmosphere conducive to treatment:

(a) The facility shall have written policies and procedures describing its daily routines, rules, activities, and child and staff interactions.

(b) The daily child-caring program shall be planned to provide a

framework for daily living and shall be reviewed and revised as the needs of individual children or living group change.

(c) The daily routine shall be written and available to children.

(d) Rules shall be clearly defined in language that children can understand.

(e) Staff shall interact with children in a warm, supportive, constructive, and confidential manner. Children shall be treated with respect.

(f) Counseling and interviewing with a child and the child's family shall be conducted in a private area.

(g) Daily recreational activities shall be available to promote mastery of developmental tasks, development of relationships, and increase self-esteem in accordance with the child's ITP.

(h) The facility shall provide recreational equipment to implement the recreational program. Equipment necessary for the recreational program shall be maintained in usable and safe condition.

(5) Discharge and aftercare.

(a) The facility shall have written policy and procedures which describe the conditions under which a child may be discharged including criteria for emergency discharges and discharges not in accordance with the ITP.

(b) The approval of the program director shall be required for all unplanned discharges.

(c) Discharge planning shall begin with the development of the ITP and subsequent ITP reviews the treatment team shall consider:

1. Identification of placement;
2. Community resources to provide support for youth; and
3. Family services.

(d) A predischarge conference shall be held to ensure that the child and family are prepared for the successful transition into placement. The parent, guardian or custodian, the child, and the treatment team shall attend this conference.

(e) The child shall have at least one (1) preplacement visit prior to discharge.

(f) The agency shall prepare a written discharge summary within thirty (30) days following the date of discharge. A copy shall be provided to the custody holder. This summary shall include:

1. Information related to progress toward completion of ITP goals;
2. Barriers to treatment;
3. Treatment methods used in working with the child;
4. Date of discharge;
5. Reason for discharge;
6. Name and telephone number; and
7. Address of person or agency to whom the child was discharged.

(g) Aftercare services shall be offered in cases where no other agency has responsibility for the child's transition or adjustment to a new environment. Upon discharge, the following needs of the child shall be assessed for aftercare services:

1. Education;
2. Medical;
3. Vocational;
4. Mental health services;
5. Legal; and
6. Social.

(6) Case records.

(a) The facility shall maintain current individual case records on each child in a confidential and secure manner which shall include the following:

1. Identifying information including:
a. The child's name;
b. The child's date of birth;
c. The child's former residences;
d. The name, address, and occupation of parents;
e. The date of admission; and
f. The type of commitment;
2. Commitment order or custodian's consent form for admission;
3. Birth and immunization certificates;
4. Education;
5. Medical and dental records which may be maintained separately from the case record;
6. Assessment data or social history;
7. ITPs and reviews;
8. Incident reports;
9. Chronological recordings;
10. Correspondence with courts, family, and Department for Social Services;
11. Discharge summary; and
12. A signed consent form.

(b) The facility shall document at least weekly progress made by the child and his family toward meeting treatment goals.

(c) The facility shall record aftercare services it provides until services are terminated.

(d) The facility shall have a written policy which shall comply with applicable federal and state laws and regulations regarding maintenance, security, and disposal of case records maintained by the facility.

(e) The facility shall not disclose information concerning a child or his family to any person not directly involved in the case without the written consent of the custodian of the child.

(f) If ~~[When]~~ requests are made by individuals or agencies to review case records of committed children, the facility shall immediately forward the request to the Commissioner, Department for Social Services, Cabinet for Human Resources, Frankfort, Kentucky 40621.

(g) Identifying or personal information including Social Security cards, birth certificates, or drivers license shall be released to the child at discharge if this information is not a part of adoptive records which have been sealed.

(h) The facility shall comply with KRS 199.640 regarding records.

(i) After the discharge of a child, the case record shall be maintained at the facility for a minimum of three (3) years. After three (3) years, the case record may be either transferred to the Department for Social Services' Records Section so that it shall be sent to the Library and Archives Department in the Education and Humanities Cabinet, Frankfort, Kentucky 40601, or maintained permanently at the facility.

(j) If the facility ceases to operate, case records shall be transferred to the Department for Social Services, 275 East Main Street, Frankfort, Kentucky 40621.

(k) If ~~[When]~~ a case record is sent to the Archives and Library Department, the facility shall maintain a file to include:

1. The name, case number, date of birth; and
2. The date the case record was sent to the Department for Social Services.

Section 8. Youth Treatment Center. The following additional requirements shall apply to facilities providing intensive treatment oriented services.

(1) Professional treatment services. If ~~[When]~~ a child has an assessed need for professional psychological or psychiatric treatment services and other professional treatment services not provided by the facility, the facility shall secure these services either directly or by contract.

(a) After assessment and development of the ITP, the treatment team shall identify services to meet the needs of the child and his family. These services shall be provided by the facility or arranged through contract with another qualified agency or individual. These services may include the following:

1. Individual counseling;
2. Family counseling;
3. Group counseling;
4. Psychiatric counseling; and
5. Other recognized specialized therapies.

(b) The child shall receive individual counseling from a social

worker or other treatment professional as determined by the treatment team.

(c) The child and his family shall be offered family counseling from a social worker or other treatment professional staff as determined by the treatment team.

(d) Group counseling may be offered by the facility but shall be conducted by a trained social worker or other treatment professional as determined appropriate by the treatment team and under the supervision of the program director.

(2) Staffing requirements.

(a) If treatment or supervisory needs of the children require additional staff below the minimum staff/child ratios required in Section 3(5)(c) of this regulation, the treatment director shall provide additional direct care staff to ensure the safety of residents, facility staff, and visitors.

(b) There shall be a staff member designated as treatment director that is responsible for the supervision, evaluation, and monitoring of the treatment program, social work and other treatment staff. Facilities providing treatment services for more than thirty (30) children shall employ a separate treatment director other than the executive director.

(c) Facilities providing treatment services for thirty (30) or less children may utilize the executive director in a dual role as treatment director, provided that at least fifty (50) percent of his duties are spent supervising the treatment program.

(3) Seclusion rooms.

(a) Facilities shall have clearly defined written policies and procedures for placement of a child into a seclusion room.

(b) A seclusion room shall be only utilized if ~~[when]~~ the child is in danger of harming self or others and efforts made to deescalate the child's behavior prior to placement into the seclusion room have been proven to be ineffective. The seclusion room shall not be utilized as punishment or for the convenience of staff.

(c) Approval from the program director or treatment staff designee shall be obtained prior to the individual placement of a child into a seclusion room.

(d) More than one (1) child shall not be placed into the seclusion room at one time.

(e) Objects that may be used for self harm shall be removed from the child before he is placed into the seclusion room.

(f) A child's clothing except belts and shoes shall not be removed while placed into a seclusion room.

(g) A child shall not be placed into a seclusion room with a latching device for longer than one (1) hour within a twenty-four (24) hour period. The child may be released from seclusion in less than one (1) hour provided his behavior is stabilized.

(h) If a child requires a second placement into a latched seclusion room, a treatment team meeting shall be conducted by the program director within twenty-four (24) hours of placement into the seclusion room to reassess the child's ITP.

(i) All staff shall have a copy of the policies and procedures for placement of a child into a seclusion room.

(j) Staff shall have at a minimum sixteen (16) hours of annual training on techniques of deescalation, safe physical restraint, and proper use of the seclusion room.

(k) If ~~[When]~~ a child is in the seclusion room, a staff member shall visually observe the child every five (5) minutes.

(l) Staff shall document the following in the client record:

1. Interventions to deescalate the child's behavior prior to placement into the seclusion room;
2. Date and time of placement into the seclusion room;
3. Date and time of removal from the seclusion room;
4. Reason for placement into the seclusion room;
5. Names of staff involved;
6. Program director's or designee's approval;
7. Five (5) minute visual observation by staff of the child's placement; and
8. Intervention provided by treatment staff if ~~[when]~~ the child leaves the seclusion room.

(m) A room used for a seclusion room shall:

1. Be lighted, ventilated, and maintained at a temperature consistent with the rest of the facility and all areas observable if ~~[when]~~ the door is closed.
2. The room shall be at least fifty-six (56) square feet in size.
3. The room shall be free from exposed objects that allow the child to do self-harm.

(n) Immediately upon the child's exit from a seclusion room, treatment staff shall provide therapeutic intervention.

(o) If a latch is utilized to secure the door of the seclusion room, it shall not require the use of a key or combination.

(p) An incident report shall be completed on the child's placement into the seclusion room, reviewed, and signed by the program director.

Section 9. Temporary Shelter. (1) Temporary shelter facilities providing child care on an emergency basis shall have an intake service on a twenty-four (24) hour-a-day, seven (7) day-a-week basis.

(2) If ~~[When]~~ a temporary shelter facility is part of a larger organization providing other child-caring or child-placing services, there shall be a designated person to act as director of the temporary shelter facility.

(3) The temporary shelter facility shall orient each child to the procedures regarding safety and evacuation. Upon admission, each child shall be screened by facility staff for signs of illness or communicable disease. This does not supersede the requirements of Section 5 (1)(d) of this regulation that the child be examined by a licensed physician.

(4) The temporary shelter shall maintain daily recordings on the behavior and attitudes of the child.

(5) Temporary shelters shall be exempt from the requirements of Sections 5 (l)(m), 6(3)(n)1 and 2, and 7(1), (2), (3), (4), and (5) of this regulation. If ~~[When]~~ a child remains in temporary shelter for more than sixty (60) days, the requirements of Section 7(1), (2), (3), (4), and (5) of this regulation shall apply and the facility shall document the reason the child remains.

(6) The facility shall have clearly defined written policies and procedures for admissions that identify the age, sex, and detailed description of the type of child served.

(7) The child shall be oriented to life at the facility including rules and consequences for violation of the rules.

(8) The facility shall comply with the recordkeeping provisions of KRS 199.640.

(9) Temporary shelter facilities shall employ nighttime staff who shall remain awake during the sleeping hours of the children.

Section 10. Group Homes. The following additional requirements apply to group home programs as defined in KRS 199.011.

(1) The group home shall present evidence of compliance with applicable local zoning ordinances prior to initial licensure from the Cabinet for Human Resources.

(2) The group home shall comply with KRS Chapter 424 by publishing a notice of intent to locate. The group home shall hold a public hearing if requested by citizens in the community or appropriate local governmental entity. Information obtained at the hearing shall be made available to the public and the Cabinet for Human Resources.

(3) The staff-to-child ratio shall be one (1) child-caring staff member for each four (4) children or fraction thereof. An on-duty staff member who is away from the group home with a child may be included for the computation of this ratio.

(4) The group home child-caring program shall utilize community resources; children shall be encouraged to participate in community activities.

(5) Group homes shall utilize the public school system or an

accredited private school.

Section 11. Independent Living. The following additional requirements apply to facilities providing independent living programming.

(1) The child-caring facility shall develop and implement written policies and procedures which address its independent living program including:

(a) A curriculum for teaching and practicing of independent living skills including employment, education, money management, interpersonal skills, use of community resources, and basics of nutrition and food preparation;

(b) A plan for aftercare services; and

(c) A plan for services from cooperating agencies.

(2) If [~~When~~] an independent living program exists outside of the facility, the program director shall document that local fire and building codes are met. This standard shall supersede the standard in Section 5(2) of this regulation.

(3) A staff person shall be responsible for and have daily direct contact with each child in the independent living program.

(4) The facility shall maintain documentation for each youth concerning:

(a) An assessment of the youth's readiness to live independently;

(b) Progress each youth has made in independent living skills training;

(c) Assistance to the youth in finding and keeping in touch with family if [~~when~~] possible;

(d) Staff observation of the living arrangements; and

(e) Progress in educational program.

(5) The independent living programs shall be exempt from the following provisions of this regulation:

(a) Section 3(2)(a);

(b) Section 3(5)(b), (c), (d), (f);

(c) Section 5(3)(a), (b), (c), (d), (e), (f), (g), (h), (i);

(d) Section 6(7)(b), (c), (e), (f); and

(e) Section 7(3)(a), (b), (c), (d), (e).

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are fifty-nine licensed private chid caring facilities and group homes providing twenty-four hour residential care to children.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all twenty-four licensed private child placing facilities providing foster care and adoption services to children statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Children's Residential Services
(Proposed Amendment)

905 KAR 1:310. Standards for child-placing agencies.

RELATES TO: KRS 199.011, 199.640, 199.650, 199.660, 199.670, 600.020, 615.010, 620.020

STATUTORY AUTHORITY: KRS 194.050, 199.640(3), 615.050

NECESSITY AND FUNCTION: KRS 199.640 requires that the cabinet issue administrative regulations relating to standards of care

and service for child-placing agencies. This proposed administrative regulation combines provisions of 905 KAR 1:005.

Section 1. Definitions. (1) "Adoption" means the legal process by which a child becomes the child of a person or persons other than biological parents.

(2) "Advisory board" means a group of citizens approved by the board of directors who lends advice, counsel, and support to an agency.

(3) "Aftercare" means services provided to the child after discharge from a child-placing facility.

(4) "Board of directors" means that group which is by law or charter delegated the responsibility for governing the agency.

(5) "Community resources" means services and activities available in the community that supplement those provided by the child-placing agency in the care and treatment of children.

(6) "Division" means the Division of Licensing and Regulation, 275 East Main Street, Frankfort, Kentucky 40621.

(7) "Executive director" means the person employed by the board of directors to be responsible for the overall administration and management of an agency.

(8) "Individual treatment plan (ITP)" means a plan of action developed and implemented to address the needs of an individual child.

(9) "Infant" means a child under two (2) years of age.

(10) "Preschool child" means a child under six (6) years of age.

(11) "Program director" means the person responsible for supervising the day-to-day operation of the program for children served by the agency or facility.

(12) "Social services" means a planned program of assistance to help an individual move toward a mutual adjustment of the individual and his environment.

Section 2. Administration and Operation. (1) Licensing procedures.

(a) Initial licensure.

1. If ~~[When]~~ applying for an initial license, the agency shall provide the following:

a. A complete application as determined by the cabinet;

b. A licensure fee of $155;

c. A copy of the articles of incorporation;

d. A mission statement of purposes, objectives, scope of services provided, and intake policy specifying kinds of children to be accepted for care;

e. A copy of the constitution and bylaws;

f. A list of officers, board members, and advisory board members, if any, including addresses and professions;

g. Names and titles of officers and terms of office;

h. A list of all staff including positions or title and qualifications; and

i. Applications for child-placing facility licenses shall be in compliance with the applicable regulations or shall have submitted an acceptable plan for correction of violations relating to the particular child-placing facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the child-placing facility. Representatives of the division shall have access to the child-placing facility at any time. Regulatory violations identified during inspections shall be transmitted in writing to the child-placing facility by the division. The child-placing agency shall submit a written plan for the elimination or correction of the regulatory violations to the inspecting agency within ten (10) days. The plan shall specify the dates by which each of the violations shall be corrected. Following a review of the plan, the division shall notify the child-placing facility in writing of the acceptability of the plan. If ~~[When]~~ a portion or all of the plan is unacceptable, the division shall specify the reasons for the unacceptability. In these cases, the child-placing facility shall modify or amend the plan and resubmit it to the division within ten (10) days.

2. A license shall be issued by the cabinet when the agency has been surveyed by the cabinet and it is determined that the agency qualifies for licensure.

(b) Renewal licensure. Agencies shall be relicensed annually from the date of issuance of the original license. To be eligible for relicensure, the agency shall:

1. Submit a renewal application;

2. Submit a relicensure fee of eighty-five (85) dollars; and

3. Comply with the applicable portions of this regulation.

(c) Every child-caring agency shall provide the following information as part of the annual inspection:

1. A list of officers, board members, and advisory board members, if any, including addresses and professions;

2. Names and titles of officers and terms of office; and

3. A list of all staff including positions or title and qualifications.

(d) The agency shall comply with its mission statement, child-caring program narrative, and all applicable federal and state regulations in regard to child-caring program operations.

(e) The agency shall have an annual audit completed by an independent accounting firm or a certified public accountant.

(f) All applications for licenses shall, as a condition precedent to licensure or relicensure, be in compliance with the applicable regulations relating to the particular child-placing facility. Compliance with licensure regulations shall be ascertained through on-site inspections of the child-placing facility. The inspection procedure for relicensure shall be the same as set forth in paragraph (a)1i of this subsection.

(g) The license shall specify the types of care and service the agency is authorized to provide based upon the application and inspection.

(h) The agency shall provide the types of care and services for which they are licensed.

(i) A license shall be issued for a specific physical location and for operation by a sponsoring organization.

(j) Licenses shall not be transferable.

(k) Notification of changes in the following shall be made to the division in advance to allow for approval before implementation:

1. Ownership or sponsorship;

2. Location;

3. Capacity; or ~~[and]~~

4. Services.

(l) The agency shall post its license in a place visible to the public.

(2) Board of directors.

(a) The agency shall have a board of directors consisting of a minimum of seven (7) members, the majority of whom shall be residents of Kentucky.

(b) The board of directors shall meet quarterly in every calendar year. Minutes of these meetings shall be taken and kept in written form.

(c) One (1) meeting of the board of directors shall be held at each agency location in every calendar year. If ~~[When]~~ a board of directors has responsibility for multiple agency locations, a board committee may be appointed:

1. To meet at least once a year at each agency location; and

2. Shall submit a written report of this meeting to the full board.

(d) The board of directors shall employ an executive director. The division shall be notified in writing of a change in the facility's executive director within seven (7) days.

(e) The board of directors shall be responsible for and have the authority to ensure the continuing compliance with the requirements of all relevant federal, state or local laws or regulations.

(f) The board of directors shall conduct and approve an annual evaluation of the performance of the executive director.

(g) The board of directors shall approve a written annual budget for the agency which ensures funding to meet all operating requirements.

(h) The board of directors shall in consultation with the executive director approve and annually review all written policies of the agency.

(i) The board of directors shall obtain a criminal records check of prior convictions or pleas of guilty of the executive director prior to employment.

(j) The board of directors shall approve a mission statement delineating:

1. The purposes;

2. Objectives;

3. Scope of services to be provided; and

4. Intake policy specifying kinds of children to be accepted for care.

(3) Executive director.

(a) The duties of the executive director shall be determined by the board of directors and shall include the following responsibilities:

1. Select, employ, and terminate staff;

2. Develop and implement agency policies approved by the board of directors;

3. Provide professional help to the board of directors in:

a. Carrying out their responsibilities;

b. Interpreting the needs of the children and families served; and

c. Assisting in periodic evaluation of the agency's services;

4. Supervise the preparation of an annual budget for board consideration;

5. Keep the board informed of financial needs;

6. Provide financial statements to the board of directors on a quarterly basis;

7. Operate within the established budget;

8. Attend board meetings;

9. Ensure that orientation is provided for new employees and continual training for staff; and

10. Delegate appropriate duties to other staff.

(b) If [When] the executive director is not on the premises, a designated staff person shall be responsible for the day-to-day operations of the child-caring program.

(4) Staff qualifications. Persons hired after the effective date of this regulation as executive director shall possess the following qualifications:

(a) An executive director shall possess:

1. A master's degree in any of the following human services fields:

[1.] Social work;

[2.] Sociology;

[3.] Psychology;

[4.] Guidance and counseling;

[5.] Education;

[6.] Religion;

[7.] Christian education;

[8.] Divinity;

[9.] Business administration;

[10.] Pastoral counseling;

[11.] Criminal justice;

[12.] Public administration; [or

13.] Child care administration;

[14.] Nursing;

[15.] Other human service field related to working with families and children; and,

[(b)] two (2) years of work experience in management of a human services program; or

2. A bachelor's degree with a major in the areas listed above [social work, sociology, psychology, criminal justice, guidance and counseling, education, religion, Christian education, divinity, and pastoral counseling, business administration,] public administration, or child-care administration and four (4) years work experience in human services programs.

(b) [(c)] Persons other than the executive director employed in positions responsible for supervising, evaluating, or monitoring social work or other professional staff shall possess:

1. A master's degree in the human services area including the areas of social work, sociology, psychology, guidance and counseling, education, business administration, criminal justice, public administration, or child-care administration; and

2. At least two (2) years work experience in the human services field.

(c) [(d)] All licensed child-placing agencies shall have one (1) member of the social work staff designated as placement director who shall hold:

1. A master's degree in social work or a related field; or

2. A bachelor's degree in social work or a related field and a minimum of two (2) years professional child-placing experience in working with children and families including foster care or adoptive placements.

(d) [(e)] A child-placing agency using the service of a social worker not on the staff of the agency shall document that the social worker meets the qualifications as required in paragraph (f) [(g)] of this subsection. An agreement for this provision of service shall be on file at the agency and shall specify the qualifications of the social worker.

(e) [(f)] Social workers shall be supervised by the placement director.

(f) [(g)] Employees responsible for social work, counseling, or planning and coordinating services to children shall have at least a bachelor's degree in the human services field.

(g) [(h)] Social services staff shall not carry a caseload of more than twenty (20).

(5) Personnel policies.

(a) Employees shall be at least eighteen (18) years of age.

(b) There shall be a written job description which shall be reviewed and revised for each position which:

1. Clearly describes the duties of the position and the skills necessary to fill the position; and

2. Identifies the position's immediate supervisor.

(c) Personnel upon employment shall receive written agency policies and procedures to include the following:

1. Salary plan;

2. Leave provisions;

3. Working conditions;

4. Fringe benefits;

5. Employment and termination;

6. Job descriptions;

7. Staff evaluation;

8. Provisions for staff development;

9. Employee grievance;

10. Disciplinary action; and

11. Child-caring program narrative.

(d) Personnel orientation. Personnel within one (1) month of initial employment shall receive an orientation to agency policies and procedures.

(e) Current personnel records shall be maintained for each employee which include the following:

1. Name, address, Social Security number, date of employment, and date of birth;

2. Evidence of current registration, certification, or licensure;

3. Records of participation of staff development;

4. Records of performance evaluation;

5. Criminal records check;

6. Records of physical exams related to employment;

7. Personnel actions;

8. Application for employment and resume or contract; and

9. Evidence of personnel orientation.

(f) If a criminal records check reveals a prior criminal conviction or plea of guilty to charges pursuant to KRS Chapter 510 or a Class A felony, the applicant shall not be employed.

(g) The agency shall have an ongoing staff development program for the administrative, professional, volunteer, and support personnel.

1. Records of attendance at workshops, conferences, and academic courses related to work responsibilities shall be kept on employees.

2. The staff development program shall be under the supervision of a designated staff member.

(h) An employee under indictment or legally charged with felonious conduct shall be immediately removed from contact with children until the person is cleared of the charge.

(i) Volunteers who perform similar functions as paid staff shall meet the same requirements and qualifications.

(6) Agency policies. There shall be written administrative policies which the agency follows covering all aspects of operation including:

(a) Administration;

(b) Personnel;

(c) Fiscal management;

(d) Case records;

(e) Child-placing program;

(f) Internal review and evaluation;

(g) Transportation of children;

(h) A description of organization structure, staffing, and allocation of responsibility and accountability; and

(i) A child-placing program narrative describing in detail:

1. The services offered;

2. Methods and protocols for service delivery;

3. Qualifications of personnel involved in the delivery of the services; and

4. Goals of the services.

(7) Internal review and evaluation.

(a) Each agency shall provide for and conduct a self-evaluation of overall agency performance and management of its services at least every three (3) years from the effective date of this regulation.

(b) Specific written criteria and procedures for evaluating the overall agency performance and management shall be established. These shall be approved by the board of directors.

(c) The required evaluation shall examine the following factors:

1. Child-placing program content in relation to the stated role and purpose of the agency;

2. Child-placing program effectiveness based on stated and measurable goals;

3. Roles of the board of directors and management staff;

4. Personnel policies;

5. Staffing patterns and job responsibilities;

6. Staff effectiveness;

7. Staff turnover, causes, and effects;

8. Staff training program;

9. Budgeting and fiscal management;

10. Placements, planned and unplanned discharges, and length of stay of children in care;

11. Content of the child-placing program as related to the needs of the child and family based upon a random review of casework plans; and

12. The service continuum from intake through aftercare.

(d) A copy of each evaluation shall be kept on file at the agency and a copy shall be given to each member of the board of directors.

(e) Accreditation by the Council on Accreditation sponsored by the Child Welfare League of America or the Joint Commission on Accreditation of Health Care Organization shall substitute for the three (3) year evaluation.

(f) The child-placing agency shall ensure that the rights of children and their families, including that of confidentiality, are protected in all phases of evaluation. Services shall not be denied or restricted to any client based upon [~~his~~] participation [~~or lack thereof~~] in the evaluation process.

Section 3. Interstate Placements. (1) Prior to accepting a child from another state or prior to placing a child outside Kentucky, the child-placing agency shall comply with all applicable provisions of KRS 615.030 to 615.040, Interstate Compact on Placement and Children; and KRS 615.010, Interstate Compact on Juveniles.

(2) If [~~When~~] a child committed to the cabinet makes a brief visit out of state, not accompanied by agency personnel, the agency shall obtain prior consent from the social worker in the Department for Social Services who has case responsibility.

(3) If an emergency placement of a child into a licensed child-placing agency is made, compliance with KRS 615.030 to 615.040 shall be the responsibility of the placing agency.

Section 4. Orientation and Training of Foster and Adoptive Homes. Each child-placing agency shall provide orientation and training to prospective foster and adoptive parents to include the following:

(1) Agency program description with mission statement, information about the rights and responsibilities of parents, and background information about foster or adopted children.

(2) Examples of actual experiences from parents who have fostered and adopted special needs children to include:

(a) Examination of the stages of grief;

(b) Identification of the behaviors linked to each stage; and

(c) Consideration of the long-term effects of separation and loss on children.

(3) Examination of family functioning, values, and expectations of the adoptive or foster family. Identification of changes which may occur in the family unit with placement of a child and discipline issues.

(4) Examination of how a placement may affect family:

(a) Functioning;

(b) Adjustment problems;

(c) Identity issues; and

(d) Disruptions.

(5) Specific requirements and responsibilities of foster and adoptive families.

Section 5. Evaluation of Potential Foster Homes. (1) The functions of recruitment and response to inquiries by prospective foster parents shall be performed by the child-placing agency social work staff. An application shall not be given without an interview to determine if the application process may proceed.

(2) The agency shall be responsible for approving the home as acceptable for children based upon a home study and shall be conducted as a series of planned interviews and home visits by the social worker. Children shall be placed only in approved foster homes.

(3) The agency shall keep a written record of the findings of this study and the evidence on which these findings are based.

(4) The foster home study shall record personal interviews both joint and separate with all members of the household.

(5) The foster home study shall include the following information:

(a) Attitudes of household members toward placement of a foster child into the home;

(b) Observations of foster family functioning including interpersonal relationships and patterns of interaction;

(c) The foster parents' ability to accept the child's relationship with the child's natural parents;

(d) Information regarding nonfamilial relationships;

(e) Certification by a licensed physician regarding the family's physical ability to provide necessary care for the child;

(f) Standards of household safety, housekeeping, and cleanliness are acceptable;

(g) Water supply and sanitation compliance with all state and local health requirements;

(h) Suitability of in- and out-of-door play space according to the age and needs of the child;

(i) Accessibility of the home to the community resources;

(j) A criminal records check and child abuse registry check on any adult residing in the household;

(k) Verification of all marriages and divorces of the prospective foster parents; and

(l) A minimum of three (3) written references.

(6) An agency shall not have more than two (2) children under two (2) years of age placed in the same foster home at the same time except for:

(a) Sibling groups who may remain together.

(b) Temporary shelters that are limited to serving children under two (2) years of age.

(c) Homes where three (3) or more adults reside and the maximum number of infants shall not exceed three (3) at one (1) time.

(7) A foster home shall be selected for a particular child based upon the individual needs of the child.

(8) The worker shall explain the terms of each placement and the foster parents shall certify in writing that supervision from the agency will be allowed. This shall be documented in the case record.

(9) The total number of children shall not exceed six (6) in number, including the foster parent's own children, unless [~~except when~~] the needs of the individual child indicate the necessity of keeping sibling groups together. Justification for exceptions shall be documented in the record.

(10) A child shall not without prior notification to and written authorization from the Kentucky Interstate Compact Administrator:

(a) Be placed with persons who normally reside in another state; or

(b) Be permitted to go with any person to take up residence in another state.

(11) Homes providing care of foster children shall not be used simultaneously for any other social services, including day care centers or homes for the elderly. This shall not preclude foster parents being approved for adoption or adoptive parents being approved as foster parents.

(12) All approved foster homes in use shall be evaluated on an annual basis. The results of evaluations shall be recorded in the case record.

(13) Each agency shall have a written agreement which states the responsibilities of the agency and the foster parents.

(14) The child shall participate in the intake process and in the decision that placement is appropriate to the extent that the child's [~~(a) His~~] age, maturity and adjustment;

[~~(b) The nature of~~] family relationships; and

[~~(c)~~] circumstances necessitating placement justify participation.

(15) The agency shall maintain an ongoing orientation and training program for its foster families. Records of all orientation and training shall be maintained.

Section 6. Placement Process. The following shall be the responsibility of the child-placing agency with exception of those children committed or otherwise made the legal responsibility of the Cabinet for Human Resources. In these cases, services shall be coordinated by Cabinet for Human Resources and agency staff; however, final casework responsibility shall be the responsibility of the Cabinet for Human Resources.

(1) The agency social worker shall be responsible for developing an individual treatment plan (ITP) for each child and their biological family. The plan shall include the type and extent of services to be given the biological family to rehabilitate the home.

(2) The biological parents and child shall be included in developing the placement plan unless contraindicated.

(3) The foster placement shall be located as near as possible to the natural parent's home to facilitate visiting.

(4) There shall be a semiannual review of the child's natural home.

(5) Each child shall have a period of preparation for the placement unless circumstances preclude this preparation. The circumstances shall be documented in the case record.

(6) Preplacement visitation by the child under agency supervision shall be scheduled before final placement in the foster home unless circumstances, which shall be documented in the case record, preclude these visits.

(7) Prior to placement, the social worker shall hold meetings with the child to prepare him for the placement.

(8) Social services to the natural parents and the child shall be adapted to their individual capacities, needs, and problems. If [~~When~~] parents refuse social services, it shall be documented in the record.

(9) Planning for the child regarding matters including but not limited to [~~such as~~] visitation, health, and education shall be developed with the parents, the social worker, and foster parents.

(10) Requests for a removal of a child from a foster home shall be explored immediately and documented by the social worker.

(11) Preparation for a child's return to the natural family shall be supervised by a social worker. The natural family shall participate in planning for the child's return. If [~~When~~] the child has not had regular contact with his natural family, plans for the child's return home shall include prior visits between the child and the family and at least one (1) preliminary visit of the child to his parents' home. If [~~When~~] the child is committed to the Cabinet for Human Resources and the parents reside a considerable distance from the agency, attempts shall be made for providing services to the parents. If [~~When~~] the agency is unable to provide services directly to the natural parents, the executive director of the agency shall request the Cabinet for Human Resources to provide services. These efforts shall be documented in the case record. Provisions shall be made for exchange of information at least quarterly and more often if circumstances warrant.

(12) The agency shall provide for the semiannual review of the children in foster care to assure that foster care continues to be the best plan for each child.

Section 7. Supervision of Children in Foster Homes. (1) The agency shall maintain continuing supervision of the child and foster home while the child is in placement. The agency shall assure that the child is receiving care in accordance with his needs. The agency shall provide information to the foster parents regarding the child's behavior and development.

(2) Upon placement of a child in a foster home, the responsible worker shall make at a minimum monthly supervisory visits to the home. The individual needs of the child shall dictate if [~~when~~] more frequent visitation is necessary. The number of contacts and the rationale shall be specified in the plan.

(3) The agency shall document every effort to see that the legal rights of parents and the child are protected and that the family ties are maintained between the child and his parents.

(4) Each child shall have clothing for his exclusive use comparable in quality and variety to that worn by other children with whom he will associate.

(5) The agency shall be responsible for seeing that children comply with state school attendance laws.

(6) The agency shall secure psychological and psychiatric services, vocational counseling, and other services if [~~when~~] indicated by the child's needs.

(7) If [~~When~~] the plan for long-term foster care for a child has been determined and justified, the plan shall be reassessed annually.

Section 8. Maintenance of Foster Care Records. (1) The agency shall maintain records on each child, his family, and on the foster families. These records shall show the reasons for placement changes and steps taken to insure success.

(2) Social work staff shall document in case records the results of regular social service and progress toward goals which have been established for the child and family.

(3) Copies of all correspondence relating to the child shall be maintained.

(4) The date of discharge and the name and address of the persons or organization to whom the child is discharged shall be recorded.

(5) The discharge recording shall reflect the reason for the discharge.

(6) All case records shall be maintained in conformity with existing laws and regulations pertaining to confidentiality, KRS 61.878, 199.430(3), 199.640, and 200 KAR 1:020.

Section 9. Evaluation of Potential Adoptive Homes. (1) The agency shall select as adoptive parents applicants:

(a) Who are capable of providing for the child's care, support, education, and character development; and

(b) Who have the ability to understand and accept the child's characteristics, potential, and limitations.

(2) Adoptive placement of a child shall not be made prior to the approval of a home as an adoptive home.

(3) The agency shall complete a written study of the adoptive home which shall include the following:

(a) Personal interviews, both joint and separate, shall be conducted with each member of the household.

(b) Worker's evaluation of the home situation.

(c) The functioning of the total household shall be considered in determining the suitability of the home.

(d) Three (3) written references indicating the suitability of the home and of the potential adoptive parents.

(4) The written study of the home of the applicant documents:

(a) Attitudes of household members toward placement of an adoptive child into the home.

(b) Observations of the functioning of the potential adoptive family including interpersonal relationships and patterns of interaction.

(c) The nonfamilial relationships.

(d) Certification by a licensed physician regarding the physical and mental ability of the family to provide necessary care for the child.

(e) Standards of household safety, housekeeping, and cleanliness are acceptable.

(f) Water supply and sanitation compliance with all state and local health requirements.

(g) Suitability of in- and out-of-door play space according to the age and needs of the child.

(h) Accessibility of the home to community resources.

(i) A criminal records check on each adult residing in the household.

(j) Verification of all marriages and divorces of the potential adoptive parents.

(k) The economic circumstances of the potential adoptive parents are sufficient to meet the needs of the child.

(5) Agencies shall clearly define the qualifications they require of potential adoptive applicant.

Section 10. Adoption Placement Process. (1) A child shall not be placed for adoption until the parental rights of biological parents and alleged parents are terminated by a circuit court order in accordance with Kentucky Revised Statutes.

(2) Parents shall not be induced to terminate parental rights by a promise of financial aid or other consideration.

(3) The authority granted to agencies licensed by the cabinet authorizing them to place a child for adoption shall not be used to facilitate adoptive placements planned by doctors, lawyers, clergymen, and others outside the agency.

(4) A developmental history of the adoptive child and social history of the biological parents shall be obtained. Information shall be obtained from direct study and observation of the child by the social worker, pediatrician, foster parents, and if [~~when~~] indicated, by the nurse, psychologist and other consultants. To comply with KRS 199.520 and 199.572, child-placing agencies shall assist the biological parents in completing forms prescribed by Cabinet for Human Resources policy and procedure.

(a) The child's developmental history shall include as much of the following as is available:

1. Birth and health history;
2. Early development;
3. Characteristic ways of the child of responding to people and situations;
4. Deviations from the range of normal development;
5. The experiences of the child prior to the decision to place him for adoption;
6. Maternal attitudes during pregnancy and early infancy;
7. Continuity of parental care and affection;
8. Foster care placements; and
9. Separation experiences.

(b) Information that may affect the child's normal development shall be obtained from biological mother and father about their family background may include:

1. Name;
2. Age;
3. Nationality;
4. Education;
5. Religion;
6. Occupation; and
7. Information to determine whether there are any significant hereditary factors or pathology, including illnesses of the biological mother or father.

(c) Information shall be obtained from the mother, if possible:

1. To the identity of the biological father for purposes of determination of the father's parental rights; and
2. Establishment of the possible hereditary endowments. If either biological parent is unavailable, unwilling, or unable to assist with the completion of information necessary to comply with KRS 199.520 and 199.572, the agency shall document information to the extent possible from existing case records.

(5) A medical examination shall be made by a licensed physician to determine:

(a) The state of the child's health;

(b) Significant factors that may interfere with normal development; and

(c) The implications of any medical problems.

(6) Before placement of the child, conditions under which adoptive parents accept the child shall be agreed upon. This written agreement shall embody the following provisions:

(a) The adoptive parents shall comply with KRS 199.470 and agree to file an adoptive petition at a time agreeable to them and the agency.

(b) The adoptive parents agree to:

1. Permit supervision by the agency during the period of time after placement; and
2. Preceding the final judgment by the circuit court.

(c) The agency is responsible for providing the adoptive parents with:

1. Written information regarding the child's background;
2. Medical history;
3. Current behavior; and
4. Medical information necessary to comply with KRS 199.520.

(d) The adoptive parents and the agency shall agree that the child may be removed from the family at the request of either party before the filing of the adoptive petition.

(7) Preplacement meetings shall be arranged for the adoptive parents and any child one (1) month of age or older.

(8) If [~~When~~] preparing the child for placement with the selected adoptive parents, the agency shall discuss with the child his readiness to accept this placement in accordance with the child's age and

ability to understand.

(9) Siblings who have had a relationship with one another shall be placed together unless it is determined to be more beneficial for them to be placed in separate homes. Continued contact between siblings in separate homes shall be maintained if [~~when~~] possible. If [~~When~~] siblings have been separated in placements:

(a) The case record shall reflect a valid basis for the separation;

(b) The decision to separate siblings shall be made by the executive director of the agency.

Section 11. Supervision of Adoptive Homes. (1) The agency placing a child shall remain responsible for him until the adoption has been granted. This responsibility involves the following:

(a) Two (2) meetings by the worker with the child and the family including both adoptive parents if [~~when~~] not a single parent adoption, one (1) of which shall be in the home before filing of the adoption petition.

(b) Awareness of changes in the adoptive family including health, education, and behavior.

(2) Upon request of the Cabinet for Human Resources, the agency shall provide information as required in KRS 199.510 which is necessary to report to the court to proceed with the adoption. Upon the request of the cabinet for filing with the appropriate circuit court, the agency placing the child shall:

(a) Prepare a confidential report to the court; and

(b) [~~Shall~~] Forward the original and one (1) copy of this report and a copy of information required by KRS 199.520 and 199.572 to the Cabinet for Human Resources.

(3) If the court finds the adoptive parents to be unsuitable and refuses to grant a judgment, the agency shall remove the child from the home.

Section 12. Maintenance of Adoptive Case Record. (1) The agency shall maintain a case record from the time of the application for services through the completed legal adoption and termination of agency service on:

(a) Each child accepted for care;

(b) His family; and

(c) Each adoptive applicant.

(2) The case record shall contain material on which the agency decision may be based and shall:

(a) Include information and documents needed by the courts;

(b) Preserve information about the child and his family;

(c) Include a narrative or summary of the services provided with copies of all legal and other pertinent documents; and

(d) Include all information gathered during the intake study including the following:

1. A description of facts about the child's family situation which necessitated placement of the child away from his family [~~and/~~]or termination of parental rights;

2. A certified copy of the order of the circuit court terminating parental rights and committing the child to the agency for the purpose of adoption;

3. Verification of the child's birth record and the registration number;

4. A copy of the child's medical record up to the time of placement;

5. A copy of the required study of the adoptive home;

6. Date of placement in the adoptive home;

7. A statement of the basis of the selection of this home for the child;

8. A record of after-placement services with dates of contacts and observations;

9. Dates of filing of petition and granting of judgments and other significant court proceedings relative to the adoption; and

10. Child's adoptive name.

(3) If [~~Where~~] there is need to share background information with one of the parties to a completed adoption or to have the benefits of information from a closed adoption record to offer services following completion of an adoption, the agency shall comply with KRS 199.570.

(4) Records on adoption which contain pertinent information shall be maintained indefinitely following final placement of a child. Each individual record shall be sealed and secured from unauthorized scrutiny.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: December 27, 1993

FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are 59 licensed private child caring facilities and group homes providing 24 hour residential care to children.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the department for terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paper-

work requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all 24 licensed private child placing facilities providing foster care and adoption services to children statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
(Proposed Amendment)

905 KAR 1:320. Fair hearing.

RELATES TO: 45 CFR 205.10 [~~210~~], 29 USC 794, 42 USC 12101 et seq., 2000a et seq. [~~Social Security Act, Civil Rights Act~~]

STATUTORY AUTHORITY: KRS 194.050

NECESSITY AND FUNCTION: Under Titles IV-A, IV-B, IV-C, IV-E and Title XX of the Social Security Act, the single state agency responsible for the program shall be required by federal regulation, 45 CFR 205.10, to provide a hearing to an applicant or recipient who is aggrieved by an agency action resulting in denial, suspension, reduction, discrimination, exclusion or termination of services. The Department for Social Services has assured various federal agencies that it shall comply with the provisions of 29 USC 794, 42 USC 12101 et seq., 42 USC 2000a et seq., [~~the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973 as amended~~] and with 45 CFR 205.10.

Section 1. Definitions. (1) "Applicant for services" means a person who has applied for services from the Department for Social Services by means of signing an application.

(2) "Client" means a recipient or a person who has been determined to be eligible to receive services from the Department for Social Services and has been registered in a case to receive ongoing services or a person who has been ordered by a court to receive services from the Department for Social Services.

(3) "Complaint" means the applicant for services, client, foster parent or adoptive parent who after submitting their written complaint, is entitled to a fair hearing.

(4) "Hearing officer" means a person who is trained in administrative hearing procedures designated by the Commission for Social Services or designee to conduct fair hearings.

(5) "Local resolution process guidelines" means the local resolution conference consisting of an informal process that gives the complainant the opportunity to discuss his complaint and clarify issues and attempt to resolve those issues. The complainant shall be afforded the opportunity to decide whether he continues to desire a formal hearing following the local resolution process.

(6) [~~(2)~~] "Timely" means that a notice is mailed at least ten (10) days before the date of the action, except that adequate written notice shall be given no later than the date of the action if staff determines that delaying the action endangers the health or well-being of the children or that the health or well-being of children may be endangered if prior notice is given.

Section 2. Right to a Fair Hearing. (1) The department shall not on the basis of race, color, national origin, sex, age, religion or disability [~~handicap~~]:

(a) Deny an individual aid, care, services or other benefits of the department, either directly or through contractual or other agreements.

(b) Provide aid, care, services, or other benefits to an individual which is different or is provided in a different manner from that provided to others.

(c) Subject an individual to segregation or separate treatment in a matter related to his receipt of aid, care, services or other benefits.

(d) Restrict an individual in the enjoyment of an advantage or privilege enjoyed by others receiving aid, care, services or other benefits.

(e) Treat an individual differently from others in determining whether he satisfies eligibility or other requirements or conditions which individuals shall meet to receive aid, care, services or other benefits.

(f) Deny an individual an opportunity to participate in the program through the provision of services or afford him an opportunity to do so which is different from that afforded others.

(2) A notice of the client's right to a hearing shall be displayed prominently in each Department for Social Services residential treatment facility, clinical programs, day treatment center, group home, and in each Department for Social Services office in a location easily accessible to clients. The notice of right to a hearing shall state:

(a) If you are dissatisfied with the action taken, you may request a fair hearing within thirty (30) days from the date of the action by filing a written request or a DSS-154, Request for Fair Hearing form, incorporated by reference herein, with the Quality Assurance Branch, Department for Social Services, 404 Ann Street, Frankfort, Kentucky 40601.

(b) You may be represented by an attorney or other spokesman.

(3) Staff of the Department for Social Services, shall have the responsibility of advising applicants, clients, foster parents and subsidized adoptive parents in writing of their right to a fair hearing:

(a) During intake or [~~at~~] the initial treatment planning conference, using the DSS-154, Request for Fair Hearing form.

(b) During any action affecting services or assistance:

1. Staff shall give the applicant, client or subsidized adoptive parent timely and adequate notice [~~thereof~~] and an opportunity to object, using the DSS-154A, Notice of Intended Action form, incorporated by reference herein.

2. If a request for a hearing is made within ten (10) days of the notice of an action affecting services, services shall be continued until a decision is rendered after a hearing, unless staff determines that continuation of the services or delay of the action endangers the health or well-being of a child; and

(c) Staff shall give new foster parents, upon [~~at the time of~~] approval a written notice of their right to a fair hearing when:

1. A foster home is closed;

2. A child is removed from one (1) foster home to another foster home; and

3. [~~When~~] Training provided by the department is denied.

(4) Hearing entitlement.

(a) An applicant or client [~~or subsidized adoptive parent~~] shall be entitled to a hearing on the following actions:

1. A denial, reduction, material modification, suspension, discontinuance, exclusion from or termination of a service;

2. Dissatisfaction with a service received, inappropriate or inadequate treatment, placement or visitation;

3. Failure of the department to act upon a request for service with reasonable promptness;

4. Failure of the department to take into account a client's choice of service or a determination that the individual shall participate in a service program against his wishes[~~, except where required by law~~]; or

5. Discrimination against a client by department staff on account of age, sex, race, national origin, disability [~~handicap~~] or religion.

(b) A foster parent shall be entitled to a hearing on the following decisions:

1. To remove [~~of~~] a foster child from one foster home to another foster home except if the child has been the subject of a substantiated report of abuse or neglect by the foster parents;

2. To deny foster parents foster parent training provided and scheduled by the department.

3. To close the foster home;

4. Foster parents are not entitled to a fair hearing if [~~, except when~~]:

a. Sexual abuse or sexual exploitation by the foster parents is substantiated;

b. Substantiation of physical abuse of a child or spouse warranting the removal of the victim;

c. There is presence of a serious physical or mental illness which impairs or precludes adequate care of the child by the foster parents;

d. Foster parents are convicted of a felony offense; or [~~and~~]

e. Foster parents have not had a placement within five (5) years of the approval date.

(c) Subsidized adoptive parents shall be entitled to a hearing on the decision to deny or reduce adoptive assistance for a special needs child. Adoptive parents eligible for a Title IV-E adoption subsidy for a special needs child are entitled to a hearing for:

1. Failure of the department to advise the adoptive parents of the availability of the adoption assistance for special needs children; and

2. Failure to provide the Title IV-E eligible adoptive parents known relevant facts regarding the child, biological family and child's background prior to finalization.

(5) [~~(4)~~] The following issues shall not be considered through the hearing procedure described herein:

(a) Complaints related to legal issues, for example [~~i.e.~~], actions involved in court cases or the interpretation of any statute or regulation;

(b) A complaint that has not been filed in writing with the Quality Assurance Branch;

(c) A complaint that has been abandoned by failure of the complainant to carry forward with their complaint, to furnish information requested by the hearing officer or to appear at a scheduled hearing;

(d) A complaint of a provider of services under contract or memorandum of agreement, that is day treatment, group homes, [~~e.g.~~] private child care facilities or area development districts. Refer to 905 KAR 8:140, Hearing procedures for area agency on aging, contract selector actions, for formal complaint procedure for area agencies on aging;

(e) A client complaint involving services or discrimination against a contract agency;

(f) [~~(e)~~] Discrimination practices in relation to departmental personnel policies and procedures. These grievances shall be handled per instructions in the personnel manual; and

(g) [~~(f)~~] A report of child abuse or neglect and adult abuse or neglect.

Section 3. Request for Hearing. (1) The complainant or legal guardian shall sign the request and submit it to the Quality Assurance Branch. Upon request, departmental staff shall assist individuals in preparation and submission of a request for hearing. Staff shall not assume responsibility for mailing the request. Requests for hearing shall be in writing or filed on the DSS-154, Request for Hearing form and contain:

(a) Specific allegations or complaints against the department;

(b) Name of the staff person, or persons involved if known; [~~responsible for the act or decision upon which the complaint is based;~~]

(c) Circumstances under which the alleged act occurred; and

(d) Date and place of alleged act.

(2) Requests shall be filed in writing within thirty (30) days after the alleged act or notice of a decision affecting services. If the notice is mailed, the date of the notice shall be the date mailed; otherwise it shall be the date of delivery. If the request is filed after the thirty (30) day period, a decision as to acceptance or denial of the complaint for action shall be made by the Commissioner of the Department for Social Services, or designee.

(a) Within five (5) working days of the receipt of the complaint, the Quality Assurance Branch shall notify the complainant of the receipt of the request and the department's policy of attempts at local resolution before a hearing is scheduled.

1. The appropriate family services district manager or designee shall also be notified of the receipt of the request and asked to set a meeting with the complainant to attempt to resolve the issues that led to the complaint.

2. The juvenile services specialist shall arrange a meeting with the complainant to attempt to resolve the issues that led to the complaint if received from youth in residential treatment facilities, Reed [~~clinical~~] programs, group homes or day treatment programs.

(b) The local resolution facilitator contacts the complainant to:

1. Clarify the issues of the complaint; [~~and~~]

2. Determine if the complainant wishes to participate in the local resolution process; and

3. Determine if [~~whether~~] the complainant is a client or a person filing on behalf of a client. If the complainant is not a client, notify the Quality Assurance Branch Manager immediately.

(c) The complainant may refuse to participate in the local resolution efforts and shall sign an acknowledgement to be forwarded to the Quality Assurance Branch Manager and choose:

1. To request that the complaint be withdrawn; or

2. That the complaint be referred for a formal fair hearing.

(d) If the complainant chooses to be involved in the local resolution process, the local resolution facilitator shall solicit information from the involved parties in an attempt to resolve the complaint in a manner that is acceptable to the complainant. The solicitation of information may include:

1. Interviews with the complainant and named DSS staff:

2. Interviews with other involved parties; and

3. A review of relevant case materials.

(e) Other issues identified as a result of the local resolution conference shall be brought to the attention of appropriate management and supervisory staff.

(4) The family services district manager or his designee or the juvenile services specialist shall forward to the Quality Assurance Branch, in writing, the results of their efforts to achieve local resolution of the complaint not more than thirty (30) days after the filing of the request for hearing. The report shall contain:

(a) Nature of the complaint;

(b) Date of resolution conference;

(c) Persons present at the conference; and

(d) A specific statement of any issues not resolved.

(5) If the complaint is resolved, the complainant shall sign an acknowledgment to be attached to the report. A copy of the local resolution report shall be sent to the complainant and involved staff.

Section 4. Hearing Before the State Agency. (1) If a complaint is not resolved within thirty (30) days after filing, it shall be referred to a hearing officer of the Quality Assurance Branch to conduct a

hearing. The hearing shall be held within thirty (30) days after referral. If the complainant agrees to an extension of time, the time for final administrative action shall be correspondingly extended.

(2) The hearing shall be conducted at a reasonable location selected by the hearing officer.

(3) The complainant and representatives, as appropriate, the DSS staff involved [~~named~~] in the complaint and their representatives, and CHR Department of Law [~~Office of Counsel~~] shall be given [~~at least~~] seven (7) working days written notice prior to the hearing. The following information shall be contained in the hearing officer's notice to the complainant and his representative:

(a) The specific complaint issues [~~allegations~~] to be heard at the hearing. The complainant shall be asked to notify the hearing officer in writing within five (5) working days of the receipt of the notice if the complaint issues [~~allegations~~] have not been correctly stated. The hearing officer shall then make a determination as to whether to modify the complaint issues; [~~allegations.~~]

(b) Individuals to be present at the hearing;

(c) The complainant's option of presenting his case himself or with the aid of an authorized representative, for example, [~~i.e.,~~] legal counsel, relative, friend or other spokesman;

(d) That the department shall not be responsible for any legal fees incurred by the complainant related to the hearing;

(e) The nature and conduct of the hearing, shall be held in an [~~e.g.,~~] orderly but informal manner, with an opportunity to present witnesses and to cross examine opposing witnesses; and [~~etc.~~]

(f) The complainant's right to examine the contents of his case file and [~~all~~] documents and records to be used by the agency at the hearing at a reasonable time before the date of the hearing and instructions on how to access the material under the open records law as governed by KRS 61.870 to 61.884.

(4) The following information shall be contained in the hearing officer's notice to staff named in the complaint:

(a) The specific complaint issues [~~allegations~~] to be heard at the hearing;

(b) Individuals to be present at the hearing;

(c) The nature and conduct of the hearing, shall be held in an [~~e.g.,~~] orderly but informal manner, with an opportunity to present witnesses and to cross examine opposing witnesses; [~~etc.~~]

(d) The Department of Law shall represent the Department for Social Services in fair hearings; and [~~Staff's option of presenting the case themselves or with representative, or with the aid of an attorney from the office of counsel. Staff shall be responsible for making arrangements for representation at the hearing.~~]

(e) The involved staff may present evidence in defense of their actions either on their own or through a representative of their choosing. An attorney from the Department of Law may represent the involved staff provided there is not a conflict of interest. If staff obtain private legal representation, the Department of Social Services shall not be responsible for legal fees incurred.

(5) Attendance at the hearing shall be limited to:

(a) The complainant and representatives;

(b) Staff involved [~~named~~] in the complaint and their representatives;

(c) The department's attorney;

(d) A representative of the department;

(e) A person to operate the recording equipment;

(f) Witnesses [~~Any witness~~] called by either the complainant or staff; and

(g) The hearing officer.

(6) The hearing shall be conducted in an orderly but informal manner, following the rules of procedure applicable to administrative hearings. Facts relevant to the issue shall be received.

(a) The hearing officer shall open the hearing by:

1. Describing the purpose of the hearing;
2. Explaining the role of the hearing officer; and
3. Introducing parties to the hearing.

4. The hearing officer may direct or grant a continuance for good cause shown.

5. The hearing officer shall carefully clarify the complaint issues [~~allegations~~] to be heard with the parties to the hearing. The complaint issues [~~allegations~~] shall be the same as those in the written notification of the hearing.

(b) Before receipt of testimony, the hearing officer shall [~~assemble all witnesses in the hearing room, and~~] administer the [~~an~~] oath pursuant to KRS 194.025.

(c) The hearing officer shall arrange for the separation of witnesses. Only the client and representatives; staff involved [~~named~~] in the complaint and their representatives; the department's attorney; a representative of the department; the hearing officer; and a person to operate the recording equipment are entitled to be in the hearing room throughout the entire hearing. The hearing officer may permit others to remain throughout the entire hearing if circumstances dictate.

(d) A [~~Each~~] witness shall complete direct testimony and then shall answer questions on cross examination by the adverse party.

(e) The complainant shall have the burden of proof and shall testify first and may present pertinent evidence, including testimony of witnesses and documents.

(f) Upon completion of the case for the complainant, the respondents may testify and present other evidence including testimony of witnesses and documents.

(g) Upon completion of the case for the respondents, the complainant may present additional evidence in strict rebuttal of the evidence presented by respondents. Additional evidence may be presented by either complainant or respondents at the discretion of the hearing officer.

(h) The hearing officer may, if necessary to secure full information on the issue:

1. Postpone the hearing;
2. Examine each party who appears, and his witnesses; and
3. Take any additional evidence which he deems necessary including excerpts from the case record.

(i) After both parties to the hearing have been given ample opportunity to present their testimony and evidence, the hearing officer shall give each party an opportunity to summarize the salient points of their cases.

(j) Upon completion of the hearing, the hearing record shall be closed unless the hearing officer grants an exception under proper motion.

(k) The hearing officer shall advise the parties that a decision shall be rendered within twenty (20) days from the close of the hearing.

(l) Ex parte communications with the hearing officer shall be shared with the parties to the hearing and become a part of the official record.

Section 5. Hearing Officer's Report and Decision. (1) Within ten (10) days after the close of the hearing, the hearing officer shall file a written report with the Quality Assurance Branch. The report shall contain:

(a) Statement of the complaint;

(b) Persons present at the hearing, including witness;

(c) Findings of fact based solely on the evidence introduced at the hearing;

(d) Conclusions as to whether or not the findings support the complaint, citing appropriate policy, [~~and~~] procedures and practices in a recommended decision on the issues; [~~and~~]

(e) Recommendations as to action to be taken[~~, if any,~~] on the complaint; and

(f) Other issues identified by the hearing officer shall be addressed in a separate memorandum to the branch manager who shall forward them to the commissioner.

(2) Within ten (10) days after receipt of the hearing officer's report

by the Quality Assurance Branch, the commissioner, or designee, shall render a written decision on the complaint. The written decision shall be sent to the complainant by certified mail, return receipt requested, and to the staff involved, and shall contain the following information:

(a) Statement of the complaint;

(b) Findings of fact and conclusion with applicable statutes, policies, procedures and practices in regard to the complaint; and

(c) Decision and action to be taken based on findings of fact.

Section 6. Corrective Action. After reviewing the findings of fact and conclusions and recommendations of the hearing officer, if the commissioner or the commissioner's designee feels that corrective action is warranted, a memorandum shall be forwarded to the appropriate assistant director for family services or residential services requesting that corrective action be initiated. Corrective actions deemed necessary shall be initiated within ten (10) days.

Section 7. Record. The transcript or recording of testimony and exhibits, or an official report containing the substance of the testimony introduced at the hearing, together with [~~all~~] exhibits, papers and requests filed in the proceeding, ex parte communications and the report of the hearing officer shall constitute the exclusive record and shall be available at the Frankfort office of the Quality Assurance Branch at any reasonable time in accordance with open records. The record of the fair hearing shall be maintained in a locked file separate from the case record of the complainant.

Section 8. Contract Agencies. (1) Contract agencies of the department shall follow procedures outlined in this manual section if [~~when~~] a client has a complaint related to civil rights, discrimination or service delivery. If the complainant is dissatisfied with the written decision rendered by the contract agency, the client has ten (10) days from the date of the agency's decision to appeal. The agency, if requested, shall assist the complainant in filing an appeal of the decision. An appeal shall be [~~is~~] mailed to the office of the commissioner.

(2) The commissioner shall forward the appeal of the decision to the Quality Assurance Branch to be reviewed by a hearing officer [~~specialist~~]. After reviewing the decision made by the contract agency, the hearing officer [~~specialist~~] shall file a written report with the commissioner which shall contain:

(a) Conclusions as to whether the contract agency's finding support the complaint, citing appropriate policy and procedure; and

(b) Recommendations as to action to be taken on the complaint.

(3) After receipt of the hearing officer's [~~quality assurance specialist's~~] report, the commissioner or the commissioner's designee shall render a written decision on the complaint. The written decision shall be sent to the complainant by certified mail, return receipt requested, and shall contain the following:

(a) Statement of the appeal [~~complaint~~]; and

(b) Decision and action to be taken.

Section 9. Material Incorporated by Reference. (1) The DSS-154, Request for Hearing, revised December, 1992 and the DSS-154A, Notice of Intended Action, revised October, 1993 shall be incorporated by reference. [~~Forms necessary for the implementation of the fair hearing process shall be herein incorporated by reference.~~]

(2) Material incorporated by reference may be inspected and copied at the Department for Social Services, CHR Building, 6th Floor, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are applicants, clients, foster parents or subsidized adoptive parents receiving services from the Department for Social Services. The actual number cannot be determined, but during fiscal year 1993, the Quality Assurance Branch accepted 273 complaints and conducted 25 fair hearings and 19 administrative reviews. The other 219 complaints were either resolved locally, dismissed by the client or ruled inappropriate requests.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance

with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all offices of the Department for Social Services and applicants, clients, foster parents or subsidized adoptive parents receiving services from the department statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Family Services
(Proposed Amendment)

905 KAR 1:330. Child protective services.

RELATES TO: KRS 600.10, 605.130, 620.010 to 620.050, 620.990

STATUTORY AUTHORITY: KRS 194.050, 605.150, 620.180

NECESSITY AND FUNCTION: KRS 194.050 requires [~~provides that~~] the Secretary for the Cabinet for Human Resources to promulgate administrative [~~shall adopt~~] regulations necessary to operate programs and fulfill the responsibilities vested in the Cabinet for Human Resources. This administrative regulation sets forth the procedures for child protection investigations of abuse, neglect, or dependency by the Department for Social Services in compliance with KRS 605.150 and 620.180 [~~the Department for Social Services has drafted procedures that shall enable provisions of KRS Chapter 620.010 to 620.050, concerning child protection investigations of abuse, neglect or dependency, to be implemented~~].

Section 1. Definitions. (1) "Child protective services" means preventive and corrective services directed toward:

(a) Strengthening family life;

(b) Improving the abilities of parents to carry out parental responsibilities;

(c) Assuring for each child a safe and nurturing home;

(d) Safeguarding the rights and welfare of abused, neglected or dependent children;

(e) Assisting parents or other persons responsible for the care of a child in recognizing and remedying conditions detrimental to the welfare of a child; and

(f) Identifying and correcting conditions in society which contribute to the neglect, abuse or dependency of a child.

(2) "Failure to locate" means the identifying information about the family is insufficient for locating them or the family has moved and their new location is not known.

(3) "Found and substantiated" means a type of physical abuse, sexual abuse, neglect or dependency not originally reported by the referral source was found and substantiated during the investigation;

(4) "Prior involvement" means:

(a) Either the child or caretaker are currently registered DSS clients or have been registered clients within one (1) year of the reported fatality; or

(b) A protective service investigation was completed in regard to the child or caretaker, regardless of the status of the investigation, within one (1) calendar year preceding the reported fatality.

(5) "Some indication" means some indicators that abuse, neglect or dependency may exist or some circumstances or conditions are sufficient to arouse suspicion;

(6) "Substantiated" means an admission of abuse, neglect or dependency by the persons responsible or a judicial determination of abuse, neglect or dependency or strong circumstantial or other supportive indicators that abuse, neglect, or dependency by the persons responsible exist;

(7) "Unsubstantiated" means there is no evidence, indicators or justification for suspicion of abuse, neglect or dependency.

Section 2. Receiving a Report. (1) The Department for Social Services shall accept reports of child abuse, neglect or dependency as governed by KRS 620.030.

(a) The home telephone numbers of family services workers, family services office supervisors, and the child abuse hotline shall be made available to agencies in the community who may encounter child abuse, neglect or dependency for emergency reports after normal office hours unless a formalized on call system exists.

(b) The intake worker shall attempt to elicit from the person reporting the suspected abuse, neglect or dependency as much information about the child's circumstances, as possible, including:

1. Specific information as to the nature and extent of abuse or neglect;

2. The causes of the abuse;

3. The location of the child and family;

4. Determine if there have been previous incidents;

5. Witnesses to the incident which caused the child's conditions;

6. Whether the reporting person or others have taken any action;

7. Present danger to child or staff; and

8. The reporting persons identity and relationship to the child assuring him that his identity shall not be revealed unless the court orders his name divulged. [~~:~~

~~a. His testimony is vital in a court proceeding concerning the report; or~~

~~b. The court orders his name divulged.~~]

(c) Anonymous reports which give sufficient information and report abuse, neglect or dependency by a caretaker shall be investigated.

(2) Acceptance criteria.

(a) The department shall receive and investigate reports of physical abuse if [~~when~~] there are reported to be or have been observable marks on a child which were allegedly inflicted nonaccidentally by a caretaker. The department may accept a report of physical abuse or risk of physical injury if [~~when~~] no observable marks are seen and if [~~when~~]:

1. There are reports of a child being hit in critical areas of the body, including but not limited to, the [~~i.e.,~~] head, face, neck, genitals, abdomen, and kidney areas;

2. There are reports of threats of [~~and~~] physical injury; or

3. There are allegations of injuries to a child which are the result of altercations between the child and the custodian. The worker shall explore the precipitating factors, the degree of appropriateness of force used by the caretaker and the need for further services to assist in eliminating the violent behavior in the home.

(b) The department shall receive and investigate reports which allege neglect of a child by a caretaker which may result in harm to the physical health and safety [~~well-being~~] of the child in the following areas:

1. Hygiene neglect exists if [~~when~~]:

a. A child has physical symptoms that require treatment due to poor care; or

b. The child's physical health and safety [~~well-being~~] is negatively affected due to an act or omission by the caretaker;

2. Supervision neglect exists if [~~when~~] the caller has reason to believe that the physical health and safety [~~well-being~~] of the child

may be negatively affected by lack of necessary and appropriate supervision;

3. Food neglect exists if [~~when~~] a child shows symptoms of:

a. Malnutrition;

b. Dehydration;

c. Food poisoning; or

d. [~~When a child has~~] Not having been provided adequate food for a period of time that interferes with the health needs of the child based on age and other conditions;

4. Clothing neglect exists if [~~when~~] a child suffers:

a. Illness;

b. Exposure; or

c. Frostbite due to inadequate clothing or the clothing is insufficient to protect the child from the elements[~~; or~~

~~d. The child's well being is negatively restricted~~].

5. Environmental neglect exists if [~~when~~] a serious health and safety hazard is present and the caretaker is not taking appropriate action to eliminate the problem;

6. Educational neglect exists if [~~when~~] the school system has exhausted their resources to correct the problem and the caretaker's negligence prevents the child from attending school or receiving appropriate education; and

7. Medical neglect exists if [~~when~~] a child is not receiving medical assessment or treatment for an injury or illness or disability which if left untreated may:

a. Be life-threatening;

b. Result in permanent impairment;

c. Interfere with normal functioning and worsen without treatment; or

d. Be a serious threat to the child's health due to the outbreak of a vaccine preventable disease.

(c) The department shall receive and investigate reports which allege sexual abuse of a child [~~is~~] committed or allowed to be committed by a caretaker or the risk that an act of sexual abuse, sexual exploitation, or prostitution shall be committed on a child. Reports of sexual abuse shall include contacts and interactions in which a child is used to sexually stimulate or gratify another person. An investigation may be conducted without a specific allegation if [~~when~~] a child [~~over twelve (12)~~] has a sexually transmitted disease and the child exhibits physical or behavioral indicators of abuse.

(d) The department may receive and investigate reports which allege risk of sexual harm [~~abuse~~] to a child, if there are factors which cause a person to believe that an act of sexual abuse may be committed on a child.

(e) The department shall receive and investigate reports which allege emotional injury or risk of emotional injury of a child by a caretaker as governed by KRS 600.020(20).

(f) The department shall receive and investigate reports which allege a child is dependent as governed by KRS 600.020(15).

Section 3. The cabinet shall not investigate reports of abuse or neglect by a noncaretaker but shall comply with KRS 620.030(1).

(1) Staff shall keep a log of these referrals specifying the date received and date referred to the Commonwealth's or county attorney and local law enforcement.

(2) Staff may at the request of local law enforcement provide assistance in interviewing alleged child abuse victims.

(3) Staff may refer to other agencies referrals not requiring mandatory child protection services investigations.

(4) The following criteria shall be used in identifying referrals not requiring investigation:

(a) The victim of the report is age eighteen (18) or over;

(b) There is insufficient information to locate the child or explore leads to locate [~~Department is unable to locate the child after having exhausted all leads to locate the child~~];

(c) The problem described does not meet the statutory definitions of abuse, neglect or dependency;

(d) Reporter notifies the department that a child is injured, but the reporter does not allege injuries were the result of abuse or neglect;

(e) If the report concerns custody changes or custody related issues or lifestyles issues without allegations of abuse, neglect or dependency;

(f) Corporal punishment appropriate to the age of the child without injuries, marks or bruises or substantiated risk of harm. This type of corporal punishment by foster parents shall be reported;

(g) Allegations of abuse or neglect of a fetus;

(h) Allegations of spouse abuse to a married youth, under age eighteen (18). These reports shall be forwarded to the adult services worker.

(i) If the report concerns a specific incident previously investigated and no new information or change in the child's circumstances is communicated.

Section 4. Report of Suspected Child Abuse, Neglect, Dependency. Following the receipt of the report, the DSS-115, Report of Suspected Child Abuse, Neglect, Dependency, herein incorporated by reference, shall be completed and the report investigated. Investigations shall be conducted according to the following time frames as governed by KRS 620.040(1):

(1) If the report indicates the child is in imminent danger, the investigation shall be initiated within the hour.

(2) If the report indicates nonimminent danger of physical or sexual contact, effort shall be made to have personal contact with the child and family within twenty-four (24) hours, but contact shall be made within forty-eight (48) hours. Unsuccessful attempts to locate shall be documented in the investigative narrative.

(3) If the report indicates nonimminent danger, not involving physical or sexual contact, the investigation shall be initiated within twenty-four (24) hours. Efforts shall be made to have personal contact with the child and family within forty-eight (48) hours. Unsuccessful attempts to locate shall be documented in the investigative narrative.

(4) Reports of dependency if [~~when~~] a child is not in imminent danger shall be investigated within forty-eight (48) hours.

Section 5. Reports of Abuse, Neglect, and Dependency. (1) If [~~When~~] a report of alleged child abuse, neglect or dependency in an approved foster home or adoptive home is received, the supervisor shall immediately contact the family services district manager who shall designate a worker to conduct the investigation. If abuse or neglect or dependency is substantiated or there is some indication, a review of the home shall be completed. The decision to close or continue using the home shall be made by the family services district manager based on pertinent available information.

(2) If [~~When~~] a report of alleged child abuse or neglect in a licensed child care facility, private child care or a day care center is received the worker shall notify the Division of Licensing and Regulation. This notification shall be documented in the case and may be done by phone and followed up in writing. If possible, the investigation shall be coordinated and conducted jointly; however, if not possible within the designated time frame, the worker shall proceed with the investigation. In joint investigations the DSS worker shall with the Division of Licensing and Regulation staff:

(a) Conduct an entrance interview with the facility administrator or designee outlining the nature of the report without disclosing the name of the reporter; and

(b) Discuss their findings privately prior to conducting an exit interview.

(3) If [~~When~~] a report of alleged child abuse or neglect in a Cabinet for Human Resources operated treatment facility is received the worker shall immediately telephone the Office of Inspector General who shall investigate the report. [~~Staff receiving a report shall immediately telephone the Office of Inspector General.~~] The phone contact shall be followed by completing a DSS-115 and further action shall not be taken unless specifically requested by the Office of

Inspector General.

(4) Reports of abuse or neglect involving school personnel.

(a) If [When] allegations of child abuse or neglect have been made about a school employee, with the incident occurring during school time or other school related activities, the worker shall:

1. Complete the DSS-115 and forward copies to appropriate law enforcement and county or commonwealth attorney;

2. Interview child and natural parents or legal guardians. Conduct the interview away from school grounds, if possible;

3. Interview the alleged perpetrator away from the school grounds if possible.

(b) If the referral is unsubstantiated, further action shall not be taken. Information regarding the finding of the report may be shared with the alleged perpetrator and the custodial parent. Other information shall be requested through open records procedures.

(c) If the referral is substantiated or shows some indication of abuse or neglect: the worker shall notify the appropriate supervisor of the alleged perpetrator that an investigation has been conducted and of the results of the investigation.

(5) If a report of alleged child abuse or neglect in a certified family child care home is received the worker shall notify the Department's Child Care Services Branch.

Section 6. Prior Reports. Before investigating the referral regarding a child unknown to the local office, the district data center shall be contacted to determine the existence of prior reports or if there exists a closed case or case opened elsewhere in the state. This information shall be documented in the case record but failure to secure this information shall not delay the investigation within the stated time frames.

Section 7. Initial Investigation. Information necessary for determining the validity of the report, and if valid, the existence of imminent danger and risk to the child shall be obtained during the investigation. Investigations shall entail face-to-face contact with the alleged victim. Victims, if of appropriate age, and if possible, parents or caretakers, appropriate household and family members, and alleged perpetrators shall be interviewed.

(1) If [When] determining whether to interview [if] the child, or parent or caretaker [is interviewed] first, consideration shall be given to the:

(a) [To the] Nature of the referral;

(b) Current location of the child;

(c) Indicated risk to the child; and

(d) Known violence on the part of the parent.

(2) A child shall not be interviewed in the presence of alleged perpetrators or others who may put pressure on the child.

(3) If the worker is unable to contact the parents or caretaker, he shall notify the supervisor and document the case record.

(4) Collateral contacts shall be interviewed if the validity or severity of the report cannot be determined from the interviews. Collateral sources may include:

(a) Officers of the court;

(b) School personnel;

(c) Neighbors;

(d) Medical personnel;

(e) Law enforcement officers; and

(f) Personnel of other agencies.

(5) Medical and psychological examinations may be required if the report alleges that the child has suffered sufficient physical harm of a serious nature, emotional harm or emotional injury. The worker, if possible, shall obtain a copy of the report.

(6) Attempts shall be made to ensure that the worker shall not impede the criminal investigation [cooperate with law enforcement agencies when a criminal complaint is filed]; however, the worker's primary responsibility shall be the protection of the child.

(7) To prevent a child from experiencing multiple interviews a videotaped interview may be appropriate.

Section 8. Alleged Perpetrators Age Twelve (12) or Older. Reports involving perpetrators in a caretaking role under the age of twelve (12), shall be investigated. However, the child shall not be identified as the alleged perpetrator on the DSS-150, Initial Results of Child Abuse, Neglect, Dependency Investigation, herein incorporated by reference.

Section 9. Interviewing Children in Schools. Worker's shall have the authority to investigate child abuse, neglect or dependency reports at school without parental consent. The worker shall inform appropriate school personnel of the need to interview a child regarding a referral. Details of the allegation and investigation shall only [may] be given to school personnel with a legitimate interest in the case.

Section 10. Notice of Results of Investigation. The worker shall complete the notification section of the DSS-115, [DSS-116, Notification of Initial Results of Child Abuse, Neglect, Dependency Investigation, herein incorporated by reference,] and forwarded to law enforcement and the county or commonwealth attorney within forty-eight (48) hours of receipt of the report, exclusive of weekends and holidays as governed by KRS 620.040(1).

Section 11. Medical Neglect of Disabled Infants. (1) The department shall be notified of known or suspected instances of the withholding of medically indicated treatment of disabled infants with life threatening conditions in hospitals or health care facilities. [All] Federally funded hospitals and health care facilities shall be [have been] given the department's toll-free child abuse hotline number.

(2) If [When] a report is received, hotline staff shall notify a child protective services specialist in central office if received during working hours or a designated person at home if received outside working hours.

(3) Central office staff shall contact one (1) of the department's medical consultants who shall investigate the report.

Section 12. Denied Entry to a Home for a Protective Service Investigation. (1) [When investigating a report,] The worker shall not enter a home during the investigation of a report if an adult is not present in the home. If there is reason to believe the child is in imminent danger, law enforcement shall be contacted for assistance.

(2) If the parents or caretakers of a child refuse the worker entry to the child's home or refuse to allow the child to be interviewed, the worker with approval of the supervisor may request an order from the court.

(a) If the court issues a search warrant the worker may accompany law enforcement officers if [when] the warrant is served.

(b) With the exception of removal of a committed child, the worker shall not remove a child from the home without a court order to remove;

(c) If the court refuses to issue a search warrant, the family service worker shall document the attempts to secure one in the narrative.

Section 13. Risk Assessment. During an investigation of alleged [When] child abuse and neglect [is investigated], the worker shall assess the strengths of the family and risk to the child by completing the DSS-897, Child Protective Services Risk Assessment Guidelines, herein incorporated by reference. The worker shall not be required to complete the DSS-897 if the [except in the following situations]:

(1) [When a] Child is found dependent;

(2) [When the] Alleged perpetrator is not the child's primary caretaker;

(3) [When the] Investigation determines the referral to be unsubstantiated or unable to locate; [and]

(4) Investigation of [~~When investigating~~] a child fatality determines [~~and~~] there are no surviving children in the home; or

(5) The supervisor deems the use of the DSS 897 to be unnecessary, based on the training and experience of the worker, or inappropriate; and the reasons are documented in the case record.

Section 14. Child Fatality Investigations. (1) Reports that a child fatality has occurred due to abuse or neglect by a parent, guardian or other person exercising custodial control or supervision of the child shall be investigated by the department.

(2) If the alleged perpetrator was not a parent or in a caretaker role, the reports shall be forwarded as governed by KRS 620.030.

(3) If it is determined that the department has prior involvement, the commissioner, the Office of Communications and the general counsel of the cabinet shall be notified of the situation immediately through the established channels of communication. The notification shall include:

(a) Name and age of victim;

(b) Known circumstances around the death;

(c) Description of physical injuries or medical condition of the child;

(d) Names, ages and location of other children in the family;

(e) Brief description of the department's history with the family caretaker;

(f) Actions taken by the department to date and future actions to be taken; and

(g) Involvement of other professionals in the case.

(4) It may be advisable that staff who have had prior direct involvement with the case not be assigned to conduct the investigation.

(a) The assigned investigator, if feasible, shall consult with social workers who have direct involvement with the case prior to investigating.

(b) A joint investigation with law enforcement shall be conducted if possible. The designated investigator shall be cooperative, but not usurp the roles of law enforcement or the coroner or interfere with their respective investigations. The investigator shall contact appropriate law enforcement and coroner to clarify roles and establish a common channel of communication, particularly if the intake information indicates other children are present in the household.

(c) Worker safety in a potentially dangerous setting shall be considered during the course of the investigation. Collateral contacts with medical personnel, the coroner and other appropriate persons may be made to assess potential danger to staff.

(5) The worker shall determine the safety of any surviving children through immediate assessment to assure their safety. The risk assessment guidelines shall be completed if there are surviving children in the home, unless the family services office supervisor deems the use of the risk assessment guidelines inappropriate and the reason is documented in the case record. This assessment includes:

(a) Arranging for physical examinations to check for injuries to the surviving children, if indicated;

(b) Determining whether there has been any history of prior abuse, neglect to the children or other family members by the alleged perpetrator;

(c) Interviewing the children to assess present emotional condition and to determine to what extent they may have witnessed family violence;

(d) Interviewing the parent or caretaker to observe interaction with children and to discuss parent or family history of the caretaker;

(e) Making collateral contacts with neighbors, schools and extended family;

(f) Determining whether the surviving children were present during the time the deceased child received injuries and witnessed what occurred; and

(g) Initiating mental health counseling immediately, if appropriate, for the emotional stability of the children;

(6) If parental rights have been terminated and there has been ongoing contact or other special circumstances, the decision to notify biological parents shall be made by the manager or designee. The Department of Public Advocacy, Protection and Advocacy Division, shall be notified if a child, identified as a protection and advocacy client, dies as a result of abuse or neglect and the perpetrator is in a caretaker role.

(7) In the case of the death of a youthful offender, the sentencing circuit court and the Parole Board shall be notified.

(8) If a fatality occurs in either a foster home, Cabinet for Human Resources facility, psychiatric unit or hospital or private child care facility, and parental rights are intact, efforts shall be made to immediately notify the parents. The judge of the committing court and the guardian ad litem for the deceased child shall be informed of the fatality in writing within three (3) working days after receipt of the report.

(9) The following procedures apply to staff in a Cabinet for Human Resources facility if a death occurs:

(a) Emergency medical services and police shall be contacted immediately. Location and phone number shall be posted by the telephone in each program;

(b) The program director, branch manager, and division director through normal chain of command are to be notified immediately. The division director shall notify the Commissioner for Social Services;

(c) Staff on duty shall not disturb the body or the immediate area beyond any action necessary to provide emergency resuscitation techniques, or to check for vital signs;

(d) Notification shall be given to the local office of the coroner in compliance with KRS 72.020;

(e) Notification to the family and community worker shall be delivered, after direction by the program director, who shall select the individual to present the information in a therapeutic manner to the person;

(f) Detailed documentation shall be entered in the case record by staff describing the event, including:

1. [~~(1)~~] The time the coroner was notified;
2. [~~(2)~~] The time pronouncement of death was given;
3. [~~(3)~~] Names of [~~all~~] staff involved; and
4. [~~(4)~~] Notification of parents and guardians. [~~All~~] Pertinent notifications and significant facts related to the death shall be fully documented.

(g) A final report shall be prepared by the program director to be submitted to the Commissioner for Social Services through established channels.

(h) The record of the juvenile shall be maintained at the facility until a final report of the coroner is entered into the record. A copy of this report shall be sent to the Commissioner for Social Services through established channels.

(10) Funeral arrangements shall remain the responsibility of the natural parents unless parental rights have been terminated.

(a) Staff shall explore with the natural parents their ability to accept financial responsibility for the funeral. [~~All~~] Personal and family resources, including trust fund and insurance in the name of the child, shall be exhausted prior to approval of department funds for funeral and burial expenses. [~~All~~] Costs shall have prior approval by the appropriate level of supervision.

(b) The selection of a funeral home, mortician, casket, and burial lot shall be based on estimates of cost which are reasonable and on consideration of the choice of the natural parents.

(c) Clothing for burial may be provided by the natural family, foster family, or may be purchased by the department staff.

(d) Flowers may be selected by the department staff and billed to the department.

(e) Arrangements for religious services may be made with a clergyman of the faith of the natural parents. If the faith of the natural parents is unknown, a clergyman of the faith of the foster parents may

conduct services.

Section 15. Determining the Validity of the Report. After the interviews and the necessary information is gathered, the social worker shall determine the validity of the report and submit the DSS-150, within thirty (30) working days of the receipt of the report from the reporting person, unless there are extenuating circumstances which are documented in the narrative. The family services office supervisor or designee shall review, sign and date the original DSS-150.

Section 16. Central Registry. (1) Reports of alleged abuse, neglect, or dependency are computerized for the purposes of compiling statistical information, aiding in diagnostic treatment, and providing management with a means for program evaluation.

(2) Reports that are found to be unsubstantiated or unable to locate shall include [~~capture~~]:

(a) Child demographics;

(b) The type of report alleged;

(c) Source of report; and

(d) Status of case.

(3) Reports that are found to be substantiated, and some indication shall include [~~capture~~]:

(a) Both child and alleged perpetrator demographics;

(b) Specific characteristics relating to the report;

(c) Type of report; and

(d) Status and relationship of alleged perpetrator to child involved.

(4) The only information that shall be released from the child abuse, neglect, or dependency central registry is statistical information. Social agencies demonstrating a legitimate interest may be told if a case exists in the registry, but all requests for details related to that case shall go through open records process.

[~~(5) The central registry shall not be utilized for employment related checks.~~]

Section 17. Photographs. Photographs may be taken of a child during a protective service investigation without parental consent. If it appears that photographs of abused or neglected children are necessary for proof of abuse or neglect, it is advised that law enforcement take the photographs. If a family services worker takes the photographs, there shall be a witness and documentation made of the subject, date, and witnesses to the photograph.

Section 18. Case [~~Treatment~~] Planning. (1) If [~~When~~] a case is to be opened, a maximum of fifteen (15) working days shall be allowed to open the case and [~~,~~] complete the case [~~treatment~~] plan. [~~and submit the case to the family services office supervisor for approval and signature.~~]

(a) Priority for opening cases shall be given to cases in which the child is at greatest risk for harm.

(b) Within ten (10) working days of the decision to open a case, the family services office supervisor shall assign or transfer the case for treatment.

(2) The case [~~treatment~~] plan shall be based on assessment and goal formation. It shall include a limited number of attainable, specific objectives agreed upon between the social worker and the family. [~~, and shall be reviewed and approved by the supervisor.~~] The case [~~treatment~~] plan shall take into account the following:

(a) The assets and strengths of the family unit and its members;

(b) The options, priorities and needs of the family unit and its members;

(c) The clarification and definition in behavior-specific terms of what needs to change and what new skills need to be learned;

(d) The identification and impact of community forces over which the family may have little or no control;

(e) The opinions of expert consultants regarding medical, mental health, legal and other factors;

(f) The input from referring agencies; and

(g) The resources available within the agency and the community and delineation of roles and functions to bring about the specified changes.

(3) The social worker shall develop a treatment plan designed to provide a safe environment for the child and engage the commitment and cooperation of the family. Family members and children of appropriate age shall be encouraged to participate in the development and updating of case [~~treatment~~] plans.

(4) A copy of the case [~~treatment~~] plan shall be given to the parent or caretaker. The case [~~treatment~~] plan shall be reviewed by the family, worker and supervisor, to include case closure assessment no less frequently than every six (6) months.

(5) A DSS-154, Request for Hearing, shall be given to the family advising them of the right to a fair hearing in compliance with 905 KAR 1:320.

(6) If termination of parental rights becomes the goal, case [~~treatment~~] planning and service delivery shall continue until the judgment order is received.

Section 19. Service Delivery. Service delivery shall [~~is to~~] be provided as outlined and stated in the case [~~treatment~~] plan. Service delivery shall encompass identified expectations of the family, staff and the implementation of resources in the community. [~~All~~] Service recordings shall be completed within thirty (30) days of the contact and shall reflect progress toward treatment goals. Recordings shall be signed and dated by the worker.

Section 20. Case Closure. (1) The decision to close a case which has received services shall be based on evidence that the original factors resulting in the abuse, neglect or dependency have been resolved to the extent that the family can protect the child and can, at least minimally, meet the needs of the child. A child protective services case shall not be closed if withdrawal of services places the child in danger. [~~The case closure and assessment form shall be completed before the case is closed.~~] Consideration for closure of a child protective service case may occur if the following conditions are met:

(a) The child is no longer in need of protection;

(b) The goals have been achieved; or [~~and~~]

(c) The client is not making progress toward treatment goals and there are no legal grounds for intervention.

(2) The closing summary of the child protective services case shall be included in the case record [~~closure assessment form~~]. A brief narrative regarding the case and the reasons for closure shall be entered. The summary may include:

(a) Number of months of child protective services;

(b) Agencies still involved in the case;

(c) Assessment of family functioning and of conditions that have changed to make closure possible;

(d) Reason and date of closure.

(3) The form shall be signed and dated by the worker. Notification to client of closure with a 154-A shall be documented in the case as required by 905 KAR 1:320.

Section 21. Material Incorporated by Reference. (1) The DSS-115, Suspected Abuse, Neglect, Dependency or Exploitation Reporting Form, revised May, 1993, the DSS-116, Notification of Initial Results of Child Abuse Investigations, became obsolete May, 1993, the DSS-150, Initial Child Abuse, Neglect or Dependency Investigation, revised December, 1991, and the DSS-897, Child Protective Services Risk Assessment Guidelines, revised January, 1993 shall be herein incorporated by reference. [~~Forms necessary for the implementation of child protective services are being incorporated effective January, 1991.~~]

(2) Material incorporated by reference may be inspected and copied at the Department for Social Services, CHR Building, 6th

Floor, 275 East Main Street, Frankfort, Kentucky 40621. Office hours are 8 a.m. to 4:30 p.m.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek
(1) Type and number of entities affected: The type and number of entities affected are those 57,706 children and their families served by the Department for Social Services as a result of 36,901 reports of abuse, neglect or dependency received during fiscal year 1993.
(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.
1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.
2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.
3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.
(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.
(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.
(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.
1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.
2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.
3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.
(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements although some revised provisions may expedite the investigation process.
(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.
(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.
(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.
(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.
(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.
(6) Any additional information or comments: There are no additional information or comments of which we are aware.
TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all offices of the Department for Social Services and children and families receiving child protective services statewide.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Program Management
(Proposed Amendment)

905 KAR 3:020. Technical eligibility.

RELATES TO: KRS 199.420, 205.204, 209.030, 45 CFR 96 Subparts A-I, 42 USC 1397
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: The Cabinet for Human Resources has the responsibility under the provisions of KRS Chapters 194, 199, 208, and 209 to administer the social services program in accordance with Title XX - Social Services Block Grant, 42 USC 1397 [PL 97-35]. This administrative regulation sets forth technical eligibility requirements for social services in accordance with 45 CFR 96 Subparts A through I for the Social Security Act Title XX - Social Services Block Grant.

Section 1. Residence. Except as otherwise provided by law or administrative regulations, to be eligible to apply for social services a person shall [must] be living in Kentucky or a juvenile classified as a runaway.

Section 2. Eligibility. (1) Need. To be eligible for social services a person shall [must] have a need identified by the cabinet's social service staff that may [could] be addressed by the services available.
(2) Income limitations. If [Where] income is a part of the eligibility criteria for social services, the maximum amount of gross income cannot exceed eighty (80) percent of the 1982 median income for the Commonwealth of Kentucky adjusted by family size except for in-home services for the elderly. The percentage of the median income that constitutes eligibility may vary by service up to the maximum and is established and made public by the Department for Social Services. The percentage of the median income that constitutes eligibility may be increased or decreased by the same ratio as the increase or decrease in federal funds available to Kentucky under the Social Services Block Grant. The amount of gross income for in-home services for the elderly shall not [cannot] exceed $15,601 [$10,000] annually for a one (1) person family and $17,501 [$13,000] annually for a two (2) person family.
(3) Special eligibility requirements.
(a) For child day care, in addition to meeting the need and

income status, applicants shall [will] be served in the following priority order:

1. Children on whom there has been a documented report of abuse, neglect, or exploitation and families with children for whom services are designed to prevent abuse, neglect, dependency or exploitation.

2. Working parents or [/] caregivers.

[3. Parents/caregivers seeking work not to exceed two (2) calendar months in any twelve (12) month period.

4. Overburdened parents.

5. AFDC parents in educational or training programs.]

(b) For in-home services for the elderly, in addition to meeting the need and income status, the applicant shall [must] be sixty (60) years of age or older and have functional disabilities or chronic health and social problems as defined by program guidelines.

(c) For maternity home care, in addition to meeting the need and income status, pregnant females shall [will] be accepted according to the following priorities:

1. Females under the age of eighteen (18) committed to the cabinet.

2. Females, regardless of age, in need of protective services. [under eighteen (18) years of age desiring maternity home placement.

3. Females over eighteen (18) years of age who meet Title XX income requirements.]

(4) Committed or court ordered. A child who is committed to the cabinet (or an agency recognized by the cabinet) by a court of competent jurisdiction, or voluntarily by the parents, or a child that a court of competent jurisdiction has ordered the cabinet to serve may be [is] eligible for services.

Section 3. Determination and Redetermination of Eligibility. Initial eligibility shall be determined within thirty (30) calendar days of application and redetermined if [any time thereafter when] there is a change in circumstances but not less often than annually.

Section 4. Fees for Service. Providers of services under contract to serve eligible Title XX clients may require clients to pay a fee for certain services based on sliding fee scales related to the client's income. Allowable fees for services are governed by 905 KAR 2:080, Child day care services and 905 KAR 8:180, Homecare program for the elderly. [appear within Appendix V of the state's Title XX plan and are hereby incorporated by reference.] Fees may vary by geographic area. A copy of the state's Title XX plan may be obtained by a request in writing made to the Commissioner of Social Services, Cabinet for Human Resources, 275 East Main Street, Frankfort, Kentucky 40621.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: December 27, 1993

FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are contractors and clients served under the Social Services Block Grant.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A and the FFY '93 Social Services Block Grant.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation

was not tiered as it applies to all contractors and clients receiving services under the social services block grant relating to the technical eligibility requirements.

CABINET FOR HUMAN RESOURCES
Department for Social Services
Division of Program Management
(Proposed Amendment)

905 KAR 3:030. Matching requirements.

RELATES TO: KRS 45.350-359, 199.420, 205.204, 209.030, 45 CFR 74 Subpart G, 96 Subpart A-I, 42 USC 1397, 9901-9912
STATUTORY AUTHORITY: KRS 194.050
NECESSITY AND FUNCTION: 42 USC 9901-9912 [~~The Omnibus Budget Reconciliation Act of 1981~~] substantially reduced the amount of federal funds the Commonwealth receives through the Title XX "Social Services Block Grant" and the "Community Services Block Grant" established under 42 USC 9901-9912 [~~the Reconciliation Act of 1981~~]. Matching requirements were [~~are being~~] established to encourage and assure local support and sharing in service provision; and to reduce, to the extent possible, the full impact of federal reductions in funds.

Section 1. Definitions. (1) "Certified expenditures" means cash expenditure incurred by the local provider of services through the Social Services or Community Services block grant funds if [~~when~~] expenditures are determined to be allowable, reasonable, and necessary as governed by KRS 45.350 through 45.359, 42 USC 9901-9912, and 45 CFR 96 subpart A-I [~~under applicable laws and procedures of the Commonwealth and federal laws and regulations for the block grants~~]. Certified expenditures may be incurred by the provider of service whether public or private nonprofit, or may be certified on behalf of the provider by a third party which may also be a public or private nonprofit organization.

(2) "In-kind contributions" means property or services which directly benefit the service purchased; which are contributed by the provider or a nonfederal third party without expenditure by the local provider; and would have been an allowable, reasonable and necessary cost in accordance with applicable laws and procedures of the Commonwealth and federal laws and administrative regulations for the block grants if purchased by the provider.

(3) "Local matching funds" means cash received from a local organization or individual, local taxes, state funds received by local agencies, or federal general revenue sharing funds received for use by local governments. Other federal funds shall be allowed as matching and other funds identified in this administrative regulation for match shall satisfy this requirement if used to match other state or federal funds.

Section 2. Contractors who provide social services funded by Title XX - Social Services Block Grant, 42 USC 1397 [~~PL 97-35~~], shall be required to provide matching on a seventy-five (75) percent to twenty-five (25) percent ratio. Local match may be cash, certified expenditures, or in-kind contributions. If it is advantageous to the state to provide the local match to obtain a needed service, the state may provide the local match on behalf of the local agency. The local match shall consist of one (1) dollar for every three (3) dollars in federal funds expended for in-kind in the same ratio.

Section 3. Community Services Block Grant. Contractors utilizing Community Services Block Grant funds, 42 USC 1397 [~~PL 97-35~~], shall meet the same requirements set forth in Section 2 of this regulation, except that the matching ratio shall be eighty (80) percent federal and twenty (20) percent local matching funds, and in-kind contributions may be used for CSBG contracts.

Section 4. (1) Certified expenditures for local match shall require documentation sufficient to determine that the requirements of this administrative regulation are met by the provider or a third party if [~~when~~] certified by a third party. Third party entities shall enter a contractual agreement with the provider as to the type of expenses and methods of documentation to be used for the certified expenditures. The contractual agreement shall include at least a requirement to make records available for audit by the provider, Cabinet for Human Resources, or entities authorized by the Cabinet for Human Resources. The provider may be subject to disallowances and reimbursement to the Commonwealth if expenditures are not documented by the provider or the third party.

(2) In-kind contributions for local match shall require documentation sufficient to determine that the requirements of this administrative regulation are met by the provider or third party. Values placed on in-kind contributions shall be based on 45 CFR [~~Part~~] 74, Subpart G, Cost Sharing or Matching, as printed June 9, 1981 and as subsequently amended, except as otherwise authorized in this administrative regulation.

(3) State fund cash match may be interaccounted to the Cabinet for Human Resources' Department for Social Services for disbursement with the federal funds matched. Interaccounted funds shall require documentation sufficient to determine that the requirements of this administrative regulation are met.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are contractors under the Social Services Block Grant and the Community Service Block Grant.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not be any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all contractors under both block grants regarding the established matching requirements.

CABINET FOR HUMAN RESOURCES
Department for Social Services
(Proposed Amendment)

905 KAR 3:040. Allocation formula.

RELATES TO: KRS 273.446

STATUTORY AUTHORITY: KRS 194.050, 273.446(2)

NECESSITY AND FUNCTION: This administrative regulation establishes the [~~Pursuant to KRS 273.446(2), the Cabinet for Human Resources is to devise a~~] formula for [~~the~~] allocation of community service block grant funds to applicant agencies as required by KRS 273.446(2) [~~to be set forth in the form of an administrative regulation. This regulation is designed to set forth the formula~~].

Section 1. Definitions. (1) "Cabinet" means the Cabinet for Human Resources.

(2) "Service area" as used in this administrative regulation means the land lying within the geographic boundary of the community action agency submitting an application.

Section 2. The formula for allocation of community service block grant funds for federal fiscal year 1984 and subsequent years shall be based upon the following:

(1) Twenty-five (25) percent of funds shall be based upon the 1981 federal fiscal year federal community services administration grantee base allocation received by the applicant.

(2) The remaining seventy-five (75) percent of funds to be distributed based upon the incidence and severity of poverty, as determined by the cabinet to exist within the service area of the applicant agency.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 14, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are the 23 federally funded community action agencies who receive Community Service Block Grant funds.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not any change in the Department for Social Services reporting and paper-

work requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to the 23 federally funded community action agencies that receive allocations from the Community Services Block Grant funds.

CABINET FOR HUMAN RESOURCES
Department for Social Services
(Proposed Amendment)

905 KAR 5:040. Standards for state funded spouse abuse shelters.

RELATES TO: KRS 209.030(7), 209.160

STATUTORY AUTHORITY: KRS 194.050, 209.030(1)

NECESSITY AND FUNCTION: KRS 209.030(1) authorizes the Cabinet for Human Resources to adopt administrative [~~rules,~~] regulations, procedures, guidelines and policies to provide for the protection of adults. KRS 209.160 authorizes additional funds from marriage licenses to be used for spouse abuse shelters. [~~Since there are no licensing requirements for spouse abuse shelters,~~] This administrative regulation establishes reasonable performance standards for qualifying applicants for state funds related to spouse abuse shelters.

Section 1. Definitions. (1) "Advisory board" means a [~~any~~] designated group to whom the governing board may delegate responsibility for study and recommendation of [~~any~~] function of the governing board but shall not delegate final approval, responsibility, accountability, or direction of agency policy as these shall remain the ultimate responsibility of the governing board.

(2) "Agency" means any private or public nonprofit incorporated organization that has the capacity to provide spouse abuse shelter services, and with whom the cabinet contracts for [~~such~~] services.

(3) "Cabinet" means Cabinet for Human Resources.

(4) "Client" means a victim of spouse abuse and their dependent children.

(5) "Department" means Department for Social Services.

(6) [~~(5)~~] "Director" means the individual responsible for the administration of the spouse abuse shelter and [~~all~~] related services.

(7) [~~(6)~~] "Governing board" means a legally constituted group of individuals whose function is to oversee operations of spouse abuse shelter and related services and with whom the state contracts for spouse abuse [~~such~~] services.

(8) [~~(7)~~] "Spouse abuse shelter" means a program which provides victims of spouse abuse and their dependent children a safe place to stay, and related services including:

(a) [~~such as~~] Counseling;

(b) Advocacy;

(c) Food; and

(d) Information and referral services [~~for victims of spouse abuse and their dependent children~~].

(9) [~~(8)~~] "Volunteer" means a person:

(a) Who is either third party funded or who is donating free service time; and

(b) [~~either~~] Works directly in the spouse abuse shelter or is performing a related service at the request of the director.

Section 2. Management. (1) Each agency shall be managed by a governing board constituted [~~so as~~] to allow broad community participation in its activities. The governing board shall be responsible for agency compliance with a [~~all~~] applicable federal, state and local administrative regulations. The board shall:

(a) Develop written personnel policy and procedures including:

1. Job classifications;
2. Specifications;
3. A compensation plan;
4. Attendance and leave policies;
5. Fringe benefits;
6. Affirmative action;
7. Personnel grievance procedures; and
8. Hiring and firing practices, including lay-off and disciplinary procedures;

(b) [~~rules and regulations,~~] Adopt written bylaws, including:

1. The purpose of the agency;
2. Number of members;
3. Qualifications for board memberships;
4. Composition;
5. The method of selecting members;
6. Terms of members;
7. Officers and duties;
8. Method of election officers and chairpersons;
9. Standing committees;
10. Provision for approval of programs and budgets;
11. The frequency of board meetings and attendance requirements; and
12. Provision for official record of meetings and action taken; and

(c) [~~and shall~~] Be responsible to submit [~~all~~] necessary reports, records, or information deemed necessary to determine fiscal, administrative and programmatic effectiveness.

(2) Board meetings shall be conducted in compliance with the provisions of the Open Meeting Law, KRS 61.805-61.820. The most current version of "Roberts Rules of Order" shall be applicable to board meetings.

[~~(3)(a) The governing board shall develop written personnel rules and regulations including, but not limited to:~~

~~1. Job classifications;~~
~~2. Specifications;~~
~~3. A compensation plan;~~
~~4. Attendance and leave policies;~~
~~5. Fringe benefits;~~
~~6. Affirmative action;~~
~~7. Personnel grievance procedures; and~~
~~8. Hiring and firing practices, including layoff and disciplinary procedures.~~]

(3) [~~(b)~~] A copy of the personnel policy and procedures [~~rules and regulations~~] shall be available to [~~all~~] staff, volunteers and the department.

[~~(c) The governing board shall adopt written bylaws. The bylaws shall include, but not be limited to:~~

~~1. The purpose of the agency;~~
~~2. Number of members;~~
~~3. Qualifications for board memberships;~~
~~4. Composition;~~

~~5. The method of selecting members;~~
~~6. Terms of members;~~
~~7. Officers and duties;~~
~~8. Method of election of officers and chairpersons;~~
~~9. Standing committees;~~
~~10. Provision for approval of all programs and budgets;~~
~~11. The frequency of board meetings and attendance requirements; and~~
~~12. Provision for official record of meetings and action taken.~~]

(4) The official minutes of each meeting of a governing board of each agency shall be forwarded within thirty (30) days to each member of the board(s) and to the department and shall contain:

(a) The date and place of the meeting;

(b) Names of members present;

(c) The subject matter discussed and actions taken;

(d) The name of the reporter[~~, and shall be forwarded within thirty (30) days to each member of the board(s) and to the department~~].

(5) If [~~In the event~~] the agency is a subsidiary of a larger entity, the provisions of subsection (1), (2), (3) and (4) of this section shall apply to the larger entity.

Section 3. Staff. (1) [~~In all agencies~~] The agency's governing board shall appoint one (1) staff person as spouse abuse shelter director. The director shall:

(a) Have [~~the overall~~] responsibility for supervision of the duties and activities of [~~all~~] staff and volunteers;

(b) Shall coordinate [~~all~~] spouse abuse shelter and related services;

(c) Fulfill the [~~all~~] duties as required by the governing board; and

(d) [~~shall~~] Report directly to the board on [~~all~~] spouse abuse program activities.

(2) The agency shall maintain and assure the provision of competent staff to provide services at the spouse abuse shelter. Volunteers shall be under the control and direction of the director even though they are not considered paid staff. Staff shall:

(a) Be at least eighteen (18) years of age;

(b) [~~shall~~] Have education, training or experience to perform their particular job; and

(c) Have a willingness to work with others, including clients under stress. [~~Volunteers must at all times be under the overall control and direction of the director even though they are not considered paid staff.~~]

(3) The agency shall submit to the department a staffing pattern indicating:

(a) [~~and indicate~~] Areas of responsibility; and

(b) [~~as well as~~] Lines of authority and supervision.

(4) The agency shall provide and maintain a record of [~~for~~] orientation and in-service training for staff and volunteers responsible for service delivery [~~and shall maintain a record of the training provided~~].

(5) Each agency shall:

(a) Implement a system to assure compliance with affirmative action standards, and equal opportunity employment standards; and

(b) [~~shall~~] Provide a system for hearing and resolving grievances of staff and volunteers.

Section 4. Physical Facilities. (1) The spouse abuse shelter shall comply with applicable local, state and federal building, fire, safety and health codes.

(2) The spouse abuse shelter shall be of sound construction and suitable for residential use.

(3) The spouse abuse shelter shall:

(a) Be dry;

(b) Be adequately heated, ventilated, and lighted;

(c) Have windows, doors, stoves, heaters, furnaces, pipes, and ventilating fans [~~shall be~~] protected;

(d) Have screening [~~shall be~~] provided for windows and doors unless air-conditioned; [~~and~~]

(e) Have floors [~~shall be~~] free from splinters and easily cleaned; and

(f) Have[~~. All types of~~] gas heaters and stoves [~~shall be~~] properly ventilated.

(4) A recreation area with comfortable furnishings in sufficient quantity to accommodate the number of children and adults using it [~~at any one time~~] shall be provided.

(5) Bedrooms shall:

(a) Be equipped with a bed for each client, of adequate size, with suitable springs, mattress, pillow, and bedding; and [~~as well as~~]

(b) Have adequate closet space and individual drawer space.

(6) The spouse abuse shelter and grounds shall be well maintained.

(7) Each spouse abuse shelter shall maintain a security system to provide for the physical safety of the client.

Section 5. Medical and Dental. The spouse abuse shelter shall assure that access to emergency medical and dental services are available within the community or within close proximity.

Section 6. Meals. The spouse abuse shelter shall provide [~~all~~] clients with three (3) meals per day, each including foods from at least three (3) of the four (4) basic food groups.

Section 7. Services. (1) The spouse abuse shelter shall maintain and provide services on a continuing basis and for as many hours as are necessary to meet the needs of eligible persons.

(2) Staff of the spouse abuse shelter are to apprise clients of resources available from the spouse abuse shelter or by referral which may assist them in the solution of their problems.

(3) Upon entrance into the spouse abuse shelter, or if [~~when~~] receiving a [~~any~~] spouse abuse related service, the following minimal information shall be obtained and recorded in a permanent record:

(a) Name, date of birth, sex, address, marital status;

(b) Names and date of birth of [~~any~~] accompanying dependents;

(c) Identification of reason for intake;

(d) Identification of [~~any~~] physical injury;

(e) [~~Any~~] Medical attention provided;

(f) Identification of [~~any~~] physical condition or ailment which may impact upon services to be offered the client; and

(g) [~~Any~~] Prior contacts with a [~~any~~] spouse abuse shelter.

(4) Immediately following gathering the information required in subsection (3) of this section, the information shall be reported to the offices of the department located within the county where the spouse abuse shelter exists [~~in accordance with the department's spouse abuse reporting policy~~]. This report shall constitute compliance with the provisions of KRS 620.030(2) and 209.030(2).

(5) Upon completion of the gathering of information as required in subsection (3) of this section, a service plan shall be developed for each individual and accompanying dependents setting forth a summary of services needed by the individual and available within the spouse abuse shelter and community.

(6) Referral of the client for services outside the spouse abuse shelter shall be documented and maintained in the client's permanent case record. Service coordination with [~~all~~] other agencies shall also be documented in the case record.

(7) Daily program activities shall be offered with emphasis upon each client's physical, intellectual and social needs.

(8) The spouse abuse shelter shall have and enforce a policy which prohibits possession of [~~any~~] weapons, alcohol or nonprescribed drugs while in the shelter.

(9) The spouse abuse shelter shall keep [~~all~~] client medication in a locked cabinet. Spouse abuse shelter staff shall not dispense nor administer [~~any~~] medication but allow each client to take their own medication as prescribed. Shelter staff shall also keep a record of [~~any~~] medication taken by a client during their stay at the spouse

abuse shelter.

(10) [~~In no instance shall~~] Cruel or unusual punishment shall not be used.

(11) Each spouse abuse shelter shall develop and implement procedures to provide for the movement to more appropriate accommodations for those clients:

(a) Who present a danger to self or others; or [~~these clients~~]

(b) Who refuse to comply with spouse abuse shelter rules.

(12) Each spouse abuse shelter shall establish written procedures to be given to each client upon initial contact describing the services to be rendered and a method for handling client complaints. The complaint procedure shall include an opportunity for the client to have access to the department's grievance procedure for review. The department shall have access to [~~all~~] client records in the possession of each spouse abuse shelter for review upon the filing of a service complaint by the client.

(13) Each spouse abuse shelter shall assure that services are available to [~~all~~] residents in the area development district in which the agency is located. A spouse abuse shelter may accept referrals on a statewide basis so long as space is available. Each spouse abuse shelter shall cooperate with other spouse abuse agencies on a statewide basis.

(14) Each spouse abuse shelter shall develop and implement procedures for emergency and temporary shelter closure.

(15) Each spouse abuse shelter shall maintain a record of [~~any~~] unusual incidents involving a client or clients and shall forward a copy of the incident report to the department.

(16) Each spouse abuse shelter shall develop and implement a plan for the provision of outreach services in [~~all~~] counties of the area development district in which it is located.

Section 8. Records. (1) Client case records shall be maintained on each individual or family unit served by the spouse abuse shelter during the time that the client or family unit is receiving services.

(2) Client case records of each agency shall be maintained as confidential and shall not be shared with [~~any~~] persons outside the cabinet. [~~Any~~] Records of the Cabinet for Human Resources, Department for Social Services, in the possession of an [~~any~~] agency are strictly confidential and shall be shared with other individuals or organizations only as provided in KRS 209.140, 194.060, and 620.050 and with the prior written permission of the department.

(3) The department shall have access to the agency property and to records of [~~all~~] services provided, including but not limited to agency financial and client case records for the purpose of auditing and monitoring.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary

APPROVED BY AGENCY: December 27, 1993

FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are 15 spouse abuse shelter programs throughout the state as there is a spouse abuse shelter program in each of the Area Development Districts.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all fifteen spouse abuse shelter programs throughout the state.

CABINET FOR HUMAN RESOURCES
Department for Social Services
(Proposed Amendment)

905 KAR 5:050. Funding requirements for spouse abuse shelters.

RELATES TO: KRS 209.030(7), 209.160
STATUTORY AUTHORITY: KRS 194.050, 209.030(1)
NECESSITY AND FUNCTION: KRS 209.030(7) requires the Cabinet for Human Resources to provide protective services for adults except in cases where the adult refuses [~~such~~] services. KRS 209.160 creates a trust and agency account, to receive funds from the issuance of marriage licenses and requires [~~charges~~] the cabinet to use [~~with the responsibility of using~~] these funds to provide [~~for the purpose of providing~~] protective shelter services for spouse abuse victims. KRS 209.030(1) authorizes the cabinet to promulgate administrative [~~adopt such rules,~~] regulations[~~, procedures, guidelines or policies~~] necessary to protect adults. The function of this administrative regulation is to set forth the requirements necessary for spouse abuse shelters to receive funding.

Section 1. Definitions. (1) "Agency" means a [~~any~~] private or public nonprofit incorporated organization that has the capacity to provide spouse abuse shelter services, and with whom the cabinet contracts for [~~such~~] services.

(2) "Annual plan and budget" means the annual application for funding submitted by each spouse abuse shelter.

(3) "Cabinet" means Cabinet for Human Resources.

(4) "Cash" means [~~any~~] nonstate money or funds given to the agency for use in the spouse abuse shelter program and which is not used to match [~~any~~] other grants or contracts.

(5) "Certified expenditure" means [~~any~~] nonstate cash expenditures incurred by the agency if [~~when such~~] expenditures are determined to be allowable, reasonable and necessary under applicable state laws and administrative regulations and are not used to match [~~any~~] other grants or contracts. [~~Such~~] Certified expenditures may be incurred by the agency whether public or private nonprofit, or may be certified on behalf of the provider by a third party which may also be a public or private nonprofit organization.

(6) "In-kind contribution" means property or services which directly benefit the services purchased; which are contributed by the agency or a third party without expenditure by the agency; and would have been an allowable, reasonable and necessary cost in accordance with state laws and administrative regulations, if purchased by the agency.

(7) "Match" means locally generated funds or expenditures as required to obtain state funding in the form of:

(a) Certified expenditures;

(b) In-kind contributions; or

(c) Cash provided by a contract agency [~~as required to obtain state funding~~].

(8) "Primary service provider" means the agency within each area development district, (ADD), designated by the cabinet as the primary contractee and focal point of service delivery for spouse abuse shelter and related services. The primary service provider's area of jurisdiction is limited to those counties contained in each ADD.

(9) "Secondary service provider" means an agency within an ADD other than the primary service provider, which through contract with the primary service provider or the cabinet, provides spouse abuse shelter and related services to victims of spouse abuse and their dependent children. The secondary service provider's area of jurisdiction is limited to those counties contained in each ADD.

(10) "Service area" means the counties located within the ADD within which a primary service provider or a secondary service provider is located.

Section 2. General Funds. (1) [~~Method of~~] Allocation. [~~Of the amount of~~] General funds that are appropriated to the cabinet for spouse abuse shelters for each fiscal year[~~, ninety-eight (98) percent~~] shall be allocated annually for the operation of these services by the designated primary service providers[~~, and two (2) percent shall be retained by the cabinet for a six (6) month period to be used for the operation of supportive services by secondary service providers, and for emergency needs of one (1) or more primary service providers. After the first six (6) months of each fiscal year, the remaining unobligated funds shall be available for distribution among the designated primary service providers, based on validated need for increased funding~~].

(2) Primary service provider.

(a) Eligibility criteria. The cabinet shall designate one (1) primary service provider for each ADD to receive an allocation of general funds. This [~~Such~~] designation shall be in effect unless rescinded following a review of the agency's performance and its annual plan and budget proposal for the upcoming year. [~~The agencies which will be initially designated as primary service providers by the cabinet shall be those receiving state general funds under contract as of the effective date of these regulations.~~]

(b) Selection process. Each primary service provider shall be selected according to the cabinet's predesigned contract review and selection process. Each selected agency shall submit a properly executed annual plan and budget proposal which shall indicate each agency's capacity to provide spouse abuse shelter and other related services for abused spouses and their dependent children. The application for funding shall:

1. Be in the form and format prescribed by the department;

2. Specify the type and kind of services it proposes to perform, either as a provider or under subcontract;

3. Detail fiscal considerations;

4. Assure that the agency and subcontractors shall comply with applicable federal and state administrative regulations; and

5. Include a commitment to provide outreach services in counties of the ADD in which it is located. [~~be in the form and format prescribed by the department. Each agency's application for funding shall specify the type and kind of services it proposes to perform, either as a provider or under subcontract, detailed fiscal considerations, and assurances that the agency and all subcontractors will comply with all applicable federal and state regulations. Each agency's proposal shall include a commitment to provide outreach services in all counties of the ADD in which it is located.~~]

(c) Match. Each primary service provider shall provide funds at the rate of twenty-five (25) percent local match to seventy-five (75) percent state general fund dollars. Of the required local match, five (5) percent shall be cash and the remainder may be provided in a [~~any~~] combination of cash, certified expenditures, or in-kind contributions. A [~~No~~] match shall not be provided by a [~~any~~] state funded spouse abuse program to or on behalf of another spouse abuse contractor.

(d) Service areas. The cabinet shall allocate general funds to primary service providers in each of the ADDs.

(3) Secondary service provider.

(a) Eligibility criteria. An agency that is properly organized and has the capacity to provide spouse abuse shelter or related services in accordance with federal and state laws and administrative regulations may enter into a written subcontract agreement with the primary service provider. If after negotiations, the primary service provider and the applying agency find they cannot agree on a subcontract, and the applying agency can document the need for its services, the applying agency may then request that the department consider them for funding under the following conditions:

1. The applying agency shall [~~can~~] submit proof that the service is needed by both the primary service provider and the ADD community.

2. The applying agency shall [~~can~~] document its willingness to cooperate with other major service providers in the same ADD.

3. The applying agency shall [can] document its efforts to subcontract and the basis for failure to effect a subcontract with the primary service provider.

4. The applying agency shall submit [submits] a request that the department review [all] existing [and necessary] information and [that the department] render a final funding decision.

(b) Selection process. After the department has received [all of] the required information from the applying agency, meetings shall [will] be scheduled with the applying agency and the primary service provider to determine if the submitted information justifies the need for funding before rendering one (1) of the following decisions:

1. If the service is not needed nor properly justified, a [no] contract shall not [will] be awarded.

2. If the service is needed by the primary service provider and the applying agency cannot agree to subcontract, a contract may be awarded in accordance with the cabinet's predesigned contract and review processes. The applying agency shall coordinate their service programs with the primary service provider in order to avoid duplication of services. A local agreement shall [must] be executed between the primary and secondary service provider and submitted to the department for final approval. Secondary service providers shall subcontract with the primary service provider to obtain second year funding. The local service agreement shall [must] outline:

a. The services to be provided;

b. The coordination of these services; and

c. A willingness to cooperate in the provision of services. [It shall be department policy that all secondary service providers subcontract with the primary service provider to obtain second year funding.]

3. If the service is needed and the department decides to provide funding [determines that it must be funded] through the primary service provider for the current fiscal year, then the applying agency shall [will] be referred back to the primary service provider to resume subcontract negotiations.

(c) Match. Secondary service providers shall provide matching funds as described in Section 1(7) [(5)] of this administrative regulation and subsection (2)(c) of this section. A [No] match may not be provided by a [any] state funded spouse abuse program to or on behalf of another spouse abuse contractor.

(d) Documentation. [All] Primary and secondary service providers shall maintain documentation of the local match that is sufficient to determine compliance with [that all requirements of] this administrative regulation [are met]. Records documenting local match, regardless of the type or source, shall be available to the cabinet and authorized entities for the purpose of audit.

(e) Disallowance. [All] Primary and secondary service providers may be subject to disallowances and reimbursement to the Commonwealth, if required local match is not documented by the provider or third party.

Section 3. Trust and Agency Funds. (1) Eligibility criteria. [In order to be able] To receive trust and agency funds, an agency shall [must] be designated as a primary service provider.

(2) Method of allocation. [Of] The trust and agency spouse abuse funds received by [coming to] the cabinet[, ninety (90) percent] shall be equally allocated among the designated primary service providers at the amount allocated to each provider in that agency's approved plan and budget. [and ten (10) percent shall be retained by the cabinet to be used as emergency funds for primary service providers during the fiscal year on an as needed basis. If any balance remains in the emergency funds at the end of the fiscal year this shall be added back to current year trust and agency funds.]

(3) Unexpended funds.

(a) If [all of] the trust and agency funds allocated to a primary service provider at the beginning of each fiscal year are not expended, [then] they may be held by the cabinet to be expended by the same primary service provider the following year in accordance with the approved annual plan and budget; or

(b) [.] If the designated primary service provider changes and a new primary service provider has been selected by the cabinet, the [then all] remaining unencumbered funds allocated to that original agency shall return to the cabinet. The cabinet may at its option assign these funds to the new primary service provider [or designate them to the emergency fund for distribution as established in subsection (2) of this section].

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are 15 spouse abuse shelter programs throughout the state as there is a spouse abuse shelter program in each of the Area Development Districts.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A. There may be an indirect savings to the entities with the annual allocation of all appropriated funds for each fiscal year.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A. There may be an indirect savings to the entities with the annual allocation of all appropriated funds for each fiscal year.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A. There may be an indirect savings to the entities with the annual allocation of all appropriated funds for each fiscal year.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: With the annual allocation of all allocated funds there may be some reduction in the amount of paperwork during the contract year. There will not be any other change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A. The Department may have indirect savings in administrative costs as a result of the change to an annual allocation of all appropriated funds to each contract agency.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A. The Department may have indirect savings in administrative costs as a result of the change to an annual allocation of all appropriated funds to each

contract agency.

1. First Year: There will not be any first year direct or indirect cost to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A. The Department may have indirect savings in administrative costs as a result of the change to an annual allocation of all appropriated funds to each contract agency.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A. The Department may have indirect savings in administrative costs as a result of the change to an annual allocation of all appropriated funds to each contract agency.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: With the annual allocation for each agency the Department will reduce the amount of paperwork in completing amendments for each agency each year.There will not any other change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues as the total funding remains unchanged.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to all fifteen spouse abuse shelter programs throughout the state.

CABINET FOR HUMAN RESOURCES
Department for Social Services
(Proposed Amendment)

905 KAR 6:010. Standards.

RELATES TO: KRS 273.405 to 273.453, 42 USC 9901-9912, Title 45 CFR 96.1

STATUTORY AUTHORITY: KRS 194.050, 273.448

NECESSITY AND FUNCTION: KRS 273.448 requires the development of administration standards for community action agencies by the state agency responsible for administering the program. This administrative regulation sets forth the requirements for the operation and oversight of the community action agencies as it relates to the community services block grant funding intended to provide services for residents meeting poverty income guidelines issued by the U.S. Department of Health and Human Services. [~~This regulation, which relates to the operation and oversight of community action agencies, is being promulgated pursuant to the mandate of KRS 273.448 that the state administering agency shall "establish standards in accordance with applicable state and federal laws and regulations by which administrative, fiscal and programmatic effectiveness of the act in the Commonwealth shall be measured."~~]

[~~Section 1. Scope. (1) This regulation relates to the administration of community action agencies in regard to Community Services Block Grant programs funded for and on the behalf of Kentucky residents meeting poverty income guidelines issued by the U.S. Department of Health and Human Services.~~]

Section 1 [~~2.~~] Definitions. (1) "Cabinet means the Cabinet for Human Resources.

(2) "Community Services Block Grant (CSBG)" means Community Services Block Grant funds made available by 42 USC 9901-9912.

(3) "Community Action Board" means the board of directors of a community action agency which is a political subdivision.

(4) "Governing Board" means the board of directors of a private nonprofit community action agency.

(5) "Department" means the Department for Social Services.

(6) "Designating official" means the chief elected official[~~(s)~~] of the eligible political subdivision or subdivisions where the [~~such~~] political subdivision[~~(s)~~] is a community action agency.

Section 2. [~~3.~~] Board of Directors. (1) Each community action agency shall establish and maintain a board of directors in accordance with KRS 273.437 and 273.439.

(2) Governing boards and community action boards shall adopt written bylaws. The bylaws shall include[~~, but not be limited to~~]:

(a) The purpose of the agency;
(b) Duties and responsibilities of the board;
(c) Number of members;
(d) Qualifications for board memberships;
(e) The types of membership;
(f) The method of selecting members;
(g) Terms of members;
(h) Officers and duties;
(i) Method of election of officers and chairpersons;
(j) Standing committees, if any;
(k) Provision for approval of programs and budgets;
(l) The frequency of board meetings and attendance requirements; and
(m) Provision for official record of meetings and action taken.

(3) The boards and the designating officials may delegate the responsibility to carry out the program and fiscal requirements to the executive director; but shall not delegate final approval, responsibility, accountability, or direction of policy.

Section 3. [~~4.~~] Board Meetings. (1) [~~All~~] Board meetings shall be open to the public unless the [~~except where such a~~] requirement constitutes a breech of an individual's right to confidentiality. A simple majority shall constitute a quorum for [~~all~~] board meetings. Roberts Rules of Order shall be applicable to board meetings.

(2) The meetings of governing boards and community action boards shall be recorded and a written record made. The minutes shall include[~~, but not be limited to~~]:

(a) Date, time and place of meeting;
(b) Names of members attending;
(c) Topics discussed, problems, recommendations made or presented, and plans for change and improvements;
(d) Decisions reached and actions taken;
(e) The executive director's report and [~~such~~] other reports as are presented; and
(f) Recommendations made by the community action board to designating officials of the eligible political subdivision[~~(s)~~].

The minutes shall be approved by the board of directors and signed by the appropriate officer. A copy of the minutes shall be

distributed in timely fashion to each board member, the executive director, and the Department for Social Services.

Section 4. [5.] Administration. (1) Each community action agency in accordance with KRS 273.441 and 273.443, and with the knowledge and concurrence of appropriate officials and boards as required in KRS 273.437 and 273.439, shall:

(a) Submit [such] reports, records, or other information the department deems necessary to fulfill requirements to determine fiscal, administrative, and programmatic effectiveness in their utilization of CSBG funds.

(b) Develop written personnel rules and regulations including[, but not limited to]:

1. A job classification plan including the provision of a systematic arrangement of job positions in the agency indicating title and related duties and responsibilities for each position. For those positions which are sufficiently similar as to the duties performed and to the scope of responsibility, equal pay ranges shall be allocated to the same job classification. These shall be reviewed at least every four (4) years;

2. Job specifications including for each job classification, the required education, experience, training, skills and other qualifications required. These shall be reviewed at least every four (4) years;

3. A compensation plan including the provision of a pay plan for [all] agency employees outlining pay grades or salary rates, salary adjustments, salary advancements, and overtime adjustments as appropriate for the job classifications. [All] Rates of pay shall be consistent with the functions outlined in the job classification plan. These shall be reviewed at least every four years;

4. Attendance and leave policies including the accumulation and credit of annual leave, sick leave, compensatory or overtime leave, military leave, leave related to the birth or adoption of a child, court leave, voting leave, absence without leave, and for other conditions of specific leave. These shall be reviewed at least every four (4) years;

5. A fringe benefit plan including the coverage and conditions of those items provided by the agency without affecting basic salary or wage rates including [such as] hospitalization insurance, dental insurance, holidays, disability leave, personal leave, retirement or pension, and deferred compensation. These shall be reviewed at least every four (4) years.

6. Affirmative action including a policy statement that it is the agency's intention to give equal opportunity in hiring, advancement opportunities and in work assignments regardless of race, color, disability [handicap], religion, sex, age, or national origin;

7. Personnel grievance procedures including a plan for resolving employee grievances and complaints. This procedure shall describe the method that the agency follows when an employee is dissatisfied with some aspect of his working conditions. The procedure shall outline:

a. How the employee files the complaint;
b. Who reviews the complaint;
c. Who hears the complaint;
d. Who may attend the hearing;
e. Length of time for the hearing decision; and
f. The next level of appeal if the employee is still dissatisfied with the hearing results; [and]

8. Hiring and firing practices, including a plan for:

a. Hiring of employees;
b. Promotions;
c. Demotions;
d. Job postings and advertisements;
e. Resignations;
f. Layoff procedures;
g. Disciplinary actions; and
h. Dismissal procedures; and

9. A copy of the personnel rules and administrative regulations shall be available to [all] staff.

(c) Assure that there is no discrimination against applicants or recipients of services because of race, color, age, sex, religion, creed, ancestry, or national origin.

(d) Be responsible for compliance with [all] conditions of [all] contracts and grants, and with appropriate state and federal laws, administrative regulations, and cost principles.

(e) Indemnify the cabinet against [any and all] claims, including attorney fees and other costs of litigation which may result from damage caused by agency's employees or the negligent acts or omissions of the agency's agents, employees or subcontractors.

(f) Assure that [all] notices, information pamphlets, research reports and similar public notices prepared and released by the community action agency pursuant to its contract for CSBG funds shall include the statement: "This project is funded, in part, under a contract with the Cabinet for Human Resources with funds from the Community Services Block Grant Act of the U.S. Department of Health and Human Services."

(g) Assure that no employee or representative of a community action agency with procurement authority shall participate either directly or indirectly in [any] activities that are in conflict with the provisions of KRS 45A.455.

(2) Each community action agency with the knowledge and concurrence of appropriate officials and boards, shall develop written fiscal and program operation policies and manuals which are periodically reviewed and updated.

(a) Fiscal records shall be maintained in accordance with generally acceptable accounting procedures and practices and in conformity with the CSBG Audit Guide as governed by 905 KAR 6:060, CSBG Audit Specifications [published by the department];

(b) A current written financial report shall be presented to the board of directors at least quarterly or more frequently if requested by the board or the cabinet;

(c) The program manual which may be characterized as an operations manual, shall include[, but not be limited to]:

1. Criteria for determining eligibility of individuals for [all] programs;

2. Intake process including information needed to approve an applicant;

3. Procedures for accepting referrals from other agencies;

4. Records to be kept on applicants and clients and statistical data on intake;

5. Reports to be made to the cabinet and frequency;

6. Procedures to be followed when an applicant is found ineligible;

7. Complaint procedures and hearings; [and]

8. A description of each program's organizational structure, major lines of authority and areas of responsibility within the programs; and

9. Procedures for documenting the extent of participation of the poor in agency CSBG programs.

(3) The community action agency shall assure that clients dissatisfied with services rendered under CSBG contracts shall be provided an opportunity to file a formal complaint and to be heard at the local level. If the grievance is not resolved as a result of the complaint procedure, the client shall be provided an opportunity to appeal a decision resulting from the local hearing process to the Department for Social Services. The complaint and hearing procedures shall be posted in each agency office.

(4) The community action agency shall ensure the design, implementation and documentation an in-service training program for staff. Additional training shall also be documented for staff.

Section 5. [6.] Income Eligibility, Validation, and Determination. (1) To be eligible to participate in services and programs funded with CSBG funds, individuals' and families' incomes shall be limited to those that fall at or below 100 percent of the current poverty level as determined by the Director of the United States Office of Management and Budget and published in the federal register. When an individual

or family receives only information and referral services, it can be done without regard to income. If screening for programs where [were] the eligibility factor is higher, the factor for that other program applies.

(2) To receive a service or to participate in a CSBG funded program, an individual or a family shall meet the income criteria established in subsection (1) of this section. An individual's or family's declaration of income may [will generally] be acceptable as proof of eligibility. The individual or family head shall sign a document attesting to the amount of declared income and their eligibility to receive services. An agency or its worker may require that a client produce proof of eligibility; if proof of eligibility is obtained, a dated copy of the client's documentation shall be placed in the client's file.

(3) Initial eligibility shall be determined within thirty (30) days of application, with redetermination if [any time thereafter when] there is a change in circumstances but not less than annually.

Section 6. [7.] Maintenance of Case Records. (1) A written log shall be maintained by the community action agency on [all] referrals made by outside agencies or individuals including:

(a) Date of referral;

(b) Referring agents; and

(c) Reason for referral and disposition.

(2) A CSBG case record shall be maintained on each applicant accepted for ongoing service. The record shall include:

(a) Intake information. The form shall include[, but not be limited to]:

1. Name, address, and telephone number of the applicant;
2. Birthdate;
3. Sex;
4. Race or ethnic origin;
5. Income;
6. Level of education completed;
7. Presenting problems;
8. Date;
9. Staff member gathering information;
10. Referral agent, if any;
11. Approval or disapproval and date; and
12. The signature of the person making the determination or the referral.

(b) A service plan;

(c) Chronological recording of [all] supervisory and staff contacts with clients reflecting work accomplished during service contact;

(d) Copies of correspondence and other pertinent information;

(e) Recertification, of eligibility, if appropriate;

(f) Fees, charged or collected, if any; and

(g) Information regarding termination of services.

(3) Each community action agency shall ensure that client case records are maintained in conformity with existing laws pertaining to confidentiality. The records shall be maintained in locations which are secure and convenient to service delivery staff.

(4) The community action agency shall ensure development and implementation of a written client case records retention and disposal schedule.

(5) If the agency receives one-fourth (1/4) or more of its funds from state or local authority, the agency shall comply with the open records law, KRS 61.870-61.884.

Section 7. [8.] Monitoring and Evaluation Reports. Each community action agency, with the knowledge and concurrence of appropriate officials and boards are required in KRS 273.437 and 273.439 to meet the following:

(1) Establish effective controls that are designed to achieve and maintain maximum standards of service delivery and utilization and conservation of physical and financial assets.

(2) Ensure the development of a data collection and recordkeeping system that allows for administrative, program and fiscal monitoring and evaluation.

(3) Ensure the design and implementation of program reviews and studies to determine under or over utilization of each program, progress toward goals and objectives.

(4) Permit monitoring, review, and evaluation of the total agency operation by the Department for Social Services or its designee in accordance with the terms of the contract and appropriate federal and state laws.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: January 13, 1993
FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health Services Auditorium, Cabinet for Human Resources Building, 275 East Main Street, Frankfort, Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are the twenty-three federally funded community action agencies who receive Community Service Block Grant funds.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not any

change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to the twenty-three federally funded community action agencies that receive allocations from the Community Services Block Grant funds.

CABINET FOR HUMAN RESOURCES
Department for Social Services
(Proposed Amendment)

905 KAR 6:040. Termination of funding and hearing procedures.

RELATES TO: KRS 273.451

STATUTORY AUTHORITY: KRS 194.050, 273.448, 42 USC 9901-9912, Title 45 CFR 96.1

NECESSITY AND FUNCTION: This administrative regulation establishes the conditions by which the cabinet may [~~can~~] terminate Community Services Block Grant (CSBG) funding to a grantee. This administrative regulation also addresses the grantee's right to request and receive a hearing before a qualified hearing officer. [~~Definitions for this regulation are the same as listed in the rest of this regulation.~~]

Section 1. Grantee Termination. For the purpose of this part, administrative requirements specified in 42 USC 9901-9912 and KRS 273.451 are applicable.

(1) A [~~Any~~] community action agency (CAA), either established with [~~(i.e.,~~] local designation or [~~and~~] state recognition[~~)~~] under the Community Services Block Grant Act (the Act) or under the Kentucky CSBG program in accordance with the Act and the Community Action Law in KRS Chapter 273 shall be awarded continuing CSBG program administering responsibilities in its established jurisdiction unless the following shall occur:

(a) The CAA submits written communication to the Department for Social Services stating its desire to discontinue operation of the program;

(b) Material failure by the CAA to comply with 42 USC 9901-9912, [~~Sections 673, 675, 677, or 680 of the Act;~~] or 45 CFR 96.30, 96.51, 96.90, or 96.91 [~~(1986)~~]; the provisions of the state CSBG plan or [~~any~~] provisions of KRS 273.405-273.453; or 905 KAR 6:010. Material failure includes[~~, but is not limited to~~]:

1. Fraud;
2. Disallowance of costs which could render a CAA insolvent; or
3. Denial of access to records of grant-related transactions.

(c) The CAA lacks [~~does not have~~] the authority or capability to receive, administer, and account for funds in a manner that conforms with applicable federal or state requirements or with generally accepted accounting principles.

(d) The CAA is not capable of effectively planning, conducting, administering, or evaluating CSBG funded programs or projects;

(e) The CAA fails to conform in one (1) or more ways to the assurances relating to the structure and operation of CSBG program contractors that the Commonwealth of Kentucky has provided the United Stated Department of Health and Human Services, including prohibitions regarding partisan political activities, voter registration, and transportation of voters to the polls; or

(f) The CAA is structured and functions in a manner inconsistent with state or federal laws or administrative regulations.

(2) Upon discovery of one (1) or more of the conditions noted in paragraphs (b) through (f) of this subsection, the cabinet shall notify the CAA in writing of its initiation of the termination process and the reasons for termination. The notice shall [~~will~~] advise the CAA that, in accordance with this section and 42 USC 9901-9912 [~~Section 675(c)(11) of the Act~~], it is entitled to an informal hearing.

Section 2. Hearing Procedures. The CAA shall [~~will~~] be given fifteen (15) days from receipt of [~~such~~] notification to inform the cabinet in writing that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:

(1) A requirement that the CAA, [~~in order~~] to receive continued CSBG funding, shall agree to cooperate with the cabinet appointed hearing officer throughout the termination process.

(2) If [~~In the event~~] the CAA does not agree to submit to the cabinet review specified in Section 1 of this administrative regulation, the cabinet shall send to the CAA a notice of funding suspension, pending termination, pursuant to this administrative regulation [~~these regulations~~] and as governed by KRS 273.451. Simultaneous with suspension notice to the CAA's, the cabinet shall [~~will~~] notify the U.S. Department of Health and Human Services [~~of same~~] and the department shall [~~will~~] advise the suspended CAA of its right to seek direct funding from the U.S. Department of Health and Human Services.

(3) The services of an impartial hearing officer shall [~~will~~] be obtained by the cabinet. Notice of the hearing time and date shall [~~will~~] be provided, with proof of receipt of notice, to both the CAA or appropriate public officials at least ten (10) days prior to the hearing. The cost for the hearing officer and the services of the certified reporter and the original transcript of the proceedings shall be borne by the Cabinet for Human Resources. The CAA shall bear the cost of its copy of the transcript of proceedings.

(4) The hearing shall be conducted in accordance with due process before a qualified hearing officer. The report of the hearing officer shall [~~will~~] be sent via registered mail to both parties within thirty (30) days of the completion of the hearing.

(5) The cabinet shall [~~will~~] review the hearing officer's recommendation and shall [~~will~~] base its decision on findings of fact and conclusions of laws that substantiate grant termination pursuant to this administrative regulation. The cabinet shall [~~will~~] notify the CAA of the cabinet's final determination within thirty (30) days.

(6) If the cabinet's decision is to suspend or terminate funding to the CAA the cabinet shall also, with its notice to the CAA, advise the CAA of the provisions for review of the termination proceedings to the Secretary of the U.S. Department of Health and Human Services pursuant to Section 676(a) of the Act.

PEGGY WALLACE, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 27, 1993
FILED WITH LRC: January 13, 1994 at 2 p.m.
PUBLIC HEARING: A public hearing on this administrative regulation will be held on February 22, 1994, at 9 a.m. in the Health

Services Auditorium, 1st Floor, Health Services Building, 275 East Main Street, Frankfort Kentucky. Those interested in attending this hearing shall notify in writing the following office by February 17, 1994: William K. Moore, Jr., Department of Law, Cabinet for Human Resources, 275 East Main Street, 4-West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact: Michael Cheek

(1) Type and number of entities affected: The type and number of entities affected are the twenty-three federally funded community action agencies who receive Community Service Block Grant funds.

(a) Direct and indirect costs or savings to those affected: There are no direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

1. First Year: There are no direct or indirect first year costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A

2. Continuing costs or savings: There are no continuing direct or indirect costs to the affected entities as the proposed regulations only clarify terminology in order to improve the existing regulation in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs (note any effects upon competition): There are no additional factors that would increase or decrease costs or effect competition for the affected entities because the proposed regulations only clarify terminology in order to improve the existing regulations in compliance with KRS Chapter 13A.

(b) Reporting and paperwork requirements: There will not be any change in the affected entities reporting and paperwork requirements.

(2) Effects on the promulgating administrative body: There will not be any cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

(a) Direct and indirect costs or savings: There will not be any direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

1. First Year: There will not be any first year direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

2. Continuing costs or savings: There will not be any continuing direct or indirect cost or savings to the Department for Social Services as the proposed regulations only clarify terminology from the current regulations in compliance with KRS Chapter 13A.

3. Additional factors increasing or decreasing costs: There are no additional factors that would increase or decrease costs or affect competition for the DSS.

(b) Reporting and paperwork requirements: There will not any change in the Department for Social Services reporting and paperwork requirements.

(3) Assessment of anticipated effect on state and local revenues: There will not be any anticipated effect on state and local revenues.

(4) Assessment of alternative methods; reasons why alternatives were rejected: No other alternate methods were considered because the proposed amendments only clarify and correct terminology in order to improve the existing administrative regulations in compliance with KRS Chapter 13A.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(a) Necessity of proposed regulation if in conflict: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions: There is no statute, administrative regulation, or governmental policy which may be in conflict with, overlap, or duplicate the proposed regulation.

(6) Any additional information or comments: There are no additional information or comments of which we are aware.

TIERING: Was tiering applied? No. This administrative regulation was not tiered as it applies to the twenty-three federally funded community action agencies that receive allocations from the Community Services Block Grant funds.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:470. Durable medical equipment.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a, b, d

NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the Medicaid Program [~~of Medical Assistance in accordance with Title XIX of the Social Security Act~~]. 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 durable medical equipment services (including medical supplies) for which payment shall be made by the Medicaid [~~Medical Assistance~~] Program in behalf of both the categorically needy and medically needy.

Section 1. Participation Requirement. (1) Durable medical equipment providers shall be required to participate as providers in both the Medicare and Medicaid programs, except as follows: for the period beginning October 1, 1993 and ending on March 31, 1994, durable medical equipment providers shall not be required to participate in the Medicare Program if the provider is also participating in the Medicaid Program as another type of provider.

(2) Each durable medical equipment provider shall sign a provider agreement with the Cabinet for Human Resources, Department for Medicaid Services.

Section 2. Conditions for Coverage and Limitations on Durable Medical Equipment and Medical Supplies. Durable medical equipment and medical supplies shall be [~~are~~] covered only in accordance with the following conditions:

(1) The equipment or supplies which are covered shall be limited to those covered in the Medicare Program unless separately specified for coverage by the cabinet. Any equipment with a cost of $150 or more must be preauthorized by the cabinet.

(2) The equipment or supplies shall be ordered by the physician as required in the treatment of the patient.

(3) The equipment or supplies shall be suitable for the patient to use in the home.

(4) The recipients utilizing the equipment or supplies shall be Medicaid eligible[~~, and the durable medical equipment providers shall be required to participate as providers in both the Medicare and Medicaid programs~~].

(5) Coverage for an item of durable medical equipment shall be in accordance with the following guidelines: that the item shall be durable in nature and able to stand repeated use; serve a medical purpose; generally be not useful to a person in the absence of illness or injury; be appropriate for use in the home; and be necessary, appropriate and reasonable for treatment of an illness or injury or to improve the functioning of a malformed body member. This guideline

[definition] includes [~~but is not limited to~~] wheelchairs, crutches, walkers, intermittent positive pressure breathing machines, braces, artificial limbs, and oxygen (when the [~~such~~] oxygen supply can be maintained, replaced, or resupplied at all times). The Medicare Program shall [will] be used as a guide for determining the appropriateness for coverage, where applicable.

Section 3. [2.] Equipment Not Covered Under Durable Medical Equipment. For services provided on or after July 1, 1990, equipment which would appropriately be considered for coverage only through other sections or components of the Medicaid [~~Medical Assistance~~] Program, for example, lens and frames, hearing aids and pacemakers; items such as contact lens and dentures; equipment used primarily and customarily for a nonmedical purpose, for example, air conditioners and humidifiers; physical fitness equipment; and equipment which basically serves comfort and convenience functions (for example, elevators) shall [are] not be covered under the durable medical equipment component of the Medicaid Program.

Section 4. The provisions of this administrative regulation shall be effective with regard to services provided on or after October 1, 1993.

HAROLD R. BLOM, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 15, 1993
FILED WITH LRC: December 17, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 22, 1994 at 9 a.m. in the Health Services Auditorium, First Floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by February 17, 1994 five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: W. 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: Harold R. Blom

(1) Type and number of entities affected: Potential durable medical equipment (DME) providers for the Medicaid Program.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing cost or savings:

3. Additional factors increasing or decreasing costs (Note any effects upon competition):

(b) Reporting and paperwork requirements: 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 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: *It is presumed that recipients are currently receiving medically necessary DME from a participating DME provider.

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.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Pursuant to 42 USC 1396a et. seq., the Commonwealth of Kentucky has exercised the option to establish a Medicaid Program for indigent Kentuckians. Having elected to offer Medicaid coverage, the state must comply with federal requirements contained in 42 USC 1396 et. seq.

2. State compliance standards. This administrative regulation does not set compliance standards.

3. Minimum or uniform standards contained in the federal mandate. This administrative regulation does not set minimum or uniform standards.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This administrative regulation does not set stricter requirements.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standard or responsibilities are imposed.

CABINET FOR HUMAN RESOURCES
Department for Medicaid Services
(Proposed Amendment)

907 KAR 1:472. Payments for durable medical equipment.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194.050, 42 USC 1396a, b, d
NECESSITY AND FUNCTION: The Cabinet for Human Resources has responsibility to administer the Medicaid Program [~~of Medical Assistance in accordance with Title XIX of the Social Security Act~~]. 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 for payments for durable medical equipment services (including supplies) made by the Medicaid [~~Medical Assistance~~] Program in behalf of both the categorically needy and medically needy.

Section 1. [~~Participation Requirement. Each provider desiring to participate as a durable medical equipment provider must be a Medicare qualified provider, and sign a provider agreement with the Cabinet for Human Resources, Department for Medicaid Services.~~

~~Section 2.~~] Payments for Durable Medical Equipment. If [When] durable medical equipment and medical supplies are provided to eligible Medicaid recipients in accordance with 907 KAR 1:470, Durable medical equipment, the cabinet shall reimburse the participating provider on the basis of usual and customary actual billed charges

not to exceed Medicare upper limits for the particular item. If the durable medical equipment or medical supplies are covered by Medicaid, but not covered by Medicare, Medicaid shall [will] set the applicable upper limit. Medicaid established upper limits shall be based on standards of reasonableness and designed not to exceed area prevailing charges.

Section 3. The provisions of this administrative regulation shall be effective with regard to services provided on and after October 1, 1993 [May 1, 1989].

HAROLD R. BLOM, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 15, 1993
FILED WITH LRC: December 17, 1993 at 10 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 22, 1994 at 9 a.m. in the Health Services Auditorium, First Floor, Health Services Building, East, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by February 17, 1994 five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to: W. 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: Harold R. Blom

(1) Type and number of entities affected: Potential durable medical equipment (DME) providers for the Medicaid Program.

(a) Direct and indirect costs or savings to those affected: None

1. First year:

2. Continuing cost or savings:

3. Additional factors increasing or decreasing costs (Note any effects upon competition):

(b) Reporting and paperwork requirements: 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 viable alternatives were identified.

(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 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.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. Pursuant to 42 USC 1396a et. seq., the Commonwealth of Kentucky has exercised the option to establish a Medicaid Program for indigent Kentuckians. Having elected to offer Medicaid coverage, the state must comply with federal requirements contained in 42 USC 1396 et. seq.

2. State compliance standards. This administrative regulation does not set compliance standards.

3. Minimum or uniform standards contained in the federal mandate. This administrative regulation does not set minimum or uniform standards.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No. This administrative regulation does not set stricter requirements.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. No additional standard or responsibilities are imposed.

PROPOSED ADMINISTRATIVE REGULATIONS RECEIVED THROUGH NOON, JANUARY 14, 1994

EDUCATION AND HUMANITIES CABINET
Department of Education
Bureau for Learning Results Services

703 KAR 4:070. Statewide assessment and accountability program; code of ethics.

RELATES TO: KRS 158.6451, 158.6453, 158.6455
STATUTORY AUTHORITY: KRS 158.6453, 158.6455
NECESSITY AND FUNCTION: KRS 158.6453 gives the State Board for Elementary and Secondary Education the authority to issue administrative regulations to establish and implement a statewide, primarily performance-based assessment program to ensure school accountability for student achievement of the goals set forth in KRS 158.645. This administrative regulation establishes guidelines for the administration of the statewide assessment program required by KRS 158.6453.

Section 1. Local school district employees shall comply with the "Statewide Assessment and Accountability Program Code of Ethics," December 1, 1993, a copy of which is incorporated by reference and which may be inspected, copied, and obtained from the Office of Curriculum, Assessment and Accountability, 19th Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. through 4:30 p.m.

THOMAS C. BOYSEN, Commissioner
JOSEPH W. KELLY, Chairman
APPROVED BY AGENCY: January 12, 1994
FILED WITH LRC: January 14, 1994 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 22, 1994 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 February 17, 1994, 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 Kevin M. Noland, General Counsel, Department of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Scott Trimble
(1) Type and number of entities affected: 176 districts and approximately 35,000 professional staff.
(a) Direct and indirect costs or savings to those affected:
1. First year: Cost will be impacted to the degree that investigations are necessary.
2. Continuing costs or savings: Cost will be impacted to the degree that investigations are necessary.
3. Additional factors increasing or decreasing costs (note any effect upon competition:
(b) Reporting and paperwork requirements: Local schools and districts must send verification forms to our contractor and keep appropriate records.
(2) Effects on the promulgating administrative body: Effect will be based on number of investigations.
(a) Direct and indirect costs or savings: Based on number of investigations.
1. First Year: Based on number of investigations.
2. Continuing costs or savings:
3. Additional factors increasing or decreasing costs: Based on number of investigations.
(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: Not applicable.
(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:
(6) Any additional information or comments: None
TIERING: Was tiering applied: No. Applies equally to all charged local school officials.

EDUCATION AND HUMANITIES CABINET
Department of Education
Bureau for Learning Results Service

703 KAR 4:080. Statewide assessment and accountability program; relating accountability index to school classification (A1-A6).

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455
STATUTORY AUTHORITY: KRS 158.6455
NECESSITY AND FUNCTION: KRS 158.6455 requires that the State Board for Elementary and Secondary Education establish a system of determining successful schools and dispensing appropriate rewards. The purpose of this administrative regulation is to clarify the characteristics of A1-A6 schools and to require schools displaying these characteristics to report through the department's various data collection methodologies the appropriate classification for school accountability purposes.

Section 1. Definitions. (1) An "A1" school means a school under administrative control of a principal or head teacher and eligible to establish a school-based decision making council. An A1 school is not a program operated by or as a part of another school.
(2) An "A2" school means a district operated, totally vocational-technical school, where the membership is counted in other schools.
(3) An "A3" school means a district operated, totally special education school.
(4) An "A4" school means a district operated, totally preschool program. (e.g., Headstart, Kentucky Education Reform Act (KERA) Preschool, or Parent And Child Education (PACE)).
(5) An "A5" school means an alternative school which is a district operated and district controlled facility with no definable attendance boundaries that is designed to provide services to at-risk populations with unique needs. Its population composition and characteristics change frequently and are controlled by the local school district student assignment practices and policies (i.e., the local district personnel have input with regard to the identification of students receiving services provided by the A5 school as opposed to unconditionally accepting court ordered placements). Students enrolled in A5 schools typically include:

(a) Actual dropouts returning to an alternate educational environment;

(b) Potential or probable dropouts;

(c) Drug abusers;

(d) Physically abused students;

(e) Discipline problem students;

(f) Nontraditional students (e.g., students who have to work during the school day); or

(g) Students needing treatment (e.g., emotional/psychological).

(6) An "A6" school means a district operated instructional program in a nondistrict operated institution or school.

(7) "A2-A6" means a school which is classified as A2, A3, A4, A5, or A6.

Section 2. Accountability indices and related thresholds shall be calculated only for those schools classified as A1 schools.

Section 3. A2-A6 Schools May Issue Diplomas. However, if an A2-A6 school issues a high school diploma or a certificate sometimes issued to students with disabilities, the school shall be required to monitor graduates to determine the status of the students for purposes of reporting transition to adult life data, and shall indicate the A1 sending school to which the graduate data should be attributed for accountability purposes.

Section 4. Noncognitive data collection procedures, including collection and verification procedures, shall apply to all schools classified as A1 through A6.

Section 5. (1) For purposes of rewards and sanctions resulting from the implementation of the accountability system, staff of the A2-A6 schools shall be attached to the central office and viewed as providing a service to the total district.

(2) If the district certified staff not assigned to schools receives rewards under the accountability program, staff of A2-A6 certified staff shall participate on an equal basis with the central office staff in the decision as to how to apply the reward. With a majority vote including the total central office and A2-A6 staff, a decision may be made to allow subdivisions of the staff to control their share of the reward.

(3) If sanctions apply to the central office, these sanctions also apply to the A2-A6 schools operated by the district.

Section 6. (1) For purposes of rewards, an A2-A6 school serving multiple public school districts shall be eligible for rewards if more than ten (10) percent of its total aggregate membership is generated from a district in which the central office staff has qualified for rewards. The amount of the reward shall be proportionate to this percent. The A2-A6 school shall not formally participate in the decision on the disposition of the reward unless the school generates more than fifty (50) percent of its aggregate membership from the district qualifying for rewards, in which case the school shall participate fully in the decision making process.

(2) An A2-A6 school shall be subject to sanctions resulting from the performance of a district's students if more than fifty (50) percent of the aggregate membership of the school is generated from the district being sanctioned.

THOMAS C. BOYSEN, Commissioner
JOSEPH W. KELLY, Chairman

APPROVED BY AGENCY: January 12, 1994

FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on February 22, 1994 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 February 17, 1994, 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 Kevin M. Noland, General Counsel, Department of Education, First Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

REGULATORY IMPACT ANALYSIS

Agency Contact: Scott Trimble

(1) Type and number of entities affected: Approximately 1800 schools.

(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: No additional.

(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: None

(b) Reporting and paperwork requirements: None

(3) Assessment of anticipated effect on state and local revenues: None

(4) Assessment of alternative methods; reasons why alternatives were rejected: None

(5) Identify any statute, administrative regulation or 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: Not applicable.

(6) Any additional information or comments: None

TIERING: Was tiering applied: No. Applies equally to all school districts.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals

805 KAR 5:040. Imposition of civil penalties for violation of mine safety standards; appeals and hearings.

RELATES TO: KRS 351.990, 352.990

STATUTORY AUTHORITY: KRS Chapter 13A, 351.070(13)

NECESSITY AND FUNCTION: KRS 351.990 and 352.990 establish penalties for violations of specific mine safety standards. This administrative regulation creates the forms and procedures to be employed in documenting alleged violations and assessing civil penalties, establishes a point system for calculating the amount of penalties, and provides the standards applicable to hearings called to consider appeals of determinations as to violations and penalties.

Section 1. Issuance of Notice of Noncompliance; Determination as to Violation and Imposition of Penalty by Assessment Officer. (1) If a mine inspector or mine safety analyst observes or otherwise becomes aware of a condition which appears to be in violation of the mine safety standards established in KRS Chapters 351 and 352 or of the administrative regulations promulgated pursuant thereto, he shall issue a Notice of Noncompliance/Closure Order and Order for Remedial Measures to the individual or operation which he reason-

ably believes to be responsible for that violation. Such Notice of Noncompliance/Closure Order and Order for Remedial Measures is identified as Form EB-16, a copy of which is incorporated by reference in Section 5 of this administrative regulation.

(2) Unless a violation is identified as a part of the department's investigation of a mining fatality, the mine inspector or mine safety analyst shall require the immediate or otherwise timely abatement of the conditions described in Form EB-16, which abatement shall be documented by that mine inspector or mine safety analyst in Form EB-17, entitled "Abatement of Noncompliance/Closure Order No. _____," a copy of which is incorporated by reference in Section 5 of this administrative regulation.

(3) Notwithstanding the abatement of any noncompliance issued in the manner described above, the mine inspector or mine safety analyst who issues Form EB-16 shall forward a copy of it to the district office to which he is assigned. The supervisor of that district office shall forward the subject Form EB-16 to an assessment officer, whose office is located at the department's Lexington office, who shall be responsible for reviewing the nature of the noncompliance/closure noted in Form EB-16 and the manner in which it was abated, as described in Form EB-17. Prior to his appointment, an assessment officer shall demonstrate to the department's satisfaction that he possesses a thorough knowledge of the procedures and techniques of inspecting coal mines and shall hold a valid mine inspector's certificate, the standards for such certification being set out in KRS 351.090(2).

(4) Following an assessment officer's review of Forms EB-16 and EB-17, he shall determine whether a substantive basis appears to exist for a finding that a violation occurred and for the assessment of a monetary penalty.

Section 2. Point System for Penalties. An assessment officer shall use the point system described below in exercising his discretion to establish the amount of any penalty, that amount being determined by multiplying by five (5) dollars the net number of points determined by an assessment officer to be applicable to a specific violation, plus $100, the minimum amount of civil penalty established in KRS 352.990.

(1) Likelihood of injury or fatality. An assessment officer shall assign up to sixty (60) points based upon the likelihood of injury or fatality in the circumstances described in Form EB-16, in accordance with the following classifications:

(a) Zero to fifteen (15) points shall be assigned if there is little or no likelihood that the failure to comply would cause injury or fatality.

(b) Sixteen (16) to thirty (30) points shall be assigned if it is unlikely that the failure to comply would cause injury or fatality.

(c) Thirty-one (31) to forty-five (45) points shall be assigned if it is likely that the failure to comply would cause injury or fatality.

(d) Forty-six (46) to sixty (60) points shall be assigned if it is highly likely that the failure to comply would cause injury or fatality.

(2) Degree of negligence. An assessment officer shall assign up to sixty (60) points based upon the degree of negligence which he determines to have contributed to the violation alleged in Form EB-16, in accordance with the following classifications:

(a) Zero to fifteen (15) points shall be assigned if there is little or no negligence apparent in the alleged violation.

(b) Sixteen (16) to thirty (30) points shall be assigned if the negligence apparent in the alleged violation exists to a moderate degree.

(c) Thirty-one (31) to forty-five (45) points shall be assigned if a high degree of negligence appears to have contributed to the alleged violation, in that the condition should not have been permitted to exist or should have been corrected immediately upon discovery.

(d) Forty-six (46) to sixty (60) points shall be assigned if there appears to have been a careless disregard for the health and safety of the persons prospectively affected by the alleged violation, in that the condition was either deliberately created, easily detectable, or willfully not corrected upon discovery.

(3) History of previous violations. An assessment officer shall assign up to sixty (60) points based upon a history of previous violations. For purposes of assigning these points, an assessment officer shall determine the number of similar or identical violations which have been found to have occurred at the mine or to have been committed by the individual miner within the twelve (12) months preceding the violation alleged in Form EB-16. In assigning points pursuant to the history of violation classifications described below, an assessment officer shall assign a higher number of points based upon the degree of similarity between a previous violation and that alleged in Form EB-16.

(a) One (1) to fifteen (15) points shall be assigned if there has been one (1) similar or identical violation within the twelve (12) months preceding the date of the violation alleged in Form EB-16.

(b) Sixteen (16) to thirty (30) points shall be assigned if there have been two (2) similar or identical violations within the twelve (12) months preceding the date of the violation alleged in Form EB-16.

(c) Thirty-one (31) to forty-five (45) points shall be assigned if there have been three (3) similar or identical violations within the twelve (12) months preceding the date of the violation alleged in Form EB-16.

(d) Forty-six (46) to sixty (60) points shall be assigned if there have been four (4) or more similar or identical violations within the twelve (12) months preceding the date of the violation alleged in Form EB-16.

(4) Good faith or appropriateness of response. An assessment officer shall deduct up to sixty (60) points for the good faith demonstrated by a person in abating or attempting to abate the violation alleged in Form EB-16, together with the appropriateness, including timeliness, of that abatement, if any, as described in EB-Form 17, in accordance with the following classifications:

(a) One (1) to twenty (20) points may be deducted in consideration of the extent to which a person charged with a violation demonstrates a willingness to abate it.

(b) One (1) to twenty (20) points may be deducted in consideration of the extent to which a person charged with a violation demonstrates the ability to abate it, as in having and making readily available the equipment, supplies or personnel necessary for abatement.

(c) One (1) to twenty (20) points may be deducted in consideration of the extent to which a person charged with a violation abates it in a timely manner.

Section 3. Service of Notice of Assessment; Notice of Appeal. (1) After an assessment officer has determined whether the violation alleged in Form EB-16 occurred and established the amount of civil penalty, if any, in accordance with the point system established in Section 2 of this administrative regulation, he shall cause to be served, by certified mail, upon the individual miner or operator identified in Form EB-16, a Notice of Finding as to Violation and Imposition of Monetary Penalty, identified as Form EB-18, a copy of which is incorporated by reference in Section 5 of this administrative regulation.

(2) Upon the receipt of Form EB-18 from an assessment officer, the individual miner or operator to whom it is directed shall, within thirty (30) days, pay any required civil penalty to the department, in the manner required by it, or file with the department a notice of appeal either of the finding of violation or of the civil penalty proposed for imposition in Form EB-18, or both, which notice shall be in writing and served upon the commissioner.

(3) Upon his timely receipt of a notice of appeal in the manner described above, the commissioner shall direct such notice of appeal to the department's appeals and hearings section, which shall docket the appeal and cause a notice of hearing to be sent, by certified mail, to the person filing it. The notice of hearing shall set out the date, time, and place of the hearing and shall advise the person to whom

it is directed of his right to be represented by counsel, provide evidence on his behalf, and cross-examine any evidence which may be introduced against him, and contain any additional information which the department deems necessary or appropriate.

Section 4. Hearings. (1) The commissioner or a hearing officer appointed by him shall preside at all hearings conducted by the department pursuant to this administrative regulation. Insofar as is possible, the Rules of Civil Procedure shall be applicable to the conduct of such hearings, which shall be conducted at a location prescribed by the department and which shall be recorded by a court reporter.

(2) Within thirty (30) working days from the conclusion of a hearing, the commissioner or hearing officer who presided at that hearing shall prepare and cause to be served upon all parties, findings of fact, conclusions of law and an order which shall address the circumstances alleged in Form EB-16 and either affirm, modify, or dismiss any finding of violation or monetary penalty proposed by the assessment officer in Form EB-18. Such order shall also advise all parties that they may request a transcript of the hearing from the court reporter, at the expense of the requesting party.

(3) Any person who considers himself aggrieved by that order may appeal it in the manner established in KRS 351.040.

Section 5. Forms Incorporated by Reference. (1) The following forms, whose effective date is January 14, 1994, are incorporated by reference:

(a) Form EB-16, "Notice of Noncompliance/Closure Order and Order for Remedial Measures";

(b) Form EB-17, "Abatement of Noncompliance/Closure Order No. _____"; and

(c) Form EB-18, "Notice of Finding as to Violation and Imposition of Monetary Penalty".

(2) The forms identified above may be inspected and copies of them obtained at any office of the Department of Mines and Minerals during the hours of 8 a.m. to 4:30 p.m., Monday-Friday, excepting holidays. The addresses of the offices of the Department of Mines and Minerals are as follows:

Department of Mines and Minerals
3572 Iron Works Pike
Lexington, Kentucky 40511

Harlan District Office
2nd & Central Street
Harlan, Kentucky 40831

Hazard District Office
Hazard Village Shopping Center
556 Village Lane
Hazard, Kentucky 41701

London District Office
94 State Police Road
London, Kentucky 40741

Martin District Office
Coal Building
Junction of Rts. 80 & 122
Martin, Kentucky 41649

Pikeville District Office
441 Chloe Road
Pikeville, Kentucky 41501

West Kentucky District Office
625 Hospital Drive
Madisonville, Kentucky 42431

EDWARD J. HOLMES, Secretary
BURL SCOTT, Commissioner

APPROVED BY AGENCY: January 13, 1994
FILED WITH LRC: January 13, 1994 at 2 p.m.

PUBLIC HEARING: A public hearing on this administrative regulation shall be held on Tuesday, February 22, 1994, at 1 p.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 February 17, 1994, 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: Eugene D. Attkisson, Kentucky Department of Mines and Minerals, Post Office Box 14080, Lexington, Kentucky 40512, (606)254-0367.

REGULATORY IMPACT ANALYSIS

Agency Contact: Eugene D. Attkisson

(1) Type and number of entities affected: This proposed administrative regulation will apply to all coal mines in the Commonwealth licensed by this agency and to the employees of those mines. In 1993, this agency issued 1,395 licenses and certified 18,192 persons in one or more mining specialties.

(a) Direct and indirect costs or savings to those affected: In 1993, this agency performed approximately 7,264 inspections of mines (each of which could reasonably be expected to generate 5 notices of noncompliance) and 2,419 analyses of miners' work habits (each of which could reasonably be expected to generate 3 notices of noncompliance) in all licensed mines. If all such inspections and analyses generate 43,577 notices of noncompliance, annually, there is the potential for 838 notices of noncompliance, weekly, each of which could be subject to the monetary penalties established in KRS 352.990 in a range of $100 to $1,000.

1. First year: It is anticipated that costs, in the form of fines, to the mines and miners prospectively affected by the proposed regulation will be greatest in its first year of enforcement, since the proposal will hopefully develop a deterrent effect through ongoing and subsequent enforcement.

2. Continuing costs or savings: It is anticipated that costs to mines and miners will decrease over the life of the proposed administrative regulation.

3. Additional factors increasing or decreasing costs (note any effects upon competition): Costs, in the form of fines, are anticipated to steadily decrease as the enforcement of the proposal results in safer mining practices which would therefore produce a reduction in the number of notices of noncompliances issued.

(b) Reporting and paperwork requirements: This proposed administrative regulation requires persons cited for noncompliance with applicable mine safety standards, whether mines or miners, to receive a notice of noncompliance/closure order and to abate the noncompliance as soon as possible. Such persons would be required to maintain copies of all notices of noncompliance and abatement received by them, and to thereafter file appeals of any such notices, as they deem appropriate. The standards for the filing of appeals are set out in the proposal's Section 3.

(2) Effects on the promulgating administrative body: This agency will be required to implement a revamped citation process, although the standards for mine inspection and analyses of miners' work habits remain unchanged. In addition to creating new forms, that citation process also provides for the use of assessment officers who will evaluate the notices of noncompliance and abatement generated by both mine inspectors and mine safety analysts. Following that evaluation, the proposed administrative regulation further establishes an appeals and hearings process.

(a) Direct or indirect costs or savings: Although the inspection standards of the proposed administrative regulation remain unchanged, there will be additional costs for the services of assessment officers, hearing officers, court reporters and other personnel required to evaluate reports and participate in hearings scheduled by this agency. We estimate that a minimum of six (6) new positions would be required to perform the responsibilities imposed by the proposal, at an approximate annual cost to this agency of $297,200.

1. First year: It is anticipated that costs to the promulgating agency will be greatest in the first year of the administrative regulation's enforcement, since the proposal will hopefully develop a deterrent effect through ongoing and subsequent enforcement.

2. Continuing costs or savings: It is anticipated that costs will decrease over the life of the proposed administrative regulation.

3. Additional factors increasing or decreasing costs: Costs are anticipated to steadily decrease as the enforcement of the proposal results in safer mining practices which would therefore produce a reduction in the number of notices issued and hearings called to consider them.

(b) Reporting and paperwork requirements: This proposed administrative regulation requires mine inspectors, mine safety analysts, assessment officers and hearing officers to generate a variety of reports, notices, and orders. If, as described above, 43,577 notices of noncompliance are generated annually, there would be a correspondingly significant - though presently unknown - number of notices and orders produced by assessment officers and hearing officers.

(3) Assessment of anticipated effect on state and local revenues: A significant effect on state and local revenues is anticipated as a result of the proposed administrative regulation, especially since the annually projected costs of its enforcement, described above, are not currently budgeted and no current appropriation for such costs exists.

(4) Assessment of alternative methods; reasons why alternatives were rejected: The alternative to the enactment of this proposal would be to leave unchanged the current standards of response to the reports of mine inspectors and mine safety analysts. Since KRS 352.990 provides for mandatory fines for persons found to have violated mine safety standards, we believe that the proposed administrative regulation will best enable us to respond to that mandate.

(5) Identify any statute, administrative regulation or government policy which may be in conflict, overlapping, or duplication: This proposal neither conflicts with, overlaps, nor duplicates any statute, administrative regulation or government policy.

(a) Necessity of proposed regulation if in conflict: There is no conflict.

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: This agency is required, through the legislative dictate of KRS 351.990 and 352.990, among others, to seek penalties reasonably calculated to preserve and enhance safe mining practices. The proposed administrative regulation represents an attempt by this agency to be responsive to that statutory mandate.

TIERING: Was tiering applied? Yes. Tiering was applied in the promulgation of this proposed administrative regulation because Kentucky's miners work in an environment to which specific standards calculated to preserve health and safety have been applied. This proposal would apply only to those persons who have been alleged or found to have violated one (1) or more of those standards.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Environmental Health and Community Safety

902 KAR 100:019. Standards for protection against radiation.

RELATES TO: KRS 211.842 to 211.852, 211.990(4), 10 CFR 10.1001-20.1906, 20.2101-20.2204, 20.2206, Appendixes A, B to 20.1001-20.2401, 40 CFR 190, 49 CFR 100-180, 173.403(m),(w), 173.421-173.424

STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.844, 10 CFR 10.1001-20.1906, 20.2101-20.2204, 20.2206, Appendixes A, B to 20.1001-20.2401, 40 CFR 190, 49 CFR 100-180, 49 CFR 173.403(m),(w), 173.421-173.424

NECESSITY AND FUNCTION: KRS 211.844 authorizes the Cabinet for Human Resources to provide by administrative regulation for the registration and licensing of the possession or use of sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste. This administrative regulation provides standards for the protection of the user and general public against radiation exposure and shall establish standards for protection against ionizing radiation resulting from activities conducted by persons issued licenses or registrations by the cabinet. This administrative regulation provides standards to control the receipt, possession, use, transfer, and disposal of sources of radiation by a person, licensee, or registrant so the total dose to an individual (including doses resulting from licensed and unlicensed radioactive material and radiation sources other than background radiation) shall not exceed the standards for protection against radiation prescribed in this administrative regulation. 902 KAR 100:020 and 902 KAR 100:025 are repealed due to the promulgation of new radiation standards by the U.S. Nuclear Regulatory Commission in 10 CFR 20.

Section 1. Radiation Protection Implementation. (1) This administrative regulation shall not limit actions required in order to protect against an immediate danger to public health and safety.

(2) This administrative regulation shall apply to a person licensed or registered by the cabinet to receive, possess, use, transfer, or dispose of sources of radiation.

(3) The limits in this administrative regulation shall not apply to doses due to background radiation, exposure of patients to radiation for the purpose of medical diagnosis or therapy, or voluntary participation in medical research programs.

Section 2. Radiation Protection Programs. A person, licensee, or registrant shall:

(1) Develop, document, and implement a radiation protection program commensurate with the scope and extent of their activities and sufficient to ensure compliance with the provisions of this administrative regulation.

(2) Use procedures and engineering controls based upon sound radiation protection principles to achieve occupational doses and doses to members of the public that shall be as low as reasonably achievable (ALARA) pursuant to 902 KAR 100:015, Section 2.

(3) Annually review the radiation protection program content and implementation.

Section 3. Occupational Dose Limits for Adults. (1) A person, licensee, or registrant shall control the occupational dose to individual adults, except for planned special exposures as described in Section 7 of this administrative regulation, to the following dose limits:

(a) An annual limit, which shall be the more limiting of the:

1. Total effective dose equivalent being equal to five (5) rems

(0.05 sievert (Sv)); or

2. Sum of the deep-dose equivalent and the committed dose equivalent to an individual organ or tissue other than the lens of the eye being equal to fifty (50) rems (five-tenths (0.50) Sv).

(b) The annual limits to the lens of the eye, the skin, and the extremities shall be:

1. An eye dose equivalent of fifteen (15) rems (0.15 Sv); and

2. A shallow-dose equivalent of fifty (50) rems (five-tenths (0.50) Sv) to the skin or to each of the extremities.

(2) Doses received in excess of the annual limits, including doses received during accidents, emergencies, and planned special exposures, shall be subtracted from the limits for planned special exposures that the individual may receive during the current year and during the individual's lifetime as described in Section 7(3)(a) and (b) of this administrative regulation.

(3) The assigned deep-dose equivalent and shallow-dose equivalent shall be for the part of the body receiving the highest exposure. If the individual monitoring device was not in the region of highest potential exposure, or the results of individual monitoring are unavailable, the deep-dose equivalent, eye dose equivalent, and shallow-dose equivalent may be assessed from surveys or other radiation measurements for the purpose of demonstrating compliance with the occupational dose limits.

(4) Derived air concentration (DAC) and annual limit on intake (ALI) values are presented in Section 44 of this administrative regulation and shall be used to:

(a) Determine the individual's dose as required in Section 34 of this administrative regulation; and

(b) Demonstrate compliance with the occupational dose limits.

(5) In addition to the annual dose limits, the person, licensee, or registrant shall limit the soluble uranium intake by an individual to ten (10) milligrams in a week in consideration of chemical toxicity (see footnote 3 in Section 44 of this administrative regulation).

(6) A person, licensee, or registrant shall reduce the dose that an individual may be allowed to receive in the current year by the amount of occupational dose received while employed by a person as described in Section 32 of this administrative regulation.

Section 4. Compliance with Requirements for Summation of External and Internal Doses. (1) If a licensee or registrant is required to monitor by both Section 13(1) and (2) of this administrative regulation, the licensee or registrant shall demonstrate compliance with the dose limits by summing external and internal doses.

(2) If a licensee or registrant is required to monitor only by Section 13(1) or (2) of this administrative regulation, summation shall not be required to demonstrate compliance with the dose limits.

(3) A licensee or registrant may demonstrate compliance with the requirements for summation of external and internal doses by meeting one (1) of the conditions specified in subsection (5) of this section and the conditions in subsections (6) and (7) of this section.

(4) The dose equivalents for the lens of the eye, the skin, and the extremities shall not be included in the summation, but shall be subject to separate limits.

(5) If the only intake of radionuclides occurs by inhalation, the total effective dose equivalent limit shall not be exceeded if the sum of the deep-dose equivalent divided by the total effective dose equivalent limit, and one (1) of the following, does not exceed unity:

(a) Sum of the fractions of the inhalation ALI for each radionuclide;

(b) Total number of derived air concentration-hours (DAC-hours) for radionuclides divided by 2,000; or

(c) Sum of the calculated committed effective dose equivalents to significantly irradiated organs or tissues (T) calculated from bioassay data using appropriate biological models and expressed as a fraction of the annual limit.

(6) If the occupationally exposed individual also receives an intake of radionuclides by oral ingestion greater than ten (10) percent of the applicable oral ALI, the licensee or registrant shall account for this intake and include it in demonstrating compliance with the limits.

(7) A licensee or registrant shall evaluate and, to the extent practical, account for intakes through wounds or skin absorption. The intake through intact skin has been included in the calculation of DAC for hydrogen-3 and may not need to be further evaluated.

Section 5. Determination of External Dose from Airborne Radioactive Material. (1) If determining the dose from airborne radioactive material, a licensee or registrant shall include the contribution to the deep-dose equivalent, eye dose equivalent, and shallow-dose equivalent from external exposure to the radioactive cloud.

(2) If the airborne radioactive material includes radionuclides other than noble gases or the cloud of airborne radioactive material is not relatively uniform, airborne radioactivity measurements and DAC values shall not be used as the primary means to assess the deep-dose equivalent.

(3) The determination of the deep-dose equivalent to an individual shall be based upon measurements using instruments or individual monitoring devices.

Section 6. Determination of Internal Exposure. (1) For purposes of assessing dose used to determine compliance with occupational dose equivalent limits, the licensee or registrant shall, if required by Section 13 of this administrative regulation, take suitable and timely measurements of:

(a) Concentrations of radioactive materials in the air in work areas;

(b) Quantities of radionuclides in the body;

(c) Quantities of radionuclides excreted from the body; or

(d) Combinations of these measurements.

(2) A licensee or registrant shall assume an individual inhales radioactive material at the airborne concentration in which the individual is present, unless respiratory protective equipment is used, as provided in Section 19 of this administrative regulation, or the assessment of intake is based on bioassays.

(3) If specific information on the physical and biochemical properties of the radionuclides taken into the body, or the behavior or material in an individual is known, a licensee or registrant may:

(a) Use the information to calculate the committed effective dose equivalent; and, if used, the licensee or registrant shall document the information in the individual's record;

(b) Upon prior approval by the cabinet, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material (for example, aerosol size distribution or density); and

(c) Separately assess the contribution of fractional intakes of Class D, W, or Y compounds of a radionuclide, as provided in Section 44 of this administrative regulation, to the committed effective dose equivalent.

(4) If a licensee or registrant chooses to assess intakes of Class Y material using the measurements provided in subsection (1)(b) or (c) of this section, the licensee or registrant may delay the recording and reporting of the assessments for periods up to seven (7) months, unless otherwise required by Sections 39 or 40 of this administrative regulation, in order to permit the licensee or registrant to make additional measurements basic to the assessments.

(5) If the identity and concentration of radionuclides in a mixture are known, the fraction of the DAC applicable to the mixture for use in calculating DAC-hours shall be the:

(a) Sum of the ratios of the concentration to the appropriate DAC value (e.g., D, W, Y) from Section 44 of this administrative regulation for radionuclides in the mixture; or

(b) Ratio of the total concentration for radionuclides in the mixture to the most restrictive DAC value for a radionuclide in the mixture.

(6) If the identity of radionuclides in a mixture is known, but the

concentration of one (1) or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of a radionuclide in the mixture.

(7) If a mixture of radionuclides in air exists, a licensee or registrant may disregard certain radionuclides in the mixture if the:

(a) Licensee or registrant uses the total activity of the mixture in demonstrating compliance with the dose limits in Section 3 of this administrative regulation and in complying with the monitoring requirements in Section 13(2) of this administrative regulation;

(b) Concentration of a radionuclide disregarded is less than ten (10) percent of its DAC; and

(c) Sum of these percentages for the radionuclides disregarded in the mixture does not exceed thirty (30) percent.

(8) In order to calculate the committed effective dose equivalent, a licensee or registrant may assume that the inhalation of one (1) ALI, or an exposure of 2,000 DAC-hours, results in a committed effective dose equivalent of five (5) rems (0.05 Sv) for radionuclides having their ALIs or DACs based on the committed effective dose equivalent.

(a) If the ALI, and the associated DAC, is determined by the nonstochastic organ dose limit of fifty (50) rems (five-tenths (0.50) Sv), the intake of radionuclides that result in a committed effective dose equivalent of five (5) rems (0.05 Sv) (the stochastic ALI) is listed in parentheses in Section 44 of this administrative regulation. A licensee or registrant may, as a simplifying assumption, use the stochastic ALIs to determine committed effective dose equivalent.

(b) If a licensee or registrant uses the stochastic ALIs, the licensee or registrant shall also demonstrate that the limit in Section 3(1)(a)2 of this administrative regulation shall be met.

Section 7. Planned Special Exposures. (1) A licensee or registrant may authorize an adult worker to receive doses in addition to, and accounted for separately from the doses received under, the limits specified in Section 3 of this administrative regulation provided each of the following conditions are satisfied:

(a) The licensee or registrant authorizes a planned special exposure only in an exceptional situation if alternatives that may avoid the higher exposure are unavailable or impractical;

(b) The licensee or registrant, and employer if the employer is not the licensee or registrant, specifically authorize the planned special exposure, in writing, before the exposure occurs;

(c) Before a planned special exposure, the licensee or registrant ensures that the individuals involved are:

1. Informed of the purpose of the planned operation;

2. Informed of the estimated doses and associated potential risks and specific radiation levels or other conditions that may be involved in performing the task; and

3. Instructed in the measures to be taken to keep the dose ALARA considering other risks that may be present.

(2) Prior to permitting an individual to participate in a planned special exposure, a licensee or registrant shall ascertain prior doses as required by Section 32(2) of this administrative regulation during the lifetime of the individual for each individual involved.

(3) Subject to Section 3(2) of this administrative regulation, a licensee or registrant shall not authorize a planned special exposure that shall cause an individual to receive a dose from planned special exposures and doses in excess of the limits to exceed:

(a) The numerical values of the dose limits in Section 3(1) of this administrative regulation in a year; and

(b) Five (5) times the annual dose limits in Section 3(1) of this administrative regulation during the individual's lifetime.

(4) A licensee or registrant shall:

(a) Maintain records of the conduct of a planned special exposure pursuant to Section 33 of this administrative regulation; and

(b) Submit a written report pursuant to Section 41 of this administrative regulation.

(5) A licensee or registrant shall record the best estimate of the dose resulting from the planned special exposure in the individual's record and inform the individual, in writing, of the dose within thirty (30) days from the date of the planned special exposure. The dose from planned special exposures shall not be considered in controlling future occupational dose of the individual by Section 3(1) of this administrative regulation, but shall be included in evaluations required by Section 7(2) and (3) of this administrative regulation.

Section 8. Occupational Dose Limits for Minors. The annual occupational dose limits for minors shall be ten (10) percent of the annual dose limits specified for adult workers in Section 3 of this administrative regulation.

Section 9. Dose to an Embryo or Fetus. (1) A licensee or registrant shall ensure that the dose to an embryo or fetus during the entire pregnancy, due to occupational exposure of a declared pregnant woman, does not exceed five-tenths (0.5) rem (5 mSv).

(2) A licensee or registrant shall make efforts to avoid substantial variation above a uniform monthly exposure rate to a declared pregnant woman to satisfy the limit in subsection (1) of this section.

(3) The dose to an embryo or fetus shall be taken as the sum of:

(a) The deep-dose equivalent to the declared pregnant woman; and

(b) The dose to the embryo or fetus from radionuclides in the embryo or fetus and radionuclides in the declared pregnant woman.

(4) If the dose to the embryo or fetus is found to have exceeded five-tenths (0.5) rem (five (5) mSv), or is within 0.05 rem (five-tenths (0.5) mSv) of this dose, by the time the woman declares the pregnancy to a licensee or registrant, the licensee or registrant shall be in compliance with subsection (1) of this section if the additional dose to the embryo or fetus does not exceed 0.05 rem (five-tenths (0.5) mSv) during the remainder of the pregnancy.

Section 10. Radiation Dose Limits for Individual Members of the Public. (1) A licensee or registrant shall conduct operations to ensure:

(a) The total effective dose equivalent to individual members of the public from the licensed, registered, and other operations shall not exceed one-tenth (0.1) rem (one (1) mSv) in a year, exclusive of the dose contribution from the licensee's or registrant's disposal of radioactive material into sanitary sewerage under 902 KAR 100:021, Section 3; and

(b) The dose in an unrestricted area from external sources shall not exceed 0.002 rem (0.02 mSv) in one (1) hour.

(2) If a licensee or registrant permits members of the public to have access to controlled areas, the limits for members of the public shall continue to apply to those individuals.

(3) A licensee or registrant applicant for a license or registration may apply for prior authorization to operate up to an annual dose limit for an individual member of the public of five-tenths (0.5) rem (five (5) mSv). The application shall include the following information:

(a) Demonstration of the need for, and the expected duration of, operations in excess of the limit in subsection (1) of this section;

(b) A licensee's or registrant's program to assess and control dose within the five-tenths (0.5) rem (five (5) mSv) annual limit; and

(c) The procedures to be followed to maintain the dose ALARA.

(4) In addition to the provisions of this administrative regulation, a person, licensee, or registrant subject to the provisions of U.S. Environmental Protection Agency's applicable environmental radiation standards in 40 CFR 190 shall comply with those standards.

(5) The cabinet may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

Section 11. Compliance with Dose Limits for Individual Members of the Public. (1) To demonstrate compliance with the dose limits for individual members of the public in Section 10 of this administrative regulation, a licensee or registrant shall make or cause to be made,

as appropriate, surveys of:

(a) Radiation levels in unrestricted and controlled areas; and

(b) Radioactive materials in effluents released to unrestricted and controlled areas.

(2) A licensee or registrant shall show compliance with the annual dose limit in Section 10 of this administrative regulation by:

(a) Demonstrating by measurement or calculation that the total effective dose equivalent to the individual likely to receive the highest dose from the licensed operation shall not exceed the annual dose limit; or

(b) Demonstrating that:

1. The annual average concentrations of radioactive material released in gaseous and liquid effluents at the boundary of the restricted area shall not exceed the values specified in Section 44(9), Table II, of this administrative regulation; and

2. If an individual were continually present in an unrestricted area, the dose from external sources shall not exceed 0.002 rem (0.02 mSv) in an hour and 0.05 rem (five-tenths (0.5) mSv) in a year.

(3) Upon approval from the cabinet, a licensee or registrant may adjust the effluent concentration values in Section 44(9), Table II, of this administrative regulation, for members of the public, to take into account the actual physical and chemical characteristics of the effluents (for example, aerosol size distribution, solubility, density, radioactive decay equilibrium, or chemical form).

Section 12. Surveys and Monitoring. (1) A licensee or registrant shall make or cause to be made, surveys that are:

(a) Necessary for the licensee or registrant to comply with the provisions in this administrative regulation; and

(b) Reasonable under the circumstances to evaluate:

1. The extent of radiation levels;

2. Concentrations or quantities of radioactive material; and

3. The potential radiological hazards that may be present.

(2) A licensee or registrant shall ensure that instruments and equipment used for quantitative radiation measurements (for example, dose rate and effluent monitoring) are calibrated periodically for the radiation measured.

(3) Personnel dosimeters, except direct and indirect reading pocket ionization chambers and those dosimeters used to measure the dose to the extremities, that require processing to determine the radiation doses used by licensees or registrants to comply with Section 3 of this administrative regulation, other applicable provisions of 902 KAR Chapter 100, or conditions specified in a license shall be processed and evaluated by a dosimetry processor:

(a) Holding current personnel dosimetry accreditation from the National Voluntary Laboratory Accreditation Program (NVLAP) of the National Institute of Standards and Technology; and

(b) Approved in this accreditation process for the type of radiation or radiations included in the NVLAP program that most closely approximates the type of radiation or radiations for which the individual wearing the dosimeter is monitored.

Section 13. Conditions Requiring Individual Monitoring of External and Internal Occupational Dose. (1) A licensee or registrant shall monitor exposures to radiation and radioactive material at levels sufficient to demonstrate compliance with the occupational dose limits of this administrative regulation. As a minimum, the licensee or registrant shall monitor occupational exposure to radiation, and shall supply and require the use of individual monitoring devices by:

(a) Adults likely to receive, in one (1) year from sources external to the body, a dose in excess of ten (10) percent of the limits in Section 3(1) of this administrative regulation;

(b) Minors and declared pregnant women likely to receive, in one (1) year from sources external to the body, a dose in excess of ten (10) percent of the applicable limits in Sections 8 or 9 of this administrative regulation; and

(c) Individuals entering a high or very high radiation area.

(2) A licensee or registrant shall monitor, pursuant to Section 6 of this administrative regulation, the occupational intake of radioactive material by, and assess the committed effective dose equivalent to:

(a) Adults likely to receive, in one (1) year, an intake in excess of ten (10) percent of the applicable ALIs in Section 44(9), Table I, Columns 1 and 2, of this administrative regulation; and

(b) Minors and declared pregnant women likely to receive, in one (1) year, a committed effective dose equivalent in excess of 0.05 rem (five-tenths (0.5) mSv).

Section 14. Control of Access to High Radiation Areas. (1) A licensee or registrant shall ensure that each entrance or access point to a high radiation area shall have at least one (1) of the following features:

(a) A control device that, upon entry into the area, shall cause the level of radiation to be reduced below the level an individual may receive a deep-dose equivalent of one-tenth (0.1) rem (one (1) mSv) in one (1) hour at thirty (30) centimeters from the radiation source or from a surface that the radiation penetrates;

(b) A control device that shall energize a conspicuous visible or audible alarm signal so the individual entering the high radiation area and the supervisor of the activity shall be made aware of the entry; or

(c) Entryways that shall be locked, except during periods that access to the areas is required, with positive control over each individual entry.

(2) In place of the controls required by subsection (1) of this section for a high radiation area, a licensee or registrant may substitute continuous direct or electronic surveillance that shall be capable of preventing unauthorized entry.

(3) A licensee or registrant may apply to the cabinet for approval of alternative methods for controlling access to high radiation areas.

(4) A licensee or registrant shall establish the controls required by subsections (1) and (3) of this section that shall not prevent individuals from leaving a high radiation area.

(5) Control shall not be required for an entrance or access point to a room or other area that is a high radiation area solely because of the presence of radioactive materials prepared for transport and packaged and labeled in accordance with 49 CFR 100-180 if the packages will not remain in the area longer than three (3) days, and the dose rate at one (1) meter from the external surface of a package will not exceed 0.01 rem (one-tenth (0.1) mSv) per hour.

(6) Control of entrance or access to rooms or other areas in hospitals shall not be required solely because of the presence of patients containing radioactive material if personnel are in attendance who:

(a) Take the necessary precautions to prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this administrative regulation; and

(b) Operate within the ALARA provisions of the licensee's or registrant's radiation protection program.

(7) A registrant is not required to control entrance or access to rooms or other areas containing sources of radiation capable of producing a high radiation area as described in this section if the registrant has met the specific requirements for access and control specified in 902 KAR 100:100, 902 KAR 100:115, and 902 KAR 100:155.

Section 15. Control of Access to Very High Radiation Areas. (1) In addition to the provisions in Section 14 of this administrative regulation, a licensee or registrant shall institute additional measures to ensure that an individual shall not be able to gain unauthorized or inadvertent access to areas in which radiation levels may be encountered at 500 rads (five (5) grays) or more in one (1) hour at one (1) meter from a radiation source or a surface through which the radiation penetrates.

(2) A registrant shall not be required to control entrance or access

to rooms or other areas containing sources of radiation capable of producing a very high radiation area as described in subsection (1) of this section if the registrant has met the specific requirements for access and control specified in 902 KAR 100:100, 902 KAR 100:115, and 902 KAR 100:155.

Section 16. Control of Access to Very High Radiation Areas for Irradiators. (1) This section shall apply to radiation from sources of radiation used in sealed sources in nonself-shielded irradiators.

(2) This section shall not apply to:

(a) Sources of radiation used in teletherapy, radiography, or completely self-shielded irradiators in which the source:

1. Is both stored and operated within the same shielding radiation barrier; and

2. In the designed configuration of the irradiator, is always physically inaccessible to an individual and cannot create high levels of radiation in an area that is accessible to an individual.

(b) Sources from which the radiation shall be incidental to some other use or to nuclear reactor-generated radiation.

(3) Areas where radiation levels may exist in excess of 500 rads (five (5) grays) in one (1) hour at one (1) meter from a source of radiation used to irradiate materials shall meet the following requirements.

(a) An entrance or access point shall be equipped with entry control devices which:

1. Function automatically to prevent an individual from inadvertently entering the area if very high radiation levels exist;

2. Permit deliberate entry into the area only after a control device is actuated that causes the radiation level within the area, from the source of radiation, to be reduced below a level where it is possible for an individual to receive a deep-dose equivalent in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour; and

3. Prevent operation of the source of radiation if the source would produce radiation levels in the area that may result in a deep-dose equivalent to an individual in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour.

(b) Additional control devices shall be provided so that, upon failure of the entry control devices to function as required by subsection (3)(a) of this section:

1. The radiation level within the area, from the source of radiation, is reduced below a level where it is possible for an individual to receive a deep-dose equivalent in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour; and

2. Conspicuous visible and audible alarm signals are generated to make an individual attempting to enter the area aware of the hazard, and at least one (1) other authorized individual who is physically present, familiar with the activity, and prepared to render or summon assistance, aware of the failure of the entry control devices;

(c) A licensee or registrant shall provide control devices so that, upon failure or removal of physical radiation barriers other than the source's shielded storage container:

1. The radiation level from the source of radiation shall be reduced below a level where it is possible for an individual to receive a deep-dose equivalent in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour; and

2. Conspicuous visible and audible alarm signals shall be generated to make potentially affected individuals aware of the hazard, and a licensee, registrant, or at least one (1) other individual who is familiar with the activity and prepared to render or summon assistance, aware of the failure or removal of the physical barrier;

(d) If the shield for the stored source is a liquid, the licensee or registrant shall provide means to:

1. Monitor the integrity of the shield; and

2. Automatically signal loss of adequate shielding;

(e) Physical radiation barriers that comprise permanent structural components, such as walls, that have no credible probability of failure or removal in ordinary circumstances need not meet the requirements of paragraphs (c) and (d) of this subsection;

(f) An area shall be equipped with devices that automatically generate conspicuous visible and audible alarm signals:

1. To alert personnel in the area before the source can be put into operation;

2. In sufficient time for an individual in the area to operate a clearly identified control device, which is installed in the area and can prevent the source from being put into operation;

(g) An area shall be controlled by use of administrative procedures and devices as are necessary to ensure that the area is cleared of personnel prior to use of the source;

(h) An area shall be checked by a radiation measurement to ensure that, prior to the first individual's entry into the area after use of the source of radiation, the radiation level from the source of radiation in the area is below a level where it is possible for an individual to receive a deep-dose equivalent in excess of one-tenth (0.1) rem (one (1) mSv) in one (1) hour;

(i) The entry control devices required in paragraph (a) of this subsection shall have been tested for proper functioning as follows:

1. Daily prior to initial operation with the source of radiation, unless operations were continued uninterrupted from a previous day;

2. Prior to resumption of operation of the source of radiation after an unintended interruption; and

3. By adherence to a submitted schedule for periodic tests of the entry control and warning systems.

(j) A licensee or registrant shall not conduct operations if control devices are not functioning properly, other than those necessary to place the source of radiation in safe condition or to effect repairs on controls;

(k) Entry and exit portals used in transporting materials to and from the irradiation area, and not intended for use by individuals, shall be controlled by devices and administrative procedures as are necessary to physically protect and warn against inadvertent entry by an individual through these portals. Exit portals for processed materials shall be equipped to detect and signal the presence of loose radiation sources carried toward an exit to automatically prevent loose radiation sources from being carried out of the area.

(4)(a) Persons holding licenses or registrations, or applicants for licenses or registrations, for radiation sources may apply to the cabinet for approval of the use of alternative safety measures if they:

1. Are governed by the provisions of subsection (3) of this section; and

2. May be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with provisions of subsection (3) of this section (for example, those for the automatic control of radiation levels).

(b) Alternative safety measures shall provide a degree of personnel protection equivalent to those specified in subsection (3) of this section.

(c) At least one (1) of the alternative measures shall include an entry-preventing interlock control, based on a measurement of the radiation, that ensures the absence of high radiation levels before an individual may gain access to the area in which sources of radiation are used.

(5) Entry control devices required by subsections (3) and (4) of this section shall be established in a way that an individual will not be prevented from leaving the area.

Section 17. Use of Process or Other Engineering Controls. The licensee or registrant shall use, to the extent practicable, process or other engineering controls (for example, containment or ventilation) to control the concentrations of radioactive material in air.

Section 18. Use of Other Controls. If it is not practicable to apply process or other engineering controls to control the concentrations of radioactive material in air to values below those that define an

airborne radioactivity area, a licensee or registrant shall, consistent with maintaining the total effective dose equivalent ALARA, increase monitoring and limit intakes by one (1) or more of the following means:

(1) Control of access;

(2) Limitation of exposure times;

(3) Use of respiratory protection equipment; or

(4) Other controls approved by the cabinet.

Section 19. Use of Individual Respiratory Protection Equipment. (1) If a licensee or registrant uses respiratory protection equipment to limit intakes pursuant to Section 18 of this administrative regulation, the licensee or registrant shall use only respiratory protection equipment that shall be tested and certified or shall have had certification extended by the National Institute for Occupational Safety and Health/Mine Safety and Health Administration (NIOSH/MSHA).

(a) If a licensee or registrant wishes to use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there exists no schedule for testing or certification, the licensee shall submit:

1. An application for authorized use of that equipment, including a demonstration by testing; or

2. A demonstration on the basis of reliable test information that the material and performance characteristics of the equipment shall be capable of providing the proposed degree of protection under anticipated conditions of use;

(b) A licensee or registrant shall implement and maintain a respiratory protection program that shall include:

1. Air sampling sufficient to identify the potential hazard, permit proper equipment selection, and estimate exposures;

2. Surveys and bioassays, as appropriate, to evaluate actual intakes;

3. Testing of respirators for operability immediately prior to each use;

4. Written procedures regarding:

a. Selection, fitting, issuance, maintenance, and testing of respirators, including testing for operability immediately prior to use;

b. Supervision and training of personnel;

c. Monitoring, including air sampling and bioassays; and

d. Recordkeeping; and

5. Determination by a physician prior to initial fitting of respirators, and subsequently at least every twelve (12) months, that the individual user shall be physically able to use the respiratory protection equipment;

(c) A licensee or registrant shall issue a written policy statement on respirator usage covering the:

1. Use of process or other engineering controls, instead of respirators;

2. Routine, nonroutine, and emergency use of respirators; and

3. Periods of respirator use and relief from respirator use;

(d) A licensee or registrant shall advise a respirator user that the user may leave the area for relief from respirator use in the event of:

1. Equipment malfunction;

2. Physical or psychological distress;

3. Procedural or communication failure;

4. Significant deterioration of operating conditions; or

5. Other conditions that may require relief; and

(e) A licensee or registrant shall:

1. Use equipment within limitations for type and mode of use; and

2. If needed, provide proper visual, communication, and other special capabilities such as adequate skin protection.

(2) In estimating exposure of individuals to airborne radioactive materials, a licensee or registrant may make allowance for respiratory protection equipment used to limit intakes under Section 18 of this administrative regulation, if the following conditions, in addition to those in subsection (1) of this section, are satisfied:

(a) The licensee or registrant selects respiratory protection equipment that provides a protection factor greater than the multiple by which peak concentrations of airborne radioactive materials in the working area are expected to exceed the values specified in Section 44(9), Table I, Column 3, of this administrative regulation.

1. If the selection of a respiratory protection device with a protection factor greater than the peak concentration is inconsistent with the goal specified in Section 18 of this administrative regulation of keeping the total effective dose equivalent ALARA, the licensee or registrant may select respiratory protection equipment with a lower protection factor only if the selection would result in keeping the total effective dose equivalent ALARA;

2. The concentration of radioactive material in air that is inhaled if respirators are worn may be initially estimated by dividing the average concentration in air during each period of uninterrupted use by the protection factor;

3. If the exposure is later found to be greater than estimated, the corrected value shall be used; and

4. If the exposure is later found to be less than estimated, the corrected value may be used; and

(b) The licensee or registrant shall obtain authorization from the cabinet before assigning respiratory protection factors in excess of those specified in Section 43 of this administrative regulation. The cabinet may authorize the licensee or registrant to use higher protection factors on receipt of an application that:

1. Describes the situation for which a need exists for higher protection factors; and

2. Demonstrates the respiratory protection equipment provides these higher protection factors under the proposed conditions of use.

(3) A licensee or registrant shall use as emergency devices only respiratory protection equipment that has been specifically certified or had certification extended for emergency use by NIOSH/MSHA.

(4) A licensee or registrant shall notify, in writing, the Manager of the Radiation Control Branch at least thirty (30) days before the date that respiratory protection equipment will first be used under the provisions of either subsection (1) or (2) of this section.

Section 20. Further Restrictions on the Use of Respiratory Protection Equipment. The cabinet may impose restrictions in addition to those in Sections 18, 19, and 43 of this administrative regulation to:

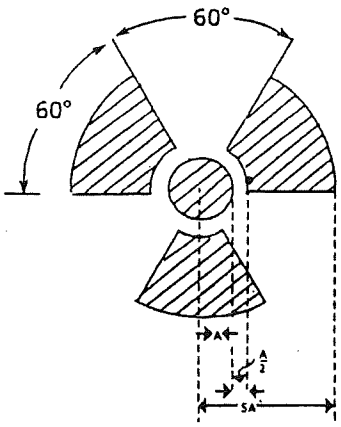
(1) Ensure that the respiratory protection program of the licensee shall be adequate to limit exposures of individuals to airborne radioactive materials; and

(2) Limit the extent to which a licensee shall use respiratory protection equipment instead of process or other engineering controls.

Section 21. Security of Sources of Radiation. A licensee or registrant shall secure from unauthorized removal or access licensed materials stored in controlled or unrestricted areas.

Section 22. Control of Sources of Radiation Not in Storage. A licensee or registrant shall control and maintain constant surveillance of licensed or registered material in a controlled or unrestricted area and not in storage.

Section 23. Caution Signs and Standard Radiation Symbol. (1) Unless otherwise authorized by the cabinet, the symbol prescribed by this section shall use the colors magenta, purple, or black on yellow background. The symbol prescribed by this section shall be the three (3) bladed design:



RADIATION SYMBOL

(a) Cross-hatched area shall be magenta, purple, or black; and

(b) The background shall be yellow.

(2) Exception to color requirements for standard radiation symbol. A licensee or registrant may label sources, source holders, or device components containing sources of radiation subjected to high temperatures with conspicuously etched or stamped radiation caution symbols and without a color requirement.

(3) Additional information on signs and labels. In addition to the contents of signs and labels prescribed in this section, a licensee or registrant may provide, on or near the required signs and labels, additional information, as appropriate, to make individuals aware of potential radiation exposures and to minimize the exposures.

Section 24. Posting Requirements. (1) Posting of radiation areas. A licensee or registrant shall post a radiation area with a conspicuous sign or signs bearing the radiation symbol and the words: "CAUTION, RADIATION AREA".

(2) Posting of high radiation areas. A licensee or registrant shall post a high radiation area with a conspicuous sign or signs bearing the radiation symbol and the words: "CAUTION, HIGH RADIATION AREA" or "DANGER, HIGH RADIATION AREA".

(3) Posting of very high radiation areas. A licensee or registrant shall post a very high radiation area with a conspicuous sign or signs bearing the radiation symbol and words: "GRAVE DANGER, VERY HIGH RADIATION AREA".

(4) Posting of airborne radioactivity areas. A licensee or registrant shall post an airborne radioactivity area with a conspicuous sign or signs bearing the radiation symbol and the words: "CAUTION, AIRBORNE RADIOACTIVITY AREA" or "DANGER, AIRBORNE RADIOACTIVITY AREA".

(5) Posting of areas or rooms in which licensed or registered material shall be used or stored. A licensee or registrant shall post an area or room in which there is used or stored an amount of licensed or registered material exceeding ten (10) times the quantity of the material specified in 902 KAR 100:030, Section 2, with a conspicuous sign or signs bearing the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL(S)" or "DANGER, RADIOACTIVE MATERIAL(S)".

Section 25. Exceptions to Posting Requirements. (1) A licensee or registrant shall not be required to post caution signs in areas or rooms containing sources of radiation for periods of less than eight (8) hours, if the following conditions are met:

(a) The sources of radiation are constantly attended during these periods by an individual who takes the precautions necessary to prevent the exposure of individuals to radiation or radioactive materials in excess of the limits established in this administrative regulation; and

(b) The area or room are subject to the licensee's or registrant's control.

(2) Rooms or other areas in hospitals occupied by patients shall not be required to be posted with caution signs pursuant to Section 24 of this administrative regulation if:

(a) The patient is being treated with sealed sources, has been treated with unsealed radioactive material in quantities less than thirty (30) millicuries or 110 megabecquerels (MBq), or the measured dose rate at one (1) meter from the patient is less than 0.005 rem (0.05 mSv) per hour; and

(b) There are personnel in attendance to take the necessary precautions to:

1. Prevent the exposure of individuals to radiation or radioactive material in excess of the limits established in this administrative regulation; and

2. Operate within the ALARA provisions of the licensee's radiation protection program.

(3) A room or area is not required to be posted with a caution sign because of the presence of a sealed source if the radiation level at thirty (30) centimeters from the surface of the source container or housing does not exceed 0.005 rem (0.05 mSv) per hour.

Section 26. Labeling Containers. (1) A licensee or registrant shall ensure a container of licensed or registered material bears a durable, clearly visible label with the radiation symbol and the words "CAUTION, RADIOACTIVE MATERIAL" or "DANGER, RADIOACTIVE MATERIAL".

(a) The label shall provide the following information:

1. Radionuclide present;
2. An estimate of the quantity of radioactivity;
3. Date the activity is estimated;
4. Radiation levels, kinds of materials; and
5. Mass enrichment.

(b) Information in this subsection shall permit individuals handling or using the containers, or working in the vicinity of the containers, to take precautions to avoid or minimize exposures.

(2) A licensee or registrant shall, prior to removal or disposal of empty uncontaminated containers to unrestricted areas:

1. Remove or deface the radioactive material label; or
2. Clearly indicate the container no longer contains radioactive materials.

Section 27. Exemptions to Labeling Requirements. (1) A licensee or registrant shall not be required to label:

(a) Containers holding licensed or registered material in quantities less than the quantities listed in 902 KAR 100:030, Section 2;

(b) Containers holding licensed or registered material in concentrations less than those specified in Section 44(9), Table III, of this administrative regulation;

(c) Containers attended by an individual who takes precautions necessary to prevent the exposure of individuals in excess of the limits established by this administrative regulation;

(d) Containers if they are in transport and packaged and labeled in accordance with 49 CFR Parts 100-180; or

(e) Containers that are accessible only to individuals authorized to handle or use them, or to work in the vicinity of the containers, if the contents are identified to these individuals by a readily available written record (for example, containers in locations that include water-filled canals, storage vaults, or hot cells). The record shall be retained as long as the containers are in use for the purpose indicated on the record; or

(f) Installed manufacturing or process equipment, such as chemical process equipment, piping, and tanks;

(2) Labeling of packages containing radioactive materials shall be required by the U.S. Department of Transportation (DOT) if the amount and type of radioactive material exceeds the limits for an

excepted quantity or article pursuant to 49 CFR 173.403(m) and (w) and 173.421-173.424.

Section 28. Procedures for Receiving and Opening Packages. (1) A licensee or registrant who expects to receive a package containing quantities of radioactive material in excess of a Type A quantity pursuant to 902 KAR 100:010 shall make arrangements to receive:

(a) The package if the carrier offers it for delivery; or

(b) Notification of the arrival of the package at the carrier's terminal and take possession of the package expeditiously.

(2) A licensee or registrant shall monitor the external surfaces of a package known to contain radioactive material for radioactive contamination and radiation levels, if the package:

(a) Is labeled as containing radioactive material; or

(b) Has evidence of potential contamination such as packages that are crushed, wet, or damaged.

(3) A licensee or registrant shall perform the monitoring required by subsection (2) of this section as soon as practicable after receipt of the package, but not later than:

(a) Three (3) hours after the package is received at the licensee's facility if received during the licensee's or registrant's normal working hours; or

(b) Three (3) hours from the beginning of the next working day if received after working hours.

(4) A licensee or registrant shall immediately notify the final delivery carrier and, by telephone, telegram, mailgram, or facsimile, the Manager of the Radiation Control Branch if:

(a) Removable radioactive surface contamination exceeds the limits of 902 KAR 100:070, Section 14; or

(b) External radiation levels exceed the limits of 902 KAR 100:070, Section 14.

(5) A licensee or registrant shall:

(a) Establish, maintain, and retain written procedures for safely opening packages in which radioactive material is received; and

(b) Ensure that the procedures are followed and due consideration is given to special instructions for the type of package being opened.

(6) A licensee or registrant transferring special form sources in licensee or registrant owned or operated vehicles to and from a work site shall be exempt from the contamination monitoring requirements of subsection (2) of this section, but shall not be exempt from the survey requirement for measuring radiation levels that are required to ensure the source shall remain properly lodged in its shield.

Section 29. General Provisions for Records. (1) A licensee or registrant shall use the units curie, rad, and rem, including multiples and subdivisions, and shall clearly indicate the units of quantities on records required by this administrative regulation.

(2) A licensee or registrant shall make a clear distinction among the quantities entered on the records required by this administrative regulation, such as:

(a) Total effective dose equivalent;

(b) Shallow-dose equivalent;

(c) Eye dose equivalent;

(d) Deep-dose equivalent; and

(e) Committed effective dose equivalent.

Section 30. Records of Radiation Protection Programs. (1) A licensee or registrant shall maintain records of the radiation protection program, including:

(a) The provisions of the program; and

(b) Audits and other reviews of program content and implementation.

(2) A licensee or registrant shall retain records required by subsection (1)(a) of this section until the cabinet terminates each pertinent license requiring the record.

(3) A licensee or registrant shall retain records required by subsection (1)(b) of this section for three (3) years after the record is made.

Section 31. Records of Surveys. (1) A licensee or registrant shall:

(a) Maintain records showing the results of surveys and calibrations required by Sections 12 and 28(2) of this administrative regulation; and

(b) Retain records for three (3) years after the record is made.

(2) A licensee or registrant shall retain the following records until the cabinet terminates the pertinent license or registration requiring the record:

(a) Results of surveys to determine the dose from external sources of radiation and used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents;

(b) Results of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose;

(c) Results of air sampling, surveys, and bioassays required pursuant to Section 19(1)(c)1 and 2 of this administrative regulation; and

(d) Results of measurements and calculations used to evaluate the release of radioactive effluents to the environment.

Section 32. Determination of Prior Occupational Dose. (1) For an individual who may enter a licensee's or registrant's restricted or controlled area and may likely receive, in a year, an occupational dose requiring monitoring under Section 13 of this administrative regulation, the licensee or registrant shall:

(a) Determine the occupational radiation dose received during the current year; and

(b) Attempt to obtain the records of lifetime cumulative occupational radiation dose.

(2) Prior to permitting an individual to participate in a planned special exposure, a licensee or registrant shall determine:

(a) The internal and external doses from previous planned special exposures; and

(b) Doses in excess of the limits, including doses received during accidents and emergencies, received during the lifetime of the individual.

(3) In complying with the requirements of subsection (1) of this section, a licensee or registrant may:

(a) Accept, as a record of the occupational dose the individual received during the current year, a written signed statement from the individual, or from the individual's most recent employer for work involving radiation exposure, that discloses the nature and amount of an occupational dose the individual may have received during the current year.

(b) Accept, as the record of lifetime cumulative radiation dose, an up-to-date NRC Form 4, "Cumulative Occupational Exposure History," or equivalent, signed by the individual and counter-signed by an:

1. Appropriate official of the most recent employer for work involving radiation exposure; or

2. The individual's current employer if the individual is not employed by the licensee or registrant.

(c) Obtain reports of the individual's dose equivalent from the most recent employer for work involving radiation exposure, or the individual's current employer if the individual is not employed by the licensee or registrant, by telephone, telegram, electronic media, or letter. If the authenticity of the transmitted report cannot be established, a licensee or registrant shall request a written verification of the dose data.

(4) A licensee or registrant shall record the exposure history, as required by subsection (1) of this section, on NRC Form 4, or other clear and legible record, of the information required on that form.

(a) The form or record shall:

1. Show each period the individual received occupational

exposure to radiation or radioactive material; and

2. Be signed by the individual who received the exposure;

(b) For each period a licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing NRC Form 4; and

(c) For a period in which a licensee or registrant does not obtain a report, the licensee shall place a notation on NRC Form 4 indicating the periods of time for which data are not available.

(5) If a licensee is unable to obtain a complete record of an individual's current and previously accumulated occupational dose, the licensee or registrant shall assume:

(a) In establishing administrative controls under Section 3(6) of this administrative regulation for the current year, that the allowable dose limit for the individual is reduced by 1.25 rems (twelve and five-tenths (12.5) mSv) for each quarter for which records were unavailable and the individual was engaged in activities that may have resulted in occupational radiation exposure; and

(b) That the individual is not available for planned special exposures.

(6) A licensee or registrant shall:

1. Retain the records on NRC Form 4, or equivalent, until the cabinet terminates the pertinent license or registration requiring this record; and

2. Retain records used in preparing NRC Form 4 for three (3) years after the record is made.

Section 33. Records of Planned Special Exposures. (1) For each use of the provisions of Section 7 of this administrative regulation for planned special exposures, a licensee or registrant shall maintain records that includes:

(a) The name of the management official who authorized the planned special exposure; and

(b) A copy of the signed authorization; and

(c) Description of:

1. The exceptional circumstances requiring the use of a planned special exposure;

2. What actions were necessary;

3. Why the actions were necessary;

4. How doses were maintained ALARA;

5. What individual and collective doses were expected to result; and

6. The doses actually received in the planned special exposure.

(2) A licensee or registrant shall retain the records until the cabinet terminates the pertinent license or registration requiring these records.

Section 34. Records of Individual Monitoring Results. (1) A licensee or registrant shall maintain records of doses received:

(a) By individuals for whom monitoring was required by Section 13 of this administrative regulation; and

(b) During planned special exposures, accidents, and emergency conditions.

(2) The recordkeeping requirements shall include, if applicable:

(a) Deep-dose equivalent to the whole body;

(b) Eye dose equivalent;

(c) Shallow-dose equivalent to the skin and extremities;

(d) Estimated intake or body burden of radionuclides;

(e) Committed effective dose equivalent assigned to the intake or body burden of radionuclides;

(f) Specific information used to calculate the committed effective dose equivalent under Section 6(3) of this administrative regulation;

(g) Total effective dose equivalent, if required by Section 4 of this administrative regulation; and

(h) Total of the deep-dose equivalent and the committed dose to the organ receiving the highest total dose.

(3) A licensee or registrant shall make entries of the records specified in subsection (1) of this section at least annually.

(4) A licensee or registrant shall maintain the records specified in subsection (1) of this section on NRC Form 5, "Occupational Exposure Record for a Monitoring Period," in accordance with the instructions for NRC Form 5, or in clear and legible records containing the information required by NRC Form 5.

(5) The records required under this section shall be protected from public disclosure because of their personal privacy nature.

(6) A licensee or registrant shall maintain the:

(a) Records of dose to an embryo or fetus with the records of dose to the declared pregnant woman; and

(b) Declaration of pregnancy on file, but may be maintained separately from the dose records.

(7) A licensee or registrant shall retain each required form or record until the cabinet terminates the pertinent license or registration requiring the record.

(8) Assessments of dose equivalent and records made using units in effect before a licensee's or registrant's adoption of this administrative regulation need not to be changed.

Section 35. Records of Dose to Individual Members of the Public. (1) A licensee or registrant shall maintain records sufficient to demonstrate compliance with the dose limit for individual members of the public.

(2) A licensee or registrant shall retain the records required by subsection (1) of this section until the cabinet terminates the pertinent license or registration requiring the record.

Section 36. Records of Testing Entry Control Devices for Very High Radiation Areas. (1) A licensee or registrant shall maintain records of tests made under Section 16(4)(i) of this administrative regulation on entry control devices for very high radiation areas. These records shall include the date, time, and results of each test of function.

(2) A licensee or registrant shall retain the records required by subsection (1) of this section for three (3) years after the record is made.

Section 37. Form of Records. (1) Records required by this administrative regulation shall be legible throughout the specified retention period.

(2) The record shall be:

1. The original;

2. A reproduced copy; or

3. A microform if the copy or microform is authenticated by authorized personnel and the microform is capable of producing a clear copy throughout the required retention period.

(3) The record may be stored in electronic media with the capability for producing legible, accurate, and complete records during the required retention period.

(4) Records such as letters, drawings, and specifications, shall include pertinent information such as stamps, initials, and signatures.

(5) A licensee or registrant shall maintain adequate safeguards against tampering with and loss of records.

Section 38. Reports of Theft or Loss of Licensed or Registered Sources of Radiation. (1) Telephone reports.

(a) A licensee or registrant shall report by telephone as follows:

1. Immediately after its occurrence becomes known to the licensee or registrant, lost, stolen, or missing licensed or registered material in an aggregate quantity equal to or greater than 1,000 times the quantity specified in 902 KAR 100:030, Section 2, under circumstances where it appears to the licensee or registrant that an exposure may result to persons in unrestricted areas; or

2. Within thirty (30) days after the occurrence of lost, stolen, or missing licensed or registered material becomes known to the licensee or registrant, licensed or registered material in a quantity greater than ten (10) times the quantity pursuant to 902 KAR 100:030,

Section 2, still missing at this time.

(b) Reports shall be made to the cabinet.

(2) Written reports.

(a) A licensee or registrant required to make a report pursuant to subsection (1) of this section shall, within thirty (30) days after making the telephone report, make a written report setting forth the following information:

1. Description of the licensed or registered material involved, including:

a. Kind;

b. Quantity; and

c. Chemical and physical form;

2. Description of the circumstances under which the loss or theft occurred;

3. Statement of disposition, or probable disposition, of the licensed or registered material involved;

4. Exposures of individuals to radiation, circumstances under which the exposures occurred, and the possible total effective dose equivalent to persons in unrestricted areas;

5. Actions that have been, or shall be, taken to recover the material; and

6. Procedures or measures that have been, or shall be, adopted to ensure against a recurrence of the loss or theft of licensed or registered material.

(b) Reports shall be made to the cabinet.

(3) Subsequent to filing the written report, a licensee or registrant shall report additional substantive information on the loss or theft within thirty (30) days after the licensee or registrant learns of the information.

(4) A licensee or registrant shall prepare and file a report with the cabinet as required by this section so that names of individuals who may have received exposure to radiation shall be stated in a separate and detachable part of the report.

Section 39. Notification of Incidents. (1) Immediate notification. A licensee or registrant shall immediately report an event involving radioactive material possessed by the licensee or registrant that may have caused, or threatens to cause, one (1) or more of the following conditions:

(a) An individual may receive:

1. A total effective dose equivalent of twenty-five (25) rems (0.25 Sv) or more;

2. An eye dose equivalent of seventy-five (75) rems (0.75 Sv) or more; or

3. A shallow-dose equivalent to the skin or extremities of 250 rads (two and five-tenths (2.5) Gy) or more;

(b) The release of radioactive material, inside or outside of a restricted area; so that, had an individual been present for twenty-four (24) hours, the individual may have received an intake five (5) times the occupational annual limit on intake. The provisions of this paragraph shall not apply to locations in which personnel are not normally stationed during routine operations, such as in hot-cells or process enclosure;

(c) A loss of one (1) working week or more of the operation of facilities affected; or

(d) Damage to property in excess of $200,000.

(2) Twenty-four (24) hour notification. A licensee or registrant shall, within twenty-four (24) hours of discovery of the event, report an event involving loss of control of licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or shall threaten to cause, one (1) or more of the following conditions:

(a) An individual to receive, in a period of twenty-four (24) hours:

1. A total effective dose equivalent exceeding five (5) rems (0.05 Sv);

2. An eye dose equivalent exceeding fifteen (15) rems (0.15 Sv); or

3. A shallow-dose equivalent to the skin or extremities exceeding fifty (50) rems (five-tenths (0.5) Sv);

(b) The release of radioactive material, inside or outside of a restricted area; so that, had an individual been present for twenty-four (24) hours, the individual may have received an intake in excess of one (1) occupational annual limit on intake. The provisions of this paragraph shall not apply to locations in which personnel are not normally stationed during routine operations, such as in hot-cells or process enclosures;

(c) A loss of one (1) day or more of the operation of facilities affected; or

(d) Damage to property in excess of $2,000.

(3) A licensee or registrant shall prepare and file a report with the cabinet as required by this section so that names of individuals who have received exposure to radiation or radioactive material are stated in a separate and detachable part of the report.

(4) Licensees or registrant shall make reports required by this section to the cabinet by:

(a) Telephone;

(b) Telegram;

(c) Mailgram; or

(d) Facsimile.

(5) The provisions of this section shall not include doses that result from planned special exposures that are within the limits for planned special exposures, and are reported under Section 41 of this administrative regulation.

Section 40. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits. (1) Reportable events. In addition to the notification required by Section 39 of this administrative regulation, a licensee or registrant shall submit a written report within thirty (30) days after learning of one (1) or more of the following occurrences:

(a) An incident for which notification shall be required by Section 39 of this administrative regulation; or

(b) Doses in excess of one (1) of the following:

1. Occupational dose limits for adults in Section 3 of this administrative regulation;

2. Occupational dose limits for a minor in Section 8 of this administrative regulation;

3. Limits for an embryo or fetus of a declared pregnant woman in Section 9 of this administrative regulation;

4. Limits for an individual member of the public in Section 10 of this administrative regulation;

5. Applicable limit in the license or registration; or

(c) Levels of radiation or concentrations of radioactive material in:

1. A restricted area in excess of an applicable limit in the license or registration; or

2. An unrestricted area in excess of ten (10) times an applicable limit set forth in this administrative regulation, the license, or the registration, regardless of exposure of an individual in excess of the limits in Section 10 of this administrative regulation occurs; or

(d) For a person, agency, or licensee subject to the provisions of 40 CFR 190, levels of radiation or releases of radioactive material in excess of those standards, or conditions related to those standards.

(2) Contents of reports.

(a) A report required by subsection (1) of this section shall describe the extent of exposure of individuals to radiation and radioactive material, including, as appropriate:

1. Estimates of each individual's dose;

2. The levels of radiation and concentrations of radioactive material involved;

3. The cause of the elevated exposures, dose rates, or concentrations; and

4. Corrective steps taken or planned to ensure against a recurrence, including the schedule for achieving conformance with applicable limits and environmental standards, and associated license

or registration conditions.

(b) A report filed under subsection (1) of this section shall include for each individual exposed:

1. Name of the individual;
2. Social Security number; and
3. Date of birth.

(c) The report shall be prepared so that information is stated in a separate and detachable part.

(d) With respect to the limit for the embryo or fetus, the identifiers shall be of the declared pregnant woman.

(3) A licensee or registrant who makes a report under subsection (1) of this section shall submit the report, in writing, to the Manager of the Radiation Control Branch, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621.

Section 41. Reports of Planned Special Exposures. (1) A licensee or registrant shall submit a written report to the Manager of the Radiation Control Branch, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621, within thirty (30) days following a planned special exposure conducted in accordance with Section 7 of this administrative regulation.

(2) A licensee or registrant shall:

(a) Inform the Manager of the Radiation Control Branch that a planned special exposure was conducted;

(b) Indicate the date the planned special exposure occurred; and

(c) Provide the information required by Section 33 of this administrative regulation.

Section 42. Reports of Individual Monitoring. (1) This section shall apply to persons licensed or registered by the cabinet to:

(a) Possess or use sources of radiation for purposes of radiography authorized by 902 KAR 100:100;

(b) Receive radioactive waste from other persons for disposal pursuant to 902 KAR 100:022; or

(c) Possess or use, for processing or manufacturing for distribution required by 902 KAR 100:058, byproduct material in amounts exceeding one (1) of the following quantities:

	Quantity of Radionuclide[a] in curies
Cesium-137	1
Cobalt-60	1
Gold-198	100
Iodine-131	1
Iridium-192	10
Krypton-85	1,000
Promethium-147	10
Technetium-99m	1,000

[a]The cabinet may require as a license or registration condition, KRS 211.842-211.852 or 902 KAR 100:015, Section 8, reports from licensees or registrants who are licensed or registered to use radionuclides not on this list, in quantities sufficient to cause comparable radiation levels.

(2) A licensee or registrant in a category listed in subsection (1) of this section shall:

(a) Submit an annual report of the results of individual monitoring carried out by the licensee for each individual monitoring was required by Section 13 of this administrative regulation during that year;

(b) The licensee or registrant shall use Form NRC 5, or other clear and legible record, which contains all the information required by Form NRC 5.

(3) A licensee or registrant may include additional data for individuals for whom monitoring may be provided, but not required.

(4) A licensee or registrant shall:

(a) File the report required by subsection (2) of this section covering the preceding year on or before April 30 of each year; and

(b) Submit the report to the Manager of the Radiation Control Branch, Department for Health Services, 275 East Main Street, Frankfort, Kentucky 40621.

Section 43. Protection Factors for Respirators. Protection Factors[a]:

Description[b]	Protection Factors[d] Modes[c]	Protection Factors[d] Particulates only	Protection Factors[d] Particulates, gases & vapors[e]	Tested & Certified Equipment: National Institute for Occupational Safety and Health & Mine Safety and Health Administration tests for permissibility
I. AIR-PURIFYING RESPIRATORS:				
Facepiece, half-mask[g]	N	10		30 CFR Part 11, Subpart K.
Facepiece, full	NP	50		
Facepiece, half-mask full, or hood	PP	1000		
II. ATMOSPHERE-SUPPLYING RESPIRATORS:				
1. Air-line respirator:				
Facepiece, half-mask	CF		1000	30 CFR Part 11, Subpart J.
Facepiece, half-mask	D		5	
Facepiece, full	CF		2000	
Facepiece, full	D		5	
Facepiece, full	PD		2000	
Hood	CF		[h]	
Suit	CF		[i]	[i]
2. Self-contained breathing apparatus (SCBA)				
Facepiece, full	D		50	30 CFR 11, Subpart H.
Facepiece, full	PD		[k]10,000	

	Facepiece, full	RD	50
	Facepiece, full	RP	5,000
III.	COMBINATION RESPIRATORS:		
	A combination of air-purifying and atmosphere-supplying respirators	Protection factor for type and mode of operation as listed above.	30 CFR 11, Sec. 11.63(b).

See footnotes.

FOOTNOTES

a. For use in the selection of respiratory protective equipment to be used only if the contaminants have been identified and the concentrations, or possible concentrations, are known.

b. Only for shaven faces and if nothing interferes with the seal of tight-fitting facepieces against the skin. Hoods and suits shall be excepted.

c. The mode symbols shall be defined as follows:

CF = continuous flow

D = demand

NP = negative pressure, that is, negative phase during inhalation

PD = pressure demand, that is, always positive pressure

PP = positive pressure

RD = demand, recirculating or closed circuit

RP = pressure demand, recirculating or closed circuit

d.1. The protection factor shall be a measure of the degree of protection afforded by a respirator, defined as the ratio of the concentration of airborne radioactive material outside the respiratory protective equipment to that inside the equipment, usually inside the facepiece, under conditions of use. It shall be applied to the ambient airborne concentration to estimate the concentrations inhaled by the wearer according to the following formula:

$$\text{Concentration inhaled} = \frac{\text{Ambient airborne concentration}}{\text{Protection factor}}$$

2. The protection factors apply:

(a) Only for individuals trained in using respirators and wearing properly fitted respirators that shall be used and maintained under supervision in a well-planned respiratory protective program.

(b) For air-purifying respirators only if high efficiency particulate filters, above 99.97% removal efficiency by thermally generated three-tenths (0.3) micron (μm) dioctyl phthalate (DOP) test or equivalent, shall be used in atmospheres not deficient in oxygen and not containing radioactive gas or vapor respiratory hazards.

(c) Adjustment shall not be made for the use of sorbents against radioactive material in the form of gases or vapors.

(d) For atmosphere-supplying respirators only if supplied with adequate respirable air. Respirable air shall be provided of the quality and quantity required in accordance with the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration certification described in 30 CFR Part 11. Oxygen and air shall not be used in the same apparatus.

e. Excluding radioactive contaminants that present an absorption or submersion hazard. For tritium oxide, approximately one-third (1/3) of the intake occurs by absorption through the skin so that an overall protection factor of less than two (2) shall be appropriate if atmosphere-supplying respirators are used to protect against tritium oxide. If the protection factor for respiratory protective equipment is five (5), the effective protection factor for tritium is about one and four-tenths (1.4); with protection factors of ten (10), the effective factor for tritium oxide is about one and seven-tenths (1.7); and with protection factors of 100 or more, the effective factor for tritium oxide is about one and nine-tenths (1.9). Air-purifying respirators shall not be suitable for protection against tritium oxide. See also footnote i concerning supplied-air suits.

f. Canisters and cartridges shall not be used beyond service-life limitations.

g. Under-chin type only. This type of respirator shall not be satisfactory for use if it may be possible, that if an accident or emergency were to occur, for the ambient airborne concentrations to reach instantaneous values greater than ten (10) times the pertinent values in Table I, Column 3 of Section 44(9) of this administrative regulation.This type of respirator shall not be suitable for protection against plutonium or other high-toxicity materials. The mask shall be tested for fit prior to use, each time it is donned.

h.1. Equipment shall be operated in a manner that ensures that proper airflow-rates are maintained. A protection factor of no more than 1000 may be utilized for tested-and-certified supplied-air hoods if a minimum air flow of six (6) cubic feet per minute (0.17 m^3/min) is maintained and calibrated air line pressure gauges or flow measuring devices are used. A protection factor of up to 2000 may be used for tested and certified hoods only if the air flow is maintained at the manufacturer's recommended maximum rate for the equipment, this rate is greater than six (6) cubic feet per minute (0.17 m^3/min) and calibrated air line pressure gauges or flow measuring devices are used.

2. The design of the supplied-air hood or helmet, with a minimum flow of six (6) cubic feet per minute (0.17 m^3/min) of air, may determine its overall efficiency and the protection it provides. For example, some hoods aspirate contaminated air into the breathing zone if the wearer works with hands-over-head. This aspiration may be overcome if a short cape-like extension to the hood is worn under a coat or overalls. Other limitations specified by the approval agency shall be considered before using a hood in certain types of atmospheres. See footnote c.

i. Appropriate protection factors shall be determined, taking into account the design of the suit and its permeability to the contaminant under conditions of use. There shall be a standby rescue person equipped with a respirator or other apparatus appropriate for the potential hazards and communications equipment if supplied-air suits are used.

j. No approval schedules are currently available for this equipment. Equipment shall be evaluated by testing or on the basis of reliable test information.

k. This type of respirator may provide greater protection and be used as an emergency device in unknown concentrations for protection against inhalation hazards. External radiation hazards and other limitations to permitted exposure, for example, as skin absorption, shall be taken into account in these circumstances.

l. Quantitative fit testing shall be performed on each individual, and no more than 0.02% leakage shall be allowed with this type of apparatus. Perceptible outward leakage of gas from this or a positive pressure self-contained breathing apparatus shall be unacceptable because service life shall be reduced substantially. Special training in the use of this type of apparatus shall be provided to the wearer.

Note 1: Protection factors for respirators approved by the U.S.

Bureau of Mines and the National Institute for Occupational Safety and Health, according to applicable approvals for respirators for type and mode of use to protect against airborne radionuclides, may be used to the extent that they do not exceed the protection factors listed in this table. The protection factors listed in this table may not be appropriate to circumstances if chemicals or other respiratory hazards exist in addition to radioactive hazards. The selection and use of respirators for these circumstances shall take into account applicable approvals of the U.S. Bureau of Mines and the National Institute for Occupational Safety and Health.

Note 2: Radioactive contaminants, for which the concentration values in Table I, Column 3 of Section 44(9) are based on internal dose due to inhalation, may present external exposure hazards at higher concentrations. Under these circumstances, limitations on occupancy may have to be governed by external dose limits.

Section 44. Annual Limits on Intake (ALI) and Derived Air Concentrations (DAC) of Radionuclides for Occupational Exposure; Effluent Concentrations; Concentrations for Release to Sanitary Sewerage. (1) For each radionuclide, subsection (9), Table I, of this section indicates the chemical form which shall be used for selecting the appropriate ALI or DAC value.

(2) The ALIs and DACs for inhalation are given for:

(a) An aerosol with an activity median aerodynamic diameter (AMAD) of one (1) μm; and

(b) Three (3) classes (D,W,Y) of radioactive material, which refer to their retention (approximately days, weeks, or years) in the pulmonary region of the lung. This classification applies to a range of clearance half-times for:

1. D if less than ten (10) days;
2. W from ten (10) to 100 days; and
3. Y greater than 100 days.

(3) Subsection (9) of this section provides concentration limits for airborne and liquid effluents released to the general environment.

(4) Subsection (9) of this section provides concentration limits for discharges to sanitary sewerage.

(5) The values in Tables I, II, and III of subsection (9) of this section are presented in the computer "E" notation. In this notation:

(a) A value of 6E-02 represents a value of 6×10^{-2} or 0.06;.

(b) 6E+2 represents 6×10^{2} or 600; and

(c) 6E+0 represents 6×10^{0} or 6.

(6) Occupational Values - Table I.

(a) The columns in Table I of subsection (9) of this section captioned "Oral Ingestion ALI," "Inhalation ALI," and "DAC," shall be applicable to occupational exposure to radioactive material.

(b) The ALIs in subsection (9) of this section are the annual intakes of a given radionuclide by "Reference Man" which result in a committed effective dose equivalent of:

1. Five (5) rem (0.05 Sv), stochastic ALI; or
2. Fifty (50) rem (five-tenths (0.5) Sv) to an organ or tissue, nonstochastic ALI.

(c) The stochastic ALIs were derived to result in a risk, due to irradiation of organs and tissues, comparable to the risk associated with deep dose equivalent to the whole body of five (5) rem (0.05 Sv).

1. The derivation includes multiplying the committed dose equivalent to an organ or tissue by a weighting factor, w_T;
2. This weighting factor is the proportion of the risk of stochastic effects resulting from irradiation of the organ or tissue (T) to the total risk of stochastic effects if the whole body is irradiated uniformly; and
3. The values of w_T are listed under the definition of weighting factor in 902 KAR 100:010.

(d) The nonstochastic ALIs were derived to avoid nonstochastic effects, such as prompt damage to tissue or reduction in organ function.

(e) A value of $w_T = 0.06$ shall be applicable to each of the five (5) organs or tissues in the "remainder" category receiving the highest dose equivalents, and the dose equivalents of other remaining tissues may be disregarded. The following portions of the GI tract shall be treated as four (4) separate organs:

1. Stomach;
2. Small intestine;
3. Upper large intestine; and
4. Lower large intestine.

(f) The dose equivalents for an extremity, skin, and lens of the eye shall not be considered in computing the committed effective dose equivalent, and shall be subject to limits that are met separately.

(g) If an ALI shall be defined by the stochastic dose limit, this value alone is given. If an ALI shall be determined by the nonstochastic dose limit to an organ, the organ or tissue to which the limit applies is shown, and the ALI for the stochastic limit is shown in parentheses. Abbreviated organ or tissue designations are used as follows:

1. LLI wall = lower large intestine wall;
2. St. wall = stomach wall;
3. Blad wall = bladder wall; and
4. Bone surf = bone surface.

(h) The use of the ALIs listed first, the more limiting of the stochastic and nonstochastic ALIs, shall ensure nonstochastic effects are avoided and the risk of stochastic effects is limited to an acceptably low value.

1. If, in a particular situation involving a radionuclide for which the nonstochastic ALI is limiting, use of that nonstochastic ALI may be considered unduly conservative, a licensee may use the stochastic ALI to determine the committed effective dose equivalent;
2. A licensee shall also ensure that the fifty (50) rem (five-tenths (0.5) Sv) dose equivalent limit for an organ or tissue shall not be exceeded by the sum of the external deep dose equivalent plus the internal committed dose equivalent to that organ, not the effective dose;
3. If there is no external dose contribution, the requirements of subparagraph 2 of this paragraph shall be demonstrated if the sum of the fractions of the nonstochastic ALIs (ALI_{ns}) that contribute to the committed dose equivalent to the organ receiving the highest dose shall not exceed unity, that is, Σ (intake in μCi of each radionuclide/ALI_{ns}) ≤ 1.0; and
4. If there is an external deep dose equivalent contribution of H_d, then this sum shall be less than $1 - (H_d/50)$, instead of ≤ 1.0.

(i) The dose equivalents for an extremity, skin, and lens of the eye shall not be considered in computing the committed effective dose equivalent, but shall be subject to limits that shall be met separately.

(j) The derived air concentration (DAC) values are derived limits intended to control chronic occupational exposures. The relationship between the DAC and the ALI shall be given by:

1. DAC = ALI(in μCi)/(2000 hours per working year x 60 minutes/hour x 2×10^{4} ml per minute) = [ALI/2.4×10^{9}] μCi/ml, if 2×10^{4} ml is the volume of air breathed per minute at work by the reference man under working conditions of light work;
2. The DAC values relate to one (1) of two (2) modes of exposure with external submersion or the internal committed dose equivalents resulting from inhalation of radioactive materials. DACs based upon submersion shall be for immersion in a semi-infinite cloud of uniform concentration and shall apply to each radionuclide separately;
3. The ALI and DAC values include contributions to exposure by the single radionuclide named and in-growth of daughter radionuclides produced in the body by decay of the parent. Intakes that include both the parent and daughter radionuclides shall be treated by the general method appropriate for mixtures;
4. The values of ALI and DAC shall not apply directly if the individual both ingests and inhales a radionuclide, if the individual is exposed to a mixture of radionuclides by inhalation, ingestion, or both, or if the individual is exposed to both internal and external irradiation (see Section 13 of this administrative regulation). If an individual is exposed to radioactive materials which fall under several of the

translocation classifications of the same radionuclide (for example, Class D, Class W, or Class Y), the exposure may be evaluated as if it were a mixture of different radionuclides; and

5. It shall be noted that the classification of a compound as Class D, W, or Y is based on the chemical form of the compound and does not take into account the radiological half-life of different radionuclides. Values are given for Class D, W, and Y compounds, even for very short-lived radionuclides.

(7) Effluent Concentrations - Table II.

(a) The columns in Table II of subsection (9) of this section captioned "Effluents," "Air," and "Water" shall be applicable to the assessment and control of dose to the public, particularly in the implementation of the provisions of 902 KAR 100:021, Section 3. The concentration values given in Columns 1 and 2 of Table II, subsection (9) of this section, are equivalent to the radionuclide concentrations which, if inhaled or ingested continuously over the course of a year, shall produce a total effective dose equivalent of 0.05 rem (five-tenths (0.5) mSv).

(b) Consideration of nonstochastic limits has not been included in deriving the air and water effluent concentration limits because nonstochastic effects are presumed not to occur at or below the dose levels established for individual members of the public. For radionuclides, where the nonstochastic limit will be governing in deriving the occupational DAC, the stochastic ALI shall be used in deriving the corresponding airborne effluent limit in Table II, subsection (9) of this section. For this reason, the DAC and airborne effluent limits are not always proportional.

(c) The air concentration values listed in Table II, subsection (9) of this section, Column 1, were derived by one (1) of two (2) methods. For those radionuclides for which the stochastic limit is governing, the occupational stochastic inhalation ALI was divided by 2.4×10^9, relating the inhalation ALI to the DAC, as explained in subsection (6)(j)1, of this section and then divided by a factor of 300. The factor of 300 includes the following components:

1. A factor of fifty (50) to relate the 0.05 rem (0.05 Sv) annual occupational dose limit to the one-tenth (0.1) rem limit for members of the public;

2. A factor of three (3) to adjust for the difference in exposure time and the inhalation rate for a worker and for members of the public; and

3. A factor of two (2) to adjust the occupational values, derived for adults, so they are applicable to other age groups.

(d) For those radionuclides for which submersion, that is external dose, shall be limiting, the occupational DAC in Table I, Column 3, of subsection (9) of this section shall be divided by 219. The factor of 219 is composed of:

1. A factor of fifty (50), as described in subsection (7)(c) of this section;

2. A factor of 4.38 relating occupational exposure for 2,000 hours per year to full-time exposure (8,760 hours per year); and

3. An additional factor of two (2) for age considerations shall not be warranted in the submersion case.

(e) The water concentrations shall be derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by 7.3×10^7. The factor of 7.3×10^7 (ml) includes the following components:

1. The factors of fifty (50) and two (2) described above; and

2. A factor of 7.3×10^5 (ml) which is the annual water intake of the reference man.

(f) This section provides groupings of radionuclides which shall be applicable to unknown mixtures of radionuclides. These groupings, including occupational inhalation ALIs and DACs, air and water effluent concentrations, and releases to sewer, require demonstrating the most limiting radionuclides in successive classes are absent. The limit for the unknown mixture shall be defined if the presence of one (1) of the listed radionuclides cannot be definitely excluded as being present from knowledge of the radionuclide composition of the source or from actual measurements.

(8) Releases to Sewers - Table III.

(a) The monthly average concentrations for release to sanitary sewerage shall be applicable to Section 11 of this administrative regulation.

(b) The concentration values were derived by taking the most restrictive occupational stochastic oral ingestion ALI and dividing by 7.3×10^6 (ml). The factor of 7.3×10^6 (ml) shall be composed of a factor of 7.3×10^5 (ml), the annual water intake by the reference man, and a factor of ten (10), that the concentrations, if the sewage released by the licensee was the only source of water ingested by a reference man during a year, shall result in a committed effective dose equivalent of five-tenths (0.5) rem.

(9) List of Elements and Tables I, II, and III.

Name	Symbol	Atomic Number	Name	Symbol	Atomic Number
Actinium	Ac	89	Mercury	Hg	80
Aluminum	Al	13	Molybdenum	Mo	42
Americium	Am	95	Neodymium	Nd	60
Antimony	Sb	51	Neptunium	Np	93
Argon	Ar	18	Nickel	Ni	28
Arsenic	As	33	Niobium	Nb	41
Astatine	At	85	Osmium	Os	76
Barium	Ba	56	Palladium	Pd	46
Berkelium	Bk	97	Phosphorus	P	15
Beryllium	Be	4	Platinum	Pt	78
Bismuth	Bi	83	Plutonium	Pu	94
Bromine	Br	35	Polonium	Po	84
Cadmium	Cd	48	Potassium	K	19
Calcium	Ca	20	Praseodymium	Pr	59
Californium	Cf	98	Promethium	Pm	61
Carbon	C	6	Protactinium	Pa	91
Cerium	Ce	58	Radium	Ra	88
Cesium	Cs	55	Radon	Rn	86
Chlorine	Cl	17	Rhenium	Re	75
Chromium	Cr	24	Rhodium	Rh	45
Cobalt	Co	27	Rubidium	Rb	37

Copper	Cu	29
Curium	Cm	96
Dysprosium	Dy	66
Einsteinium	Es	99
Erbium	Er	68
Europium	Eu	63
Fermium	Fm	100
Fluorine	F	9
Francium	Fr	87
Gadolinium	Gd	64
Gallium	Ga	31
Germanium	Ge	32
Gold	Au	79
Hafnium	Hf	72
Holmium	Ho	67
Hydrogen	H	1
Indium	In	49
Iodine	I	53
Iridium	Ir	77
Iron	Fe	26
Krypton	Kr	36
Lanthanum	La	57
Lead	Pb	82
Lutetium	Lu	71
Magnesium	Mg	12
Manganese	Mn	25
Mendelevium	Md	101
Ruthenium	Ru	44
Samarium	Sm	62
Scandium	Sc	21
Selenium	Se	34
Silicon	Si	14
Silver	Ag	47
Sodium	Na	11
Strontium	Sr	38
Sulfur	S	16
Tantalum	Ta	73
Technetium	Tc	43
Tellurium	Te	52
Terbium	Tb	65
Thallium	Tl	81
Thorium	Th	90
Thulium	Tm	69
Tin	Sn	50
Titanium	Ti	22
Tungsten	W	74
Uranium	U	92
Vanadium	V	23
Xenon	Xe	54
Ytterbium	Yb	70
Yttrium	Y	39
Zinc	Zn	30
Zirconium	Zr	40

			Table I Occupational Values			Table II Effluent Concentrations		Table III Releases to Sewers
			Col. 1	Col. 2	Col. 3	Col. 1	Col.2	
			Oral Ingestion	Inhalation				
Atomic No.	Radionuclide	Class	ALI (μCi)	ALI (μCi)	DAC (μCi/ml)	Air (μCi/ml)	Water (μCi/ml)	Monthly Average Concentration (μCi/ml)
1	Hydrogen-3	Water, DAC includes skin absorption	8E+4	8E+4	2E-5	1E-7	1E-3	1E-2
		Gas (HT or T_2) Submersion[1]:	Use above values as HT and T_2 oxidize in air and in the body to HTO.					
4	Beryllium-7	W, all compounds except those given for Y	4E+4	2E+4	9E-6	3E-8	6E-4	6E-3
		Y, oxides, halides, and nitrates	-	2E+4	8E-6	3E-8	-	-
4	Beryllium-10	W, see ^{7}Be	1E+3	2E+2	6E-8	2E-10	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4
		Y, see ^{7}Be	-	1E+1	6E-9	2E-11	-	-
6	Carbon-11[2]	Monoxide	-	1E+6	5E-4	2E-6	-	-
		Dioxide	-	6E+5	3E-4	9E-7	-	-
		Compounds	4E+5	4E+5	2E-4	6E-7	6E-3	6E-2
6	Carbon-14	Monoxide	-	2E+6	7E-4	2E-6	-	-
		Dioxide	-	2E+5	9E-5	3E-7	-	-
		Compounds	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4
9	Fluorine-18[2]	D, fluorides of H, Li, Na, K, Rb, Cs, and Fr	5E+4	7E+4	3E-5	1E-7	-	-
			St wall (5E+4)	-	-	-	7E-4	7E-3
		W, fluorides of Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, As, Sb, Bi, Fe, Ru, Os, Co, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, V, Nb, Ta, Mn, Tc, and Re	-	9E+4	4E-5	1E-7	-	-
		Y, lanthanum fluoride	-	8E+4	3E-5	1E-7	-	-
11	Sodium-22	D, all compounds	4E+2	6E+2	3E-7	9E-10	6E-6	6E-5
11	Sodium-24	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4

12	Magnesium-28	D, all compounds except those given for W	7E+2	2E+3	7E-7	2E-9	9E-6	9E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	1E+3	5E-7	2E-9	-	-
13	Aluminum-26	D, all compounds except those given for W	4E+2	6E+1	3E-8	9E-11	6E-6	6E-5
		W, oxides, hydroxides, carbides, halides, and nitrates	-	9E+1	4E-8	1E-10	-	-
14	Silicon-31	D, all compounds except those given for W and Y	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, oxides, hydroxides, carbides, and nitrates	-	3E+4	1E-5	5E-8	-	-
		Y, aluminosilicate glass	-	3E+4	1E-5	4E-8	-	-
14	Silicon-32	D, see ^{31}Si	2E+3	2E+2	1E-7	3E-10	-	-
			LLI wall (3E+3)	-	-	-	4E-5	4E-4
		W, see ^{31}Si	-	1E+2	5E-8	2E-10	-	-
		Y, see ^{31}Si	-	5E+0	2E-9	7E-12	-	-
15	Phosphorus-32	D, all compounds except phosphates given for W	6E+2	9E+2	4E-7	1E-9	9E-6	9E-5
		W, phosphates of Zn^{2+}, S^{3+}, Mg^{2+}, Fe^{3+}, Bi^{3+}, and lanthanides	-	4E+2	2E-7	5E-10	-	-
15	Phosphorus-33	D, see ^{32}P	6E+3	8E+3	4E-6	1E-8	8E-5	8E-4
		W, see ^{32}P	-	3E+3	1E-6	4E-9	-	-
16	Sulfur-35	Vapor	1E+4	6E-6	2E-8	-	-	
		D, sulfides and sulfates except those given for W	1E+4	2E+4	7E-6	2E-8	-	-
			LLI wall (8E+3)	-	-	-	1E-4	1E-3
		W, elemental sulfur, sulfides of Sr, Ba, Ge, Sn, Pb, As, Sb, Bi, Cu, Ag, Au, Zn, Cd, Hg, W, and Mo. Sulfates of Ca, Sr, Ba, Ra, As, Sb, and Bi	6E+3 -	2E+3	9E-7	3E-9	-	-
17	Chlorine-36	D, chlorides of H, Li, Na, K, Rb, Cs, and Fr	2E+3	2E+3	1E-6	3E-9	2E-5	2E-4
		W, chlorides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Cr, Mo, W, Mn, Tc, and Re	-	2E+2	1E-7	3E-10	-	-
17	Chlorine-38[2]	D, see ^{36}Cl	2E+4	4E+4	2E-5	6E-8	-	-
			St wall (3E+4)	-	-	-	3E-4	3E-3
		W, see ^{36}Cl	-	5E+4	2E-5	6E-8	-	-
17	Chlorine-39[2]	D, see ^{36}Cl	2E+4	5E+4	2E-5	7E-8	-	-
			St wall (4E+4)	-	-	-	5E-4	5E-3
		W, see ^{36}Cl	-	6E+4	2E-5	8E-8	-	-
18	Argon-37	Submersion[1]	-	-	1E+0	6E-3	-	-
18	Argon-39	Submersion[1]	-	-	2E-4	8E-7	-	-
18	Argon-41	Submersion[1]	-	-	3E-6	1E-8	-	-
19	Potassium-40	D, all compounds	3E+2	4E+2	2E-7	6E-10	4E-6	4E-5
19	Potassium-42	D, all compounds	5E+3	5E+3	2E-6	7E-9	6E-5	6E-4
19	Potassium-43	D, all compounds	6E+3	9E+3	4E-6	1E-8	9E-5	9E-4
19	Potassium-44[2]	D, all compounds	2E+4	7E+4	3E-5	9E-8	-	-
			St wall (4E+4)	-	-	-	5E-4	5E-3

19	Potassium-45[2]	D, all compounds	3E+4 St wall (5E+4)	1E+5 -	5E-5 -	2E-7 -	- 7E-4	- 7E-3
20	Calcium-41	W, all compounds	3E+3 Bone surf (4E+3)	4E+3 Bone surf (4E+3)	2E-6 -	- 5E-9	- 6E-5	- 6E-4
20	Calcium-45	W, all compounds	2E+3	8E+2	4E-7	1E-9	2E-5	2E-4
20	Calcium-47	W, all compounds	8E+2	9E+2	4E-7	1E-9	1E-5	1E-4
21	Scandium-43	Y, all compounds	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
21	Scandium-44m	Y, all compounds	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
21	Scandium-44	Y, all compounds	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
21	Scandium-46	Y, all compounds	9E+2	2E+2	1E-7	3E-10	1E-5	1E-4
21	Scandium-47	Y, all compounds	2E+3 LLI wall (3E+3)	3E+3 -	1E-6 -	4E-9 -	- 4E-5	- 4E-4
21	Scandium-48	Y, all compounds	8E+2	1E+3	6E-7	2E-9	1E-5	1E-4
21	Scandium-49[2]	Y, all compounds	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
22	Titanium-44	D, all compounds except those given for W and Y W, oxides, hydroxides, carbides, halides, and nitrates Y, SrTiO	3E+2 - -	1E+1 3E+1 6E+0	5E-9 1E-8 2E-9	2E-11 4E-11 8E-12	4E-6 - -	4E-5 - -
22	Titanium-45	D, see ^{44}Ti W, see ^{44}Ti Y, see ^{44}Ti	9E+3 - -	3E+4 4E+4 3E+4	1E-5 1E-5 1E-5	3E-8 5E-8 4E-8	1E-4 - -	1E-3 - -
23	Vanadium-47[2]	D, all compounds except those given for W W, oxides, hydroxides, carbides, and halides	3E+4 St wall (3E+4) -	8E+4 1E+5	3E-5 4E-5	1E-7 1E-7	- -	- -
23	Vanadium-48	D, see ^{47}V W, see ^{47}V	6E+2 -	1E+3 6E+2	5E-7 3E-7	2E-9 9E-10	9E-6 -	9E-5 -
23	Vanadium-49	D, see ^{47}V W, see ^{47}V	7E+4 LLI wall (9E+4) -	3E+4 Bone surf (3E+4) 2E+4	1E-5 8E-6	- 5E-8 2E-8	- 1E-3 -	- 1E-2 -
24	Chromium-48	D, all compounds except those given for W and Y W, halides and nitrates Y, oxides and hydroxides	6E+3 - -	1E+4 7E+3 7E+3	5E-6 3E-6 3E-6	2E-8 1E-8 1E-8	8E-5 - -	8E-4 - -
24	Chromium-49[2]	D, see ^{48}Cr W, see ^{48}Cr Y, see ^{48}Cr	3E+4 - -	8E+4 1E+5 9E+4	4E-5 4E-5 4E-5	1E-7 1E-7 1E-7	4E-4 - -	4E-3 - -
24	Chromium-51	D, see ^{48}Cr W, see ^{48}Cr Y, see ^{48}Cr	4E+4 - -	5E+4 2E+4 2E+4	2E-5 1E-5 8E-6	6E-8 3E-8 3E-8	5E-4 - -	5E-3 - -
25	Manganese-51[2]	D, all compounds except those given for W W, oxides, hydroxides, halides, and nitrates	2E+4 -	5E+4 6E+4	2E-5 3E-5	7E-8 8E-8	3E-4 -	3E-3 -
25	Manganese-52m[2]	D, see ^{51}Mn W, see ^{51}Mn	3E+4 St wall (4E+4) -	9E+4 - 1E+5	4E-5 - 4E-5	1E-7 - 1E-7	- 5E-4 -	- 5E-3 -
25	Manganese-52	D, see ^{51}Mn W, see ^{51}Mn	7E+2 -	1E+3 9E+2	5E-7 4E-7	2E-9 1E-9	1E-5 -	1E-4 -
25	Manganese-53	D, see ^{51}Mn W, see ^{51}Mn	5E+4 - -	1E+4 Bone surf (2E+4) 1E+4	5E-6 - 5E-6	- 3E-8 2E-8	7E-4 - -	7E-3 - -

25	Manganese-54	D, see ^{51}Mn	2E+3	9E+2	4E-7	1E-9	3E-5	3E-4
		W, see ^{51}Mn	-	8E+2	3E-7	1E-9	-	-
25	Manganese-56	D, see ^{51}Mn	5E+3	2E+4	6E-6	2E-8	7E-5	7E-4
		W, see ^{51}Mn	-	2E+4	9E-6	3E-8	-	-
26	Iron-52	D, all compounds except those given for W	9E+2	3E+3	1E-6	4E-9	1E-5	1E-4
		W, oxides, hydroxides, and halides	-	2E+3	1E-6	3E-9	-	-
26	Iron-55	D, see ^{52}Fe	9E+3	2E+3	8E-7	3E-9	1E-4	1E-3
		W, see ^{52}Fe	-	4E+3	2E-6	6E-9	-	-
26	Iron-59	D, see ^{52}Fe	8E+2	3E+2	1E-7	5E-10	1E-5	1E-4
		W, see ^{52}Fe	-	5E+2	2E-7	7E-10	-	-
26	Iron-60	D, see ^{52}Fe	3E+1	6E+0	3E-9	9E-12	4E-7	4E-6
		W, see ^{52}Fe	-	2E+1	8E-9	3E-11	-	-
27	Cobalt-55	W, all compounds except those given for Y	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, oxides, hydroxides, halides, and nitrates	-	3E+3	1E-6	4E-9	-	-
27	Cobalt-56	W, see ^{55}Co	5E+2	3E+2	1E-7	4E-10	6E-6	6E-5
		Y, see ^{55}Co	4E+2	2E+2	8E-8	3E-10	-	-
27	Cobalt-57	W, see ^{55}Co	8E+3	3E+3	1E-6	4E-9	6E-5	6E-4
		Y, see ^{55}Co	4E+3	7E+2	3E-7	9E-10	-	-
27	Cobalt-58m	W, see ^{55}Co	6E+4	9E+4	4E-5	1E-7	8E-4	8E-3
		Y, see ^{55}Co	-	6E+4	3E-5	9E-8	-	-
27	Cobalt-58	W, see ^{55}Co	2E+3	1E+3	5E-7	2E-9	2E-5	2E-4
		Y, see ^{55}Co	1E+3	7E+2	3E-7	1E-9	-	-
27	Cobalt-60m[2]	W, see ^{55}Co	1E+6 St wall	4E+6	2E-3	6E-6	-	-
			(1E+6)	-	-	-	2E-2	2E-1
		Y, see ^{55}Co	-	3E+6	1E-3	4E-6	-	-
27	Cobalt-60	W, see ^{55}Co	5E+2	2E+2	7E-8	2E-10	3E-6	3E-5
		Y, see ^{55}Co	2E+2	3E+1	1E-8	5E-11	-	-
27	Cobalt-61[2]	W, see ^{55}Co	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		Y, see ^{55}Co	2E+4	6E+4	2E-5	8E-8	-	-
27	Cobalt-62m[2]	W, see ^{55}Co	4E+4 St wall	2E+5	7E-5	2E-7	-	-
			(5E+4)	-	-	-	7E-4	7E-3
		Y, see ^{55}Co	-	2E+5	6E-5	2E-7	-	-
28	Nickel-56	D, all compounds except those given for W	1E+3	2E+3	8E-7	3E-9	2E-5	2E-4
		W, oxides, hydroxides, and carbides	-	1E+3	5E-7	2E-9	-	-
		Vapor	-	1E+3	5E-7	2E-9	-	-
28	Nickel-57	D, see ^{56}Ni	2E+3	5E+3	2E-6	7E-9	2E-5	2E-4
		W, see ^{56}Ni	-	3E+3	1E-6	4E-9	-	-
		Vapor	-	6E+3	3E-6	9E-9	-	-
28	Nickel-59	D, see ^{56}Ni	2E+4	4E+3	2E-6	5E-9	3E-4	3E-3
		W, see ^{56}Ni	-	7E+3	3E-6	1E-8	-	-
		Vapor	-	2E+3	8E-7	3E-9	-	-
28	Nickel-63	D, see ^{56}Ni	9E+3	2E+3	7E-7	2E-9	1E-4	1E-3
		W, see ^{56}Ni	-	3E+3	1E-6	4E-9	-	-
		Vapor	-	8E+2	3E-7	1E-9	-	-
28	Nickel-65	D, see ^{56}Ni	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see ^{56}Ni	-	3E+4	1E-5	4E-8	-	-
		Vapor	-	2E+4	7E-6	2E-8	-	-
28	Nickel-66	D, see ^{56}Ni	4E+2 LLI wall	2E+3	7E-7	2E-9	-	-
			(5E+2)	-	-	-	6E-6	6E-5
		W, see ^{56}Ni	-	6E+2	3E-7	9E-10	-	-
		Vapor	-	3E+3	1E-6	4E-9	-	-
29	Copper-60[2]	D, all compounds except those given for W and Y	3E+4	9E+4	4E-5	1E-7	-	-

			St wall (3E+4)	-	-	-	4E-4	4E-3
		W, sulfides, halides, and nitrates	-	1E+5	5E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	4E-5	1E-7	-	-
29	Copper-61	D, see ^{60}Cu	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see ^{60}Cu	-	4E+4	2E-5	6E-8	-	-
		Y, see ^{60}Cu	-	4E+4	1E-5	5E-8	-	-
29	Copper-64	D, see ^{60}Cu	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see ^{60}Cu	-	2E+4	1E-5	3E-8	-	-
		Y, see ^{60}Cu	-	2E+4	9E-6	3E-8	-	-
29	Copper-67	D, see ^{60}Cu	5E+3	8E+3	3E-6	1E-8	6E-5	6E-4
		W, see ^{60}Cu	-	5E+3	2E-6	7E-9	-	-
		Y, see ^{60}Cu	-	5E+3	2E-6	6E-9	-	-
30	Zinc-62	Y, all compounds	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
30	Zinc-63[2]	Y, all compounds	2E+4	7E+4	3E-5	9E-8	-	-
			St wall (3E+4)	-	-	-	3E-4	3E-3
30	Zinc-65	Y, all compounds	4E+2	3E+2	1E-7	4E-10	5E-6	5E-5
30	Zinc-69m	Y, all compounds	4E+3	7E+3	3E-6	1E-8	6E-5	6E-4
30	Zinc-69[2]	Y, all compounds	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
30	Zinc-71m	Y, all compounds	6E+3	2E+4	7E-6	2E-8	8E-5	8E-4
30	Zinc-72	Y, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
31	Gallium-65[2]	D, all compounds except those given for W	5E+4	2E+5	7E-5	2E-7	-	-
			St wall (6E+4)	-	-	-	9E-4	9E-3
		W, oxides, hydroxides, carbides, halides, and nitrates	-	2E+5	8E-5	3E-7	-	-
31	Gallium-66	D, see ^{65}Ga	1E+3	4E+3	1E-6	5E-9	1E-5	1E-4
		W, see ^{65}Ga	-	3E+3	1E-6	4E-9	-	-
31	Gallium-67	D, see ^{65}Ga	7E+3	1E+4	6E-6	2E-8	1E-4	1E-3
		W, see ^{65}Ga	-	1E+4	4E-6	1E-8	-	-
31	Gallium-68[2]	D, see ^{65}Ga	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{65}Ga	-	5E+4	2E-5	7E-8	-	-
31	Gallium-70[2]	D, see ^{65}Ga	5E+4	2E+5	7E-5	2E-7	-	-
			St wall (7E+4)	-	-	-	1E-3	1E-2
		W, see ^{65}Ga	-	2E+5	8E-5	3E-7	-	-
31	Gallium-72	D, see ^{65}Ga	1E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see ^{65}Ga	-	3E+3	1E-6	4E-9	-	-
31	Gallium-73	D, see ^{65}Ga	5E+3	2E+4	6E-6	2E-8	7E-5	7E-4
		W, see ^{65}Ga	-	2E+4	6E-6	2E-8	-	-
32	Germanium-66	D, all compounds except those given for W	2E+4	3E+4	1E-5	4E-8	3E-4	3E-3
		W, oxides, sulfides, and halides	-	2E+4	8E-6	3E-8	-	-
32	Germanium-67[2]	D, see ^{66}Ge	3E+4	9E+4	4E-5	1E-7	-	-
			St wall (4E+4)	-	-	-	6E-4	6E-3
		W, see ^{66}Ge	-	1E+5	4E-5	1E-7	-	-
32	Germanium-68	D, see ^{66}Ge	5E+3	4E+3	2E-6	5E-9	6E-5	6E-4
		W, see ^{66}Ge	-	1E+2	4E-8	1E-10	-	-
32	Germanium-69	D, see ^{66}Ge	1E+4	2E+4	6E-6	2E-8	2E-4	2E-3
		W, see ^{66}Ge	-	8E+3	3E-6	1E-8	-	-
32	Germanium-71	D, see ^{66}Ge	5E+5	4E+5	2E-4	6E-7	7E-3	7E-2
		W, see ^{66}Ge	-	4E+4	2E-5	6E-8	-	-
32	Germanium-75[2]	D, see ^{66}Ge	4E+4	8E+4	3E-5	1E-7	-	-
			St wall					

			(7E+4)	-	-	-	9E-4	9E-3
		W, see ^{66}Ge	-	8E+4	4E-5	1E-7	-	-
32	Germanium-77	D, see ^{66}Ge	9E+3	1E+4	4E-6	1E-8	1E-4	1E-3
		W, see ^{66}Ge	-	6E+3	2E-6	8E-9	-	-
32	Germanium-78[2]	D, see ^{66}Ge	2E+4	2E+4	9E-6	3E-8	-	-
			St wall (2E+4)	-	-	-	3E-4	3E-3
		W, see ^{66}Ge	-	2E+4	9E-6	3E-8	-	-
33	Arsenic-69[2]	W, all compounds	3E+4	1E+5	5E-5	2E-7	-	-
			St wall (4E+4)	-	-	-	6E-4	6E-3
33	Arsenic-70[2]	W, all compounds	1E+4	5E+4	2E-5	7E-8	2E-4	2E-3
33	Arsenic-71	W, all compounds	4E+3	5E+3	2E-6	6E-9	5E-5	5E-4
33	Arsenic-72	W, all compounds	9E+2	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-73	W, all compounds	8E+3	2E+3	7E-7	2E-9	1E-4	1E-3
33	Arsenic-74	W, all compounds	1E+3	8E+2	3E-7	1E-9	2E-5	2E-4
33	Arsenic-76	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
33	Arsenic-77	W, all compounds	4E+3	5E+3	2E-6	7E-9	-	-
			LLI wall (5E+3)	-	-	-	6E-5	6E-4
33	Arsenic-78[2]	W, all compounds	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
34	Selenium-70[2]	D, all compounds except those given for W	2E+4	4E+4	2E-5	5E-8	1E-4	1E-3
		W, oxides, hydroxides, carbides, and elemental Se	1E+4	4E+4	2E-5	6E-8	-	-
34	Selenium-73m[2]	D, see ^{70}Se	6E+4	2E+5	6E-5	2E-7	4E-4	4E-3
		W, see ^{70}Se	3E+4	1E+5	6E-5	2E-7	-	-
34	Selenium-73	D, see ^{70}Se	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
		W, see ^{70}Se	-	2E+4	7E-6	2E-8	-	-
34	Selenium-75	D, see ^{70}Se	5E+2	7E+2	3E-7	1E-9	7E-6	7E-5
		W, see ^{70}Se	-	6E+2	3E-7	8E-10	-	-
34	Selenium-79	D, see ^{70}Se	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
		W, see ^{70}Se	-	6E+2	2E-7	8E-10	-	-
34	Selenium-81m[2]	D, see ^{70}Se	4E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		W, see ^{70}Se	2E+4	7E+4	3E-5	1E-7	-	-
34	Selenium-81[2]	D, see ^{70}Se	6E+4	2E+5	9E-5	3E-7	-	-
			St wall (8E+4)	-	-	-	1E-3	1E-2
		W, see ^{70}Se	-	2E+5	1E-4	3E-7	-	-
34	Selenium-83[2]	D, see ^{70}Se	4E+4	1E+5	5E-5	2E-7	4E-4	4E-3
		W, see ^{70}Se	3E+4	1E+5	5E-5	2E-7	-	-
35	Bromine-74m[2]	D, bromides of H, Li, Na, K, Rb, Cs, and Fr	1E+4	4E+4	2E-5	5E-8	-	-
			St wall (2E+4)	-	-	-	3E-4	3E-3
		W, bromides of lanthanides, Be, Mg, Ca, Sr, Ba, Ra, Al, Ga, In, Tl, Ge, Sn, Pb, As, Sb, Bi, Fe, Ru, Os, Co, Rh, Ir, Ni, Pd, Pt, Cu, Ag, Au, Zn, Cd, Hg, Sc, Y, Ti, Zr, Hf, V, Nb, Ta, Mn, Tc, and Re	-	4E+4	2E-5	6E-8	-	-
35	Bromine-74[2]	D, see ^{74m}Br	2E+4	7E+4	3E-5	1E-7	-	-
			St wall (4E+4)	-	-	-	5E-4	5E-3
		W, see ^{74m}Br	-	8E+4	4E-5	1E-7	-	-
35	Bromine-75[2]	D, see ^{74m}Br	3E+4	5E+4	2E-5	7E-8	-	-
			St wall (4E+4)	-	-	-	5E-4	5E-3

		W, see ^{74m}Br	-	5E+4	2E-5	7E-8	-	-
35	Bromine-76	D, see ^{74m}Br	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
		W, see ^{74m}Br	-	4E+3	2E-6	6E-9	-	-
35	Bromine-77	D, see ^{74m}Br	2E+4	2E+4	1E-5	3E-8	2E-4	2E-3
		W, see ^{74m}Br	-	2E+4	8E-6	3E-8	-	-
35	Bromine-80m	D, see ^{74m}Br	2E+4	2E+4	7E-6	2E-8	3E-4	3E-3
		W, see ^{74m}Br	-	1E+4	6E-6	2E-8	-	-
35	Bromine-80[2]	D, see ^{74m}Br	5E+4	2E+5	8E-5	3E-7	-	-
			St wall (9E+4)	-	-	-	1E-3	1E-2
		W, see ^{74m}Br	-	2E+5	9E-5	3E-7	-	-
35	Bromine-82	D, see ^{74m}Br	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
		W, see ^{74m}Br	-	4E+3	2E-6	5E-9	-	-
35	Bromine-83	D, see ^{74m}Br	5E+4	6E+4	3E-5	9E-8	-	-
			St wall (7E+4)	-	-	-	9E-4	9E-3
		W, see ^{74m}Br	-	6E+4	3E-5	9E-8	-	-
35	Bromine-84[2]	D, see ^{74m}Br	2E+4	6E+4	2E-5	8E-8	-	-
			St wall (3E+4)	-	-	-	4E-4	4E-3
		W, see ^{74m}Br	-	6E+4	3E-5	9E-8	-	-
36	Krypton-74[2]	Submersion[1]	-	-	3E-6	1E-8	-	-
36	Krypton-76	Submersion[1]	-	-	9E-6	4E-8	-	-
36	Krypton-77[2]	Submersion[1]	-	-	4E-6	2E-8	-	-
36	Krypton-79	Submersion[1]	-	-	2E-5	7E-8	-	-
36	Krypton-81	Submersion[1]	-	-	7E-4	3E-6	-	-
36	Krypton-83m[2]	Submersion[1]	-	-	1E-2	5E-5	-	-
36	Krypton-85m	Submersion[1]	-	-	2E-5	1E-7	-	-
36	Krypton-85	Submersion[1]	-	-	1E-4	7E-7	-	-
36	Krypton-87[2]	Submersion[1]	-	-	5E-6	2E-8	-	-
36	Krypton-88	Submersion[1]	-	-	2E-6	9E-9	-	-
37	Rubidium-79[2]	D, all compounds	4E+4	1E+5	5E-5	2E-7	-	-
			St wall (6E+4)	-	-	-	8E-4	8E-3
37	Rubidium-81m[2]	D, all compounds	2E+5	3E+5	1E-4	5E-7	-	-
			St wall (3E+5)	-	-	-	4E-3	4E-2
37	Rubidium-81	D, all compounds	4E+4	5E+4	2E-5	7E-8	5E-4	5E-3
37	Rubidium-82m	D, all compounds	1E+4	2E+4	7E-6	2E-8	2E-4	2E-3
37	Rubidium-83	D, all compounds	6E+2	1E+3	4E-7	1E-9	9E-6	9E-5
37	Rubidium-84	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-86	D, all compounds	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
37	Rubidium-87	D, all compounds	1E+3	2E+3	6E-7	2E-9	1E-5	1E-4
37	Rubidium-88[2]	D, all compounds	2E+4	6E+4	3E-5	9E-8	-	-
			St wall (3E+4)	-	-	-	4E-4	4E-3
37	Rubidium-89[2]	D, all compounds	4E+4	1E+5	6E-5	2E-7	-	-
			St wall (6E+4)	-	-	-	9E-4	9E-3
38	Strontium-80[2]	D, all soluble compounds except SrTiO	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		Y, all insoluble compounds and SrTiO	-	1E+4	5E-6	2E-8	-	-
38	Strontium-81[2]	D, see ^{80}Sr	3E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		Y, see ^{80}Sr	2E+4	8E+4	3E-5	1E-7	-	-

38	Strontium-82	D, see ^{80}Sr	3E+2	4E+2	2E-7	6E-10	-	-
			LLI wall					
			(2E+2)	-	-	-	3E-6	3E-5
		Y, see ^{80}Sr	2E+2	9E+1	4E-8	1E-10	-	-
38	Strontium-83	D, see ^{80}Sr	3E+3	7E+3	3E-6	1E-8	3E-5	3E-4
		Y, see ^{80}Sr	2E+3	4E+3	1E-6	5E-9	-	-
38	Strontium-85m[2]	D, see ^{80}Sr	2E+5	6E+5	3E-4	9E-7	3E-3	3E-2
		Y, see ^{80}Sr	-	8E+5	4E-4	1E-6	-	-
38	Strontium-85	D, see ^{80}Sr	3E+3	3E+3	1E-6	4E-9	4E-5	4E-4
		Y, see ^{80}Sr	-	2E+3	6E-7	2E-9	-	-
38	Strontium-87m	D, see ^{80}Sr	5E+4	1E+5	5E-5	2E-7	6E-4	6E-3
		Y, see ^{80}Sr	4E+4	2E+5	6E-5	2E-7	-	-
38	Strontium-89	D, see ^{80}Sr	6E+2	8E+2	4E-7	1E-9	-	-
			LLI wall					
			(6E+2)	-	-	-	8E-6	8E-5
		Y, see ^{80}Sr	5E+2	1E+2	6E-8	2E-10	-	-
38	Strontium-90	D, see ^{80}Sr	3E+1	2E+1	8E-9	-	-	-
			Bone surf	Bone surf				
			(4E+1)	(2E+1)	-	3E-11	5E-7	5E-6
		Y, see ^{80}Sr	-	4E+0	2E-9	6E-12	-	-
38	Strontium-91	D, see ^{80}Sr	2E+3	6E+3	2E-6	8E-9	2E-5	2E-4
		Y, see ^{80}Sr	-	4E+3	1E-6	5E-9	-	-
38	Strontium-92	D, see ^{80}Sr	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see ^{80}Sr	-	7E+3	3E-6	9E-9	-	-
39	Yttrium-86m[2]	W, all compounds except						
		those given for Y	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
		Y, oxides and hydroxides	-	5E+4	2E-5	8E-8	-	-
39	Yttrium-86	W, see ^{86m}Y	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4
		Y, see ^{86m}Y	-	3E+3	1E-6	5E-9	-	-
39	Yttrium-87	W, see ^{86m}Y	2E+3	3E+3	1E-6	5E-9	3E-5	3E-4
		Y, see ^{86m}Y	-	3E+3	1E-6	5E-9	-	-
39	Yttrium-88	W, see ^{86m}Y	1E+3	3E+2	1E-7	3E-10	1E-5	1E-4
		Y, see ^{86m}Y	-	2E+2	1E-7	3E-10	-	-
39	Yttrium-90m	W, see ^{86m}Y	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
		Y, see ^{86m}Y	-	1E+4	5E-6	2E-8	-	-
39	Yttrium-90	W, see ^{86m}Y	4E+2	7E+2	3E-7	9E-10	-	-
			LLI wall					
			(5E+2)	-	-	-	7E-6	7E-5
		Y, see ^{86m}Y	-	6E+2	3E-7	9E-10	-	-
39	Yttrium-91m[2]	W, see ^{86m}Y	1E+5	2E+5	1E-4	3E-7	2E-3	2E-2
		Y, see ^{86m}Y	-	2E+5	7E-5	2E-7	-	-
39	Yttrium-91	W, see ^{86m}Y	5E+2	2E+2	7E-8	2E-10	-	-
			LLI wall					
			(6E+2)	-	-	-	8E-6	8E-5
		Y, see ^{86m}Y	-	1E+2	5E-8	2E-10	-	-
39	Yttrium-92	W, see ^{86m}Y	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		Y, see ^{86m}Y	-	8E+3	3E-6	1E-8	-	-
39	Yttrium-93	W, see ^{86m}Y	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, see ^{86m}Y	-	2E+3	1E-6	3E-9	-	-
39	Yttrium-94[2]	W, see ^{86m}Y	2E+4	8E+4	3E-5	1E-7	-	-
			St wall					
			(3E+4)	-	-	-	4E-4	4E-3
		Y, see ^{86m}Y	-	8E+4	3E-5	1E-7	-	-
39	Yttrium-95[2]	W, see ^{86m}Y	4E+4	2E+5	6E-5	2E-7	-	-
			St wall					
			(5E+4)	-	-	-	7E-4	7E-3
		Y, see ^{86m}Y	-	1E+5	6E-5	2E-7	-	-
40	Zirconium-86	D, all compounds except						
		those given for W and Y	1E+3	4E+3	2E-6	6E-9	2E-5	2E-4
		W, oxides, hydroxides,						
		halides, and nitrates	-	3E+3	1E-6	4E-9	-	-
		Y, carbide	-	2E+3	1E-6	3E-9	-	-

40	Zirconium-88	D, see ^{86}Zr	4E+3	2E+2	9E-8	3E-10	5E-5	5E-4
		W, see ^{86}Zr	-	5E+2	2E-7	7E-10	-	-
		Y, see ^{86}Zr	-	3E+2	1E-7	4E-10	-	-
40	Zirconium-89	D, see ^{86}Zr	2E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see ^{86}Zr	-	2E+3	1E-6	3E-9	-	-
		Y, see ^{86}Zr	-	2E+3	1E-6	3E-9	-	-
40	Zirconium-93	D, see ^{86}Zr	1E+3	6E+0	3E-9	-	-	-
			Bone surf (3E+3)	Bone surf (2E+1)	-	2E-11	4E-5	4E-4
		W, see ^{86}Zr	-	2E+1	1E-8	-	-	-
			-	Bone surf (6E+1)	-	9E-11	-	-
		Y, see ^{86}Zr	-	6E+1	2E-8	-	-	-
			-	Bone surf (7E+1)	-	9E-11	-	-
40	Zirconium-95	D, see ^{86}Zr	1E+3	1E+2	5E-8	-	2E-5	2E-4
			-	Bone surf (3E+2)	-	4E-10	-	-
		W, see ^{86}Zr	-	4E+2	2E-7	5E-10	-	-
		Y, see ^{86}Zr	-	3E+2	1E-7	4E-10	-	-
40	Zirconium-97	D, see ^{86}Zr	6E+2	2E+3	8E-7	3E-9	9E-6	9E-5
		W, see ^{86}Zr	-	1E+3	6E-7	2E-9	-	-
		Y, see ^{86}Zr	-	1E+3	5E-7	2E-9	-	-
41	Niobium-88[2]	W, all compounds except those given for Y	5E+4	2E+5	9E-5	3E-7	-	-
			St wall (7E+4)	-	-	-	1E-3	1E-2
		Y, oxides and hydroxides	-	2E+5	9E-5	3E-7	-	-
41	Niobium-89[2] (66 min)	W, see ^{88}Nb	1E+4	4E+4	2E-5	6E-8	1E-4	1E-3
		Y, see ^{88}Nb	-	4E+4	2E-5	5E-8	-	-
41	Niobium-89 (122 min)	W, see ^{88}Nb	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		Y, see ^{88}Nb	-	2E+4	6E-6	2E-8	-	-
41	Niobium-90	W, see ^{88}Nb	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		Y, see ^{88}Nb	-	2E+3	1E-6	3E-9	-	-
41	Niobium-93m	W, see ^{88}Nb	9E+3	2E+3	8E-7	3E-9	-	-
			LLI wall (1E+4)	-	-	-	2E-4	2E-3
		Y, see ^{88}Nb	-	2E+2	7E-8	2E-10	-	-
41	Niobium-94	W, see ^{88}Nb	9E+2	2E+2	8E-8	3E-10	1E-5	1E-4
		Y, see ^{88}Nb	-	2E+1	6E-9	2E-11	-	-
41	Niobium-95m	W, see ^{88}Nb	2E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
		Y, see ^{88}Nb	-	2E+3	9E-7	3E-9	-	-
41	Niobium-95	W, see ^{88}Nb	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
		Y, see ^{88}Nb	-	1E+3	5E-7	2E-9	-	-
41	Niobium-96	W, see ^{88}Nb	1E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		Y, see ^{88}Nb	-	2E+3	1E-6	3E-9	-	-
41	Niobium-97[2]	W, see ^{88}Nb	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		Y, see ^{88}Nb	-	7E+4	3E-5	1E-7	-	-
41	Niobium-98[2]	W, see ^{88}Nb	1E+4	5E+4	2E-5	8E-8	2E-4	2E-3
		Y, see ^{88}Nb	-	5E+4	2E-5	7E-8	-	-
42	Molybdenum-90	D, all compounds except those given for Y	4E+3	7E+3	3E-6	1E-8	3E-5	3E-4
		Y, oxides, hydroxides, and MoS	2E+3	5E+3	2E-6	6E-9	-	-
42	Molybdenum-93m	D, see ^{90}Mo	9E+3	2E+4	7E-6	2E-8	6E-5	6E-4
		Y, see ^{90}Mo	4E+3	1E+4	6E-6	2E-8	-	-
42	Molybdenum-93	D, see ^{90}Mo	4E+3	5E+3	2E-6	8E-9	5E-5	5E-4
		Y, see ^{90}Mo	2E+4	2E+2	8E-8	2E-10	-	-
42	Molybdenum-99	D, see ^{90}Mo	2E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (1E+3)	-	-	-	2E-5	2E-4

		Y, see ^{90}Mo	1E+3	1E+3	6E-7	2E-9	-	-
42	Molybdenum-101[2]	D, see ^{90}Mo	4E+4	1E+5	6E-5	2E-7	-	-
			St wall					
			(5E+4)	-	-	-	7E-4	7E-3
		Y, see ^{90}Mo	-	1E+5	6E-5	2E-7	-	-
43	Technetium-93m[2]	D, all compounds except						
		those given for W	7E+4	2E+5	6E-5	2E-7	1E-3	1E-2
		W, oxides, hydroxides,						
		halides, and nitrates	-	3E+5	1E-4	4E-7	-	-
43	Technetium-93	D, see ^{93m}Tc	3E+4	7E+4	3E-5	1E-7	4E-4	4E-3
		W, see ^{93m}Tc	-	1E+5	4E-5	1E-7	-	-
43	Technetium-94m[2]	D, see ^{93m}Tc	2E+4	4E+4	2E-5	6E-8	3E-4	3E-3
		W, see ^{93m}Tc	-	6E+4	2E-5	8E-8	-	-
43	Technetium-94	D, see ^{93m}Tc	9E+3	2E+4	8E-6	3E-8	1E-4	1E-3
		W, see ^{93m}Tc	-	2E+4	1E-5	3E-8	-	-
43	Technetium-95m	D, see ^{93m}Tc	4E+3	5E+3	2E-6	8E-9	5E-5	5E-4
		W, see ^{93m}Tc	-	2E+3	8E-7	3E-9	-	-
43	Technetium-95	D, see ^{93m}Tc	1E+4	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see ^{93m}Tc	-	2E+4	8E-6	3E-8	-	-
43	Technetium-96m[2]	D, see ^{93m}Tc	2E+5	3E+5	1E-4	4E-7	2E-3	2E-2
		W, see ^{93m}Tc	-	2E+5	1E-4	3E-7	-	-
43	Technetium-96	D, see ^{93m}Tc	2E+3	3E+3	1E-6	5E-9	3E-5	3E-4
		W, see ^{93m}Tc	-	2E+3	9E-7	3E-9	-	-
43	Technetium-97m	D, see ^{93m}Tc	5E+3	7E+3	3E-6	-	6E-5	6E-4
			St wall					
			-	(7E+3)	-	1E-8	-	-
		W, see ^{93m}Tc	-	1E+3	5E-7	2E-9	-	-
43	Technetium-97	D, see ^{93m}Tc	4E+4	5E+4	2E-5	7E-8	5E-4	5E-3
		W, see ^{93m}Tc	-	6E+3	2E-6	8E-9	-	-
43	Technetium-98	D, see ^{93m}Tc	1E+3	2E+3	7E-7	2E-9	1E-5	1E-4
		W, see ^{93m}Tc	-	3E+2	1E-7	4E-10	-	-
43	Technetium-99m	D, see ^{93m}Tc	8E+4	2E+5	6E-5	2E-7	1E-3	1E-2
		W, see ^{93m}Tc	-	2E+5	1E-4	3E-7	-	-
43	Technetium-99	D, see ^{93m}Tc	4E+3	5E+3	2E-6	-	6E-5	6E-4
				St wall				
			-	(6E+3)	-	8E-9	-	-
		W, see ^{93m}Tc	-	7E+2	3E-7	9E-10	-	-
43	Technetium-101[2]	D, see ^{93m}Tc	9E+4	3E+5	1E-4	5E-7	-	-
			St wall					
			(1E+5)	-	-	-	2E-3	2E-2
		W, see ^{93m}Tc	-	4E+5	2E-4	5E-7	-	-
43	Technetium-104[2]	D, see ^{93m}Tc	2E+4	7E+4	3E-5	1E-7	-	-
			St wall					
			(3E+4)	-	-	-	4E-4	4E-3
		W, see ^{93m}Tc	-	9E+4	4E-5	1E-7	-	-
44	Ruthenium-94[2]	D, all compounds except						
		those given for W and Y	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, halides	-	6E+4	3E-5	9E-8	-	-
		Y, oxides and hydroxides	-	6E+4	2E-5	8E-8	-	-
44	Ruthenium-97	D, see ^{94}Ru	8E+3	2E+4	8E-6	3E-8	1E-4	1E-3
		W, see ^{94}Ru	-	1E+4	5E-6	2E-8	-	-
		Y, see ^{94}Ru	-	1E+4	5E-6	2E-8	-	-
44	Ruthenium-103	D, see ^{94}Ru	2E+3	2E+3	7E-7	2E-9	3E-5	3E-4
		W, see ^{94}Ru	-	1E+3	4E-7	1E-9	-	-
		Y, see ^{94}Ru	-	6E+2	3E-7	9E-10	-	-
44	Ruthenium-105	D, see ^{94}Ru	5E+3	1E+4	6E-6	2E-8	7E-5	7E-4
		W, see ^{94}Ru	-	1E+4	6E-6	2E-8	-	-
		Y, see ^{94}Ru	-	1E+4	5E-6	2E-8	-	-
44	Ruthenium-106	D, see ^{94}Ru	2E+2	9E+1	4E-8	1E-10	-	-
			LLI wall					
			(2E+2)	-	-	-	3E-6	3E-5
		W, see ^{94}Ru	-	5E+1	2E-8	8E-11	-	-
		Y, see ^{94}Ru	-	1E+1	5E-9	2E-11	-	-

45	Rhodium-99m	D, all compounds except those given for W and Y	2E+4	6E+4	2E-5	8E-8	2E-4	2E-3
		W, halides	-	8E+4	3E-5	1E-7	-	-
		Y, oxides and hydroxides	-	7E+4	3E-5	9E-8	-	-
45	Rhodium-99	D, see ^{99m}Rh	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see ^{99m}Rh	-	2E+3	9E-7	3E-9	-	-
		Y, see ^{99m}Rh	-	2E+3	8E-7	3E-9	-	-
45	Rhodium-100	D, see ^{99m}Rh	2E+3	5E+3	2E-6	7E-9	2E-5	2E-4
		W, see ^{99m}Rh	-	4E+3	2E-6	6E-9	-	-
		Y, see ^{99m}Rh	-	4E+3	2E-6	5E-9	-	-
45	Rhodium-101m	D, see ^{99m}Rh	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, see ^{99m}Rh	-	8E+3	4E-6	1E-8	-	-
		Y, see ^{99m}Rh	-	8E+3	3E-6	1E-8	-	-
45	Rhodium-101	D, see ^{99m}Rh	2E+3	5E+2	2E-7	7E-10	3E-5	3E-4
		W, see ^{99m}Rh	-	8E+2	3E-7	1E-9	-	-
		Y, see ^{99m}Rh	-	2E+2	6E-8	2E-10	-	-
45	Rhodium-102m	D, see ^{99m}Rh	1E+3 LLI wall (1E+3)	5E+2	2E-7	7E-10	-	-
		W, see ^{99m}Rh	-	4E+2	2E-7	-	2E-5	2E-4
		Y, see ^{99m}Rh	-	1E+2	5E-8	5E-10	-	-
						2E-10	-	-
45	Rhodium-102	D, see ^{99m}Rh	6E+2	9E+1	4E-8	1E-10	8E-6	8E-5
		W, see ^{99m}Rh	-	2E+2	7E-8	2E-10	-	-
		Y, see ^{99m}Rh	-	6E+1	2E-8	8E-11	-	-
45	Rhodium-103m[2]	D, see ^{99m}Rh	4E+5	1E+6	5E-4	2E-6	6E-3	6E-2
		W, see ^{99m}Rh	-	1E+6	5E-4	2E-6	-	-
		Y, see ^{99m}Rh	-	1E+6	5E-4	2E-6	-	-
45	Rhodium-105	D, see ^{99m}Rh	4E+3 LLI wall (4E+3)	1E+4	5E-6	2E-8	-	-
		W, see ^{99m}Rh	-	6E+3	3E-6	-	5E-5	5E-4
		Y, see ^{99m}Rh	-	6E+3	2E-6	9E-9	-	-
						8E-9	-	-
45	Rhodium-106m	D, see ^{99m}Rh	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, see ^{99m}Rh	-	4E+4	2E-5	5E-8	-	-
		Y, see ^{99m}Rh	-	4E+4	1E-5	5E-8	-	-
45	Rhodium-107[2]	D, see ^{99m}Rh	7E+4 St wall (9E+4)	2E+5	1E-4	3E-7	-	-
		W, see ^{99m}Rh	-	3E+5	1E-4	-	1E-3	1E-2
		Y, see ^{99m}Rh	-	3E+5	1E-4	4E-7	-	-
						3E-7	-	-
46	Palladium-100	D, all compounds except those given for W and Y	1E+3	1E+3	6E-7	2E-9	2E-5	2E-4
		W, nitrates	-	1E+3	5E-7	2E-9	-	-
		Y, oxides and hydroxides	-	1E+3	6E-7	2E-9	-	-
46	Palladium-101	D, see ^{100}Pd	1E+4	3E+4	1E-5	5E-8	2E-4	2E-3
		W, see ^{100}Pd	-	3E+4	1E-5	5E-8	-	-
		Y, see ^{100}Pd	-	3E+4	1E-5	4E-8	-	-
46	Palladium-103	D, see ^{100}Pd	6E+3 LLI wall (7E+3)	6E+3	3E-6	9E-9	-	-
		W, see ^{100}Pd	-	4E+3	2E-6	-	1E-4	1E-3
		Y, see ^{100}Pd	-	4E+3	1E-6	6E-9	-	-
						5E-9	-	-
46	Palladium-107	D, see ^{100}Pd	3E+4 LLI wall (4E+4)	2E+4 Kidneys (2E+4)	9E-6	-	-	-
		W, see ^{100}Pd	-	7E+3	3E-6	3E-8	5E-4	5E-3
		Y, see ^{100}Pd	-	4E+2	2E-7	1E-8	-	-
						6E-10	-	-
46	Palladium-109	D, see ^{100}Pd	2E+3	6E+3	3E-6	9E-9	3E-5	3E-4
		W, see ^{100}Pd	-	5E+3	2E-6	8E-9	-	-
		Y, see ^{100}Pd	-	5E+3	2E-6	6E-9	-	-
47	Silver-102[2]	D, all compounds except those given for W and Y	5E+4 St wall (6E+4)	2E+5	8E-5	2E-7	-	-
		W, nitrates and sulfides	-	2E+5	9E-5	-	9E-4	9E-3
		Y, oxides and hydroxides	-	2E+5	8E-5	3E-7	-	-
						3E-7	-	-
47	Silver-103[2]	D, see ^{102}Ag	4E+4	1E+5	4E-5	1E-7	5E-4	5E-3

		W, see ^{102}Ag	-	1E+5	5E-5	2E-7	-	-
		Y, see ^{102}Ag	-	1E+5	5E-5	2E-7	-	-
47	Silver-104m[2]	D, see ^{102}Ag	3E+4	9E+4	4E-5	1E-7	4E-4	4E-3
		W, see ^{102}Ag	-	1E+5	5E-5	2E-7	-	-
		Y, see ^{102}Ag	-	1E+5	5E-5	2E-7	-	-
47	Silver-104[2]	D, see ^{102}Ag	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
		W, see ^{102}Ag	-	1E+5	6E-5	2E-7	-	-
		Y, see ^{102}Ag	-	1E+5	6E-5	2E-7	-	-
47	Silver-105	D, see ^{102}Ag	3E+3	1E+3	4E-7	1E-9	4E-5	4E-4
		W, see ^{102}Ag	-	2E+3	7E-7	2E-9	-	-
		Y, see ^{102}Ag	-	2E+3	7E-7	2E-9	-	-
47	Silver-106m	D, see ^{102}Ag	8E+2	7E+2	3E-7	1E-9	1E-5	1E-4
		W, see ^{102}Ag	-	9E+2	4E-7	1E-9	-	-
		Y, see ^{102}Ag	-	9E+2	4E-7	1E-9	-	-
47	Silver-106[2]	D, see ^{102}Ag	6E+4	2E+5	8E-5	3E-7	-	-
			St. wall (6E+4)	-	-	-	9E-4	9E-3
		W, see ^{102}Ag	-	2E+5	9E-5	3E-7	-	-
		Y, see ^{102}Ag	-	2E+5	8E-5	3E-7	-	-
47	Silver-108m	D, see ^{102}Ag	6E+2	2E+2	8E-8	3E-10	9E-6	9E-5
		W, see ^{102}Ag	-	3E+2	1E-7	4E-10	-	-
		Y, see ^{102}Ag	-	2E+1	1E-8	3E-11	-	-
47	Silver-110m	D, see ^{102}Ag	5E+2	1E+2	5E-8	2E-10	6E-6	6E-5
		W, see ^{102}Ag	-	2E+2	8E-8	3E-10	-	-
		Y, see ^{102}Ag	-	9E+1	4E-8	1E-10	-	-
47	Silver-111	D, see ^{102}Ag	9E+2 LLI wall (1E+3)	2E+3 Liver (2E+3)	6E-7 -	- 2E-9	- 2E-5	- 2E-4
		W, see ^{102}Ag	-	9E+2	4E-7	1E-9	-	-
		Y, see ^{102}Ag	-	9E+2	4E-7	1E-9	-	-
47	Silver-112	D, see ^{102}Ag	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see ^{102}Ag	-	1E+4	4E-6	1E-8	-	-
		Y, see ^{102}Ag	-	9E+3	4E-6	1E-8	-	-
47	Silver-115[2]	D, see ^{102}Ag	3E+4	9E+4	4E-5	1E-7	-	-
			St wall (3E+4)	-	-	-	4E-4	4E-3
		W, see ^{102}Ag	-	9E+4	4E-5	1E-7	-	-
		Y, see ^{102}Ag	-	8E+4	3E-5	1E-7	-	-
48	Cadmium-104[2]	D, all compounds except those given for W and Y	2E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		W, sulfides, halides, and nitrates	-	1E+5	5E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	5E-5	2E-7	-	-
48	Cadmium-107	D, see ^{104}Cd	2E+4	5E+4	2E-5	8E-8	3E-4	3E-3
		W, see ^{104}Cd	-	6E+4	2E-5	8E-8	-	-
		Y, see ^{104}Cd	-	5E+4	2E-5	7E-8	-	-
48	Cadmium-109	D, see ^{104}Cd	3E+2 Kidneys (4E+2)	4E+1 Kidneys (5E+1)	1E-8 -	- 7E-11	- 6E-6	- 6E-5
		W, see ^{104}Cd	-	1E+2 Kidneys (1E+2)	5E-8 -	- 2E-10	- -	- -
		Y, see ^{104}Cd	-	1E+2	5E-8	2E-10	-	-
48	Cadmium-113m	D, see ^{104}Cd	2E+1 Kidneys (4E+1)	2E+0 Kidneys (4E+0)	1E-9 -	- 5E-12	- 5E-7	- 5E-6
		W, see ^{104}Cd	-	8E+0 Kidneys (1E+1)	4E-9 -	- 2E-11	- -	- -
		Y, see ^{104}Cd	-	1E+1	5E-9	2E-11	-	-
48	Cadmium-113	D, see ^{104}Cd	2E+1 Kidneys (3E+1)	2E+0 Kidneys (3E+0)	9E-10 -	- 5E-12	- 4E-7	- 4E-6
		W, see ^{104}Cd	-	8E+0 Kidneys (1E+1)	3E-9 -	- 2E-11	- -	- -
		Y, see ^{104}Cd	-	1E+1	6E-9	2E-11	-	-
48	Cadmium-115m	D, see ^{104}Cd	3E+2	5E+1	2E-8	-	4E-6	4E-5

				Kidneys				
		W, see ^{104}Cd	-	(8E+1)	-	1E-10	-	-
		Y, see ^{104}Cd	-	1E+2	5E-8	2E-10	-	-
			-	1E+2	6E-8	2E-10	-	-
48	Cadmium-115	D, see ^{104}Cd	9E+2	1E+3	6E-7	2E-9	-	-
			LLI wall					
			(1E+3)	-	-	-	1E-5	1E-4
		W, see ^{104}Cd	-	1E+3	5E-7	2E-9	-	-
		Y, see ^{104}Cd	-	1E+3	6E-7	2E-9	-	-
48	Cadmium-117m	D, see ^{104}Cd	5E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		W, see ^{104}Cd	-	2E+4	7E-6	2E-8	-	-
		Y, see ^{104}Cd	-	1E+4	6E-6	2E-8	-	-
48	Cadmium-117	D, see ^{104}Cd	5E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		W, see ^{104}Cd	-	2E+4	7E-6	2E-8	-	-
		Y, see ^{104}Cd	-	1E+4	6E-6	2E-8	-	-
49	Indium-109	D, all compounds except those given for W	2E+4	4E+4	2E-5	6E-8	3E-4	3E-3
		W, oxides, hydroxides, halides, and nitrates	-	6E+4	3E-5	9E-8	-	-
49	Indium-110[2] (69.1 min)	D, see ^{109}In	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{109}In	-	6E+4	2E-5	8E-8	-	-
49	Indium-110 (4.9 h)	D, see ^{109}In	5E+3	2E+4	7E-6	2E-8	7E-5	7E-4
		W, see ^{109}In	-	2E+4	8E-6	3E-8	-	-
49	Indium-111	D, see ^{109}In	4E+3	6E+3	3E-6	9E-9	6E-5	6E-4
		W, see ^{109}In	-	6E+3	3E-6	9E-9	-	-
49	Indium-112[2]	D, see ^{109}In	2E+5	6E+5	3E-4	9E-7	2E-3	2E-2
		W, see ^{109}In	-	7E+5	3E-4	1E-6	-	-
49	Indium-113m[2]	D, see ^{109}In	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
		W, see ^{109}In	-	2E+5	8E-5	3E-7	-	-
49	Indium-114m	D, see ^{109}In	3E+2	6E+1	3E-8	9E-11	-	-
			LLI wall					
			(4E+2)	-	-	-	5E-6	5E-5
		W, see ^{109}In	-	1E+2	4E-8	1E-10	-	-
49	Indium-115m	D, see ^{109}In	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{109}In	-	5E+4	2E-5	7E-8	-	-
49	Indium-115	D, see ^{109}In	4E+1	1E+0	6E-10	2E-12	5E-7	5E-6
		W, see ^{109}In	-	5E+0	2E-9	8E-12	-	-
49	Indium-116m[2]	D, see ^{109}In	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
		W, see ^{109}In	-	1E+5	5E-5	2E-7	-	-
49	Indium-117m[2]	D, see ^{109}In	1E+4	3E+4	1E-5	5E-8	2E-4	2E-3
		W, see ^{109}In	-	4E+4	2E-5	6E-8	-	-
49	Indium-117[2]	D, see ^{109}In	6E+4	2E+5	7E-5	2E-7	8E-4	8E-3
		W, see ^{109}In	-	2E+5	9E-5	3E-7	-	-
49	Indium-119m[2]	D, see ^{109}In	4E+4	1E+5	5E-5	2E-7	-	-
			St wall					
			(5E+4)	-	-	-	7E-4	7E-3
		W, see ^{109}In	-	1E+5	6E-5	2E-7	-	-
50	Tin-110	D, all compounds except those given for W	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
		W, sulfides, oxides, hydroxides, halides, nitrates, and stannic phosphate	-	1E+4	5E-6	2E-8	-	-
50	Tin-111[2]	D, see ^{110}Sn	7E+4	2E+5	9E-5	3E-7	1E-3	1E-2
		W, see ^{110}Sn	-	3E+5	1E-4	4E-7	-	-
50	Tin-113	D, see ^{110}Sn	2E+3	1E+3	5E-7	2E-9	-	-
			LLI wall					
			(2E+3)	-	-	-	3E-5	3E-4
		W, see ^{110}Sn	-	5E+2	2E-7	8E-10	-	-
50	Tin-117m	D, see ^{110}Sn	2E+3	1E+3	5E-7	-	-	-
			LLI wall	Bone surf				
			(2E+3)	(2E+3)	-	3E-9	3E-5	3E-4
		W, see ^{110}Sn	-	1E+3	6E-7	2E-9	-	-

50	Tin-119m	D, see ^{110}Sn	3E+3	2E+3	1E-6	3E-9	-	-
			LLI wall (4E+3)	-	-	-	6E-5	6E-4
		W, see ^{110}Sn	-	1E+3	4E-7	1E-9	-	-
50	Tin-121m	D, see ^{110}Sn	3E+3	9E+2	4E-7	1E-9	-	-
			LLI wall (4E+3)	-	-	-	5E-5	5E-4
		W, see ^{110}Sn	-	5E+2	2E-7	8E-10	-	-
50	Tin-121	D, see ^{110}Sn	6E+3	2E+4	6E-6	2E-8	-	-
			LLI wall (6E+3)	-	-	-	8E-5	8E-4
		W, see ^{110}Sn	-	1E+4	5E-6	2E-8	-	-
50	Tin-123m[2]	D, see ^{110}Sn	5E+4	1E+5	5E-5	2E-7	7E-4	7E-3
		W, see ^{110}Sn	-	1E+5	6E-5	2E-7	-	-
50	Tin-123	D, see ^{110}Sn	5E+2	6E+2	3E-7	9E-10	-	-
			LLI wall (6E+2)	-	-	-	9E-6	9E-5
		W, see ^{110}Sn	-	2E+2	7E-8	2E-10	-	-
50	Tin-125	D, see ^{110}Sn	4E+2	9E+2	4E-7	1E-9	-	-
			LLI wall (5E+2)	-	-	-	6E-6	6E-5
		W, see ^{110}Sn	-	4E+2	1E-7	5E-10	-	-
50	Tin-126	D, see ^{110}Sn	3E+2	6E+1	2E-8	8E-11	4E-6	4E-5
		W, see ^{110}Sn	-	7E+1	3E-8	9E-11	-	-
50	Tin-127	D, see ^{110}Sn	7E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		W, see ^{110}Sn	-	2E+4	8E-6	3E-8	-	-
50	Tin-128[2]	D, see ^{110}Sn	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, see ^{110}Sn	-	4E+4	1E-5	5E-8	-	-
51	Antimony-115[2]	D, all compounds except those given for W	8E+4	2E+5	1E-4	3E-7	1E-3	1E-2
		W, oxides, hydroxides, halides, sulfides, sulfates, and nitrates	-	3E+5	1E-4	4E-7	-	-
51	Antimony-116m[2]	D, see ^{115}Sb	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
		W, see ^{115}Sb	-	1E+5	6E-5	2E-7	-	-
51	Antimony-116[2]	D, see ^{115}Sb	7E+4	3E+5	1E-4	4E-7	-	-
			St wall (9E+4)	-	-	-	1E-3	1E-2
		W, see ^{115}Sb	-	3E+5	1E-4	5E-7	-	-
51	Antimony-117	D, see ^{115}Sb	7E+4	2E+5	9E-5	3E-7	9E-4	9E-3
		W, see ^{115}Sb	-	3E+5	1E-4	4E-7	-	-
51	Antimony-118m	D, see ^{115}Sb	6E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		W, see ^{115}Sb	5E+3	2E+4	9E-6	3E-8	-	-
51	Antimony-119	D, see ^{115}Sb	2E+4	5E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{115}Sb	2E+4	3E+4	1E-5	4E-8	-	-
51	Antimony-120[2] (16 min)	D, see ^{115}Sb	1E+5	4E+5	2E-4	6E-7	-	-
			St wall (2E+5)	-	-	-	2E-3	2E-2
		W, see ^{115}Sb	-	5E+5	2E-4	7E-7	-	-
51	Antimony-120 (5.76 d)	D, see ^{115}Sb	1E+3	2E+3	9E-7	3E-9	1E-5	1E-4
		W, see ^{115}Sb	9E+2	1E+3	5E-7	2E-9	-	-
51	Antimony-122	D, see ^{115}Sb	8E+2	2E+3	1E-6	3E-9	-	-
			LLI wall (8E+2)	-	-	-	1E-5	1E-4
		W, see ^{115}Sb	7E+2	1E+3	4E-7	2E-9	-	-
51	Antimony-124m[2]	D, see ^{115}Sb	3E+5	8E+5	4E-4	1E-6	3E-3	3E-2
		W, see ^{115}Sb	2E+5	6E+5	2E-4	8E-7	-	-
51	Antimony-124	D, see ^{115}Sb	6E+2	9E+2	4E-7	1E-9	7E-6	7E-5
		W, see ^{115}Sb	5E+2	2E+2	1E-7	3E-10	-	-
51	Antimony-125	D, see ^{115}Sb	2E+3	2E+3	1E-6	3E-9	3E-5	3E-4
		W, see ^{115}Sb	-	5E+2	2E-7	7E-10	-	-
51	Antimony-126m[2]	D, see ^{115}Sb	5E+4	2E+5	8E-5	3E-7	-	-
			St wall					

		W, see ^{115}Sb	(7E+4) -	- 2E+5	- 8E-5	- 3E-7	9E-4 -	9E-3 -
51	Antimony-126	D, see ^{115}Sb W, see ^{115}Sb	6E+2 5E+2	1E+3 5E+2	5E-7 2E-7	2E-9 7E-10	7E-6 -	7E-5 -
51	Antimony-127	D, see ^{115}Sb	8E+2 LLI wall (8E+2)	2E+3 -	9E-7 -	3E-9 -	1E-5	1E-4
		W, see ^{115}Sb	7E+2	9E+2	4E-7	1E-9	-	-
51	Antimony-128[2] (10.4 min)	D, see ^{115}Sb	8E+4 St wall (1E+5)	4E+5 -	2E-4 -	5E-7 -	1E-3	1E-2
		W, see ^{115}Sb	-	4E+5	2E-4	6E-7	-	-
51	Antimony-128 (9.01 h)	D, see ^{115}Sb W, see ^{115}Sb	1E+3 -	4E+3 3E+3	2E-6 1E-6	6E-9 5E-9	2E-5 -	2E-4 -
51	Antimony-129	D, see ^{115}Sb W, see ^{115}Sb	3E+3 -	9E+3 9E+3	4E-6 4E-6	1E-8 1E-8	4E-5 -	4E-4 -
51	Antimony-130[2]	D, see ^{115}Sb W, see ^{115}Sb	2E+4 -	6E+4 8E+4	3E-5 3E-5	9E-8 1E-7	3E-4 -	3E-3 -
51	Antimony-131[2]	D, see ^{115}Sb	1E+4 Thyroid (2E+4)	2E+4 Thyroid (4E+4)	1E-5 -	- 6E-8	- 2E-4	- 2E-3
		W, see ^{115}Sb	- -	2E+4 Thyroid (4E+4)	1E-5 -	6E-8	- -	- -
52	Tellurium-116	D, all compounds except those given for W W, oxides, hydroxides, and nitrates	8E+3 -	2E+4 3E+4	9E-6 1E-5	3E-8 4E-8	1E-4 -	1E-3 -
52	Tellurium-121m	D, see ^{116}Te	5E+2 Bone surf (7E+2)	2E+2 Bone surf (4E+2)	8E-8 -	- 5E-10	- 1E-5	- 1E-4
		W, see ^{116}Te	-	4E+2	2E-7	6E-10	-	-
52	Tellurium-121	D, see ^{116}Te W, see ^{116}Te	3E+3 -	4E+3 3E+3	2E-6 1E-6	6E-9 4E-9	4E-5 -	4E-4 -
52	Tellurium-123m	D, see ^{116}Te	6E+2 Bone surf (1E+3)	2E+2 Bone surf (5E+2)	9E-8 -	- 8E-10	- 1E-5	- 1E-4
		W, see ^{116}Te	-	5E+2	2E-7	8E-10	-	-
52	Tellurium-123	D, see ^{116}Te	5E+2 Bone surf (1E+3)	2E+2 Bone surf (5E+2)	8E-8 -	- 7E-10	- 2E-5	- 2E-4
		W, see ^{116}Te	- -	4E+2 Bone surf (1E+3)	2E-7 -	- 2E-9	- -	- -
52	Tellurium-125m	D, see ^{116}Te	1E+3 Bone surf (1E+3)	4E+2 Bone surf (1E+3)	2E-7 -	- 1E-9	- 2E-5	- 2E-4
		W, see ^{116}Te	-	7E+2	3E-7	1E-9	-	-
52	Tellurium-127m	D, see ^{116}Te	6E+2 -	3E+2 Bone surf (4E+2)	1E-7 -	- 6E-10	9E-6 -	9E-5 -
		W, see ^{116}Te	-	3E+2	1E-7	4E-10	-	-
52	Tellurium-127	D, see ^{116}Te W, see ^{116}Te	7E+3 -	2E+4 2E+4	9E-6 7E-6	3E-8 2E-8	1E-4 -	1E-3 -
52	Tellurium-129m	D, see ^{116}Te W, see ^{116}Te	5E+2 -	6E+2 2E+2	3E-7 1E-7	9E-10 3E-10	7E-6 -	7E-5 -
52	Tellurium-129[2]	D, see ^{116}Te W, see ^{116}Te	3E+4 -	6E+4 7E+4	3E-5 3E-5	9E-8 1E-7	4E-4 -	4E-3 -
52	Tellurium-131m	D, see ^{116}Te	3E+2 Thyroid (6E+2)	4E+2 Thyroid (1E+3)	2E-7 -	- 2E-9	- 8E-6	- 8E-5
		W, see ^{116}Te	- -	4E+2 Thyroid (9E+2)	2E-7 -	- 1E-9	- -	- -
52	Tellurium-131[2]	D, see ^{116}Te	3E+3	5E+3	2E-6	-	-	-

			Thyroid (6E+3)	Thyroid (1E+4)	-	2E-8	8E-5	8E-4
		W, see ^{116}Te	-	5E+3	2E-6	-	-	-
			-	Thyroid (1E+4)	-	2E-8	-	-
52	Tellurium-132	D, see ^{116}Te	2E+2	2E+2	9E-8	-	-	-
			Thyroid (7E+2)	Thyroid (8E+2)	-	1E-9	9E-6	9E-5
		W, see ^{116}Te	-	2E+2	9E-8	-	-	-
			-	Thyroid (6E+2)	-	9E-10	-	-
52	Tellurium-133m[2]	D, see ^{116}Te	3E+3	5E+3	2E-6	-	-	-
			Thyroid (6E+3)	Thyroid (1E+4)	-	2E-8	9E-5	9E-4
		W, see ^{116}Te	-	5E+3	2E-6	-	-	-
			-	Thyroid (1E+4)	-	2E-8	-	-
52	Tellurium-133[2]	D, see ^{116}Te	1E+4	2E+4	9E-6	-	-	-
			Thyroid (3E+4)	Thyroid (6E+4)	-	8E-8	4E-4	4E-3
		W, see ^{116}Te	-	2E+4	9E-6	-	-	-
			-	Thyroid (6E+4)	-	8E-8	-	-
52	Tellurium-134[2]	D, see ^{116}Te	2E+4	2E+4	1E-5	-	-	-
			Thyroid (2E+4)	Thyroid (5E+4)	-	7E-8	3E-4	3E-3
		W, see ^{116}Te	-	2E+4	1E-5	-	-	-
			-	Thyroid (5E+4)	-	7E-8	-	-
53	Iodine-120m[2]	D, all compounds	1E+4	2E+4	9E-6	3E-8	-	-
			Thyroid (1E+4)	-	-	-	2E-4	2E-3
53	Iodine-120[2]	D, all compounds	4E+3	9E+3	4E-6	-	-	-
			Thyroid (8E+3)	Thyroid (1E+4)	-	2E-8	1E-4	1E-3
53	Iodine-121	D, all compounds	1E+4	2E+4	8E-6	-	-	-
			Thyroid (3E+4)	Thyroid (5E+4)	-	7E-8	4E-4	4E-3
53	Iodine-123	D, all compounds	3E+3	6E+3	3E-6	-	-	-
			Thyroid (1E+4)	Thyroid (2E+4)	-	2E-8	1E-4	1E-3
53	Iodine-124	D, all compounds	5E+1	8E+1	3E-8	-	-	-
			Thyroid (2E+2)	Thyroid (3E+2)	-	4E-10	2E-6	2E-5
53	Iodine-125	D, all compounds	4E+1	6E+1	3E-8	-	-	-
			Thyroid (1E+2)	Thyroid (2E+2)	-	3E-10	2E-6	2E-5
53	Iodine-126	D, all compounds	2E+1	4E+1	1E-8	-	-	-
			Thyroid (7E+1)	Thyroid (1E+2)	-	2E-10	1E-6	1E-5
53	Iodine-128[2]	D, all compounds	4E+4	1E+5	5E-5	2E-7	-	-
			St wall (6E+4)	-	-	-	8E-4	8E-3
53	Iodine-129	D, all compounds	5E+0	9E+0	4E-9	-	-	-
			Thyroid (2E+1)	Thyroid (3E+1)	-	4E-11	2E-7	2E-6
53	Iodine-130	D, all compounds	4E+2	7E+2	3E-7	-	-	-
			Thyroid (1E+3)	Thyroid (2E+3)	-	3E-9	2E-5	2E-4
53	Iodine-131	D, all compounds	3E+1	5E+1	2E-8	-	-	-
			Thyroid (9E+1)	Thyroid (2E+2)	-	2E-10	1E-6	1E-5
53	Iodine-132m[2]	D, all compounds	4E+3	8E+3	4E-6	-	-	-
			Thyroid (1E+4)	Thyroid (2E+4)	-	3E-8	1E-4	1E-3
53	Iodine-132	D, all compounds	4E+3	8E+3	3E-6	-	-	-
			Thyroid	Thyroid				

			(9E+3)	(1E+4)	-	2E-8	1E-4	1E-3
53	Iodine-133	D, all compounds	1E+2 Thyroid (5E+2)	3E+2 Thyroid (9E+2)	1E-7 -	-	-	-
53	Iodine-134[2]	D, all compounds	2E+4 Thyroid (3E+4)	5E+4 -	2E-5 -	6E-8 -	- 4E-4	- 4E-3
53	Iodine-135	D, all compounds	8E+2 Thyroid (3E+3)	2E+3 Thyroid (4E+3)	7E-7 -	- 6E-9	- 3E-5	- 3E-4
54	Xenon-120[2]	Submersion[1]	-	-	1E-5	4E-8	-	-
54	Xenon-121[2]	Submersion[1]	-	-	2E-6	1E-8	-	-
54	Xenon-122	Submersion[1]	-	-	7E-5	3E-7	-	-
54	Xenon-123	Submersion[1]	-	-	6E-6	3E-8	-	-
54	Xenon-125	Submersion[1]	-	-	2E-5	7E-8	-	-
54	Xenon-127	Submersion[1]	-	-	1E-5	6E-8	-	-
54	Xenon-129m	Submersion[1]	-	-	2E-4	9E-7	-	-
54	Xenon-131m	Submersion[1]	-	-	4E-4	2E-6	-	-
54	Xenon-133m	Submersion[1]	-	-	1E-4	6E-7	-	-
54	Xenon-133	Submersion[1]	-	-	1E-4	5E-7	-	-
54	Xenon-135m[2]	Submersion[1]	-	-	9E-6	4E-8	-	-
54	Xenon-135	Submersion[1]	-	-	1E-5	7E-8	-	-
54	Xenon-138[2]	Submersion[1]	-	-	4E-6	2E-8	-	-
55	Cesium-125[2]	D, all compounds	5E+4 St wall (9E+4)	1E+5 -	6E-5 -	2E-7 -	- 1E-3	- 1E-2
55	Cesium-127	D, all compounds	6E+4	9E+4	4E-5	1E-7	9E-4	9E-3
55	Cesium-129	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
55	Cesium-130[2]	D, all compounds	6E+4 St wall (1E+5)	2E+5 -	8E-5 -	3E-7 -	- 1E-3	- 1E-2
55	Cesium-131	D, all compounds	2E+4	3E+4	1E-5	4E-8	3E-4	3E-3
55	Cesium-132	D, all compounds	3E+3	4E+3	2E-6	6E-9	4E-5	4E-4
55	Cesium-134m	D, all compounds	1E+5 St wall (1E+5)	1E+5 -	6E-5 -	2E-7 -	- 2E-3	- 2E-2
55	Cesium-134	D, all compounds	7E+1	1E+2	4E-8	2E-10	9E-7	9E-6
55	Cesium-135m[2]	D, all compounds	1E+5	2E+5	8E-5	3E-7	1E-3	1E-2
55	Cesium-135	D, all compounds	7E+2	1E+3	5E-7	2E-9	1E-5	1E-4
55	Cesium-136	D, all compounds	4E+2	7E+2	3E-7	9E-10	6E-6	6E-5
55	Cesium-137	D, all compounds	1E+2	2E+2	6E-8	2E-10	1E-6	1E-5
55	Cesium-138[2]	D, all compounds	2E+4 St wall (3E+4)	6E+4 -	2E-5 -	8E-8 -	- 4E-4	- 4E-3
56	Barium-126[2]	D, all compounds	6E+3	2E+4	6E-6	2E-8	8E-5	8E-4
56	Barium-128	D, all compounds	5E+2	2E+3	7E-7	2E-9	7E-6	7E-5
56	Barium-131m[2]	D, all compounds	4E+5 St wall (5E+5)	1E+6 -	6E-4 -	2E-6 -	- 7E-3	- 7E-2
56	Barium-131	D, all compounds	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4

56	Barium-133m	D, all compounds	2E+3	9E+3	4E-6	1E-8	-	-
			LLI wall					
			(3E+3)	-	-	-	4E-5	4E-4
56	Barium-133	D, all compounds	2E+3	7E+2	3E-7	9E-10	2E-5	2E-4
56	Barium-135m	D, all compounds	3E+3	1E+4	5E-6	2E-8	4E-5	4E-4
56	Barium-139[2]	D, all compounds	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
56	Barium-140	D, all compounds	5E+2	1E+3	6E-7	2E-9	-	-
			LLI wall					
			(6E+2)	-	-	-	8E-6	8E-5
56	Barium-141[2]	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
56	Barium-142[2]	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
57	Lanthanum-131[2]	D, all compounds except						
		those given for W	5E+4	1E+5	5E-5	2E-7	6E-4	6E-3
		W, oxides and hydroxides	-	2E+5	7E-5	2E-7	-	-
57	Lanthanum-132	D, see ^{131}La	3E+3	1E+4	4E-6	1E-8	4E-5	4E-4
		W, see ^{131}La	-	1E+4	5E-6	2E-8	-	-
57	Lanthanum-135	D, see ^{131}La	4E+4	1E+5	4E-5	1E-7	5E-4	5E-3
		W, see ^{131}La	-	9E+4	4E-5	1E-7	-	-
57	Lanthanum-137	D, see ^{131}La	1E+4	6E+1	3E-8	-	2E-4	2E-3
				Liver				
			-	(7E+1)	-	1E-10	-	-
		W, see ^{131}La	-	3E+2	1E-7	-	-	-
				Liver				
			-	(3E+2)	-	4E-10	-	-
57	Lanthanum-138	D, see ^{131}La	9E+2	4E+0	1E-9	5E-12	1E-5	1E-4
		W, see ^{131}La	-	1E+1	6E-9	2E-11	-	-
57	Lanthanum-140	D, see ^{131}La	6E+2	1E+3	6E-7	2E-9	9E-6	9E-5
		W, see ^{131}La	-	1E+3	5E-7	2E-9	-	-
57	Lanthanum-141	D, see ^{131}La	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
		W, see ^{131}La	-	1E+4	5E-6	2E-8	-	-
57	Lanthanum-142[2]	D, see ^{131}La	8E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see ^{131}La	-	3E+4	1E-5	5E-8	-	-
57	Lanthanum-143[2]	D, see ^{131}La	4E+4	1E+5	4E-5	1E-7	-	-
			St wall					
			(4E+4)	-	-	-	5E-4	5E-3
		W, see ^{131}La	-	9E+4	4E-5	1E-7	-	-
58	Cerium-134	W, all compounds except						
		those given for Y	5E+2	7E+2	3E-7	1E-9	-	-
			LLI wall					
			(6E+2)	-	-	-	8E-6	8E-5
		Y, oxides, hydroxides,						
		and fluorides	-	7E+2	3E-7	9E-10	-	-
58	Cerium-135	W, see ^{134}Ce	2E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		Y, see ^{134}Ce	-	4E+3	1E-6	5E-9	-	-
58	Cerium-137m	W, see ^{134}Ce	2E+3	4E+3	2E-6	6E-9	-	-
			LLI wall					
			(2E+3)	-	-	-	3E-5	3E-4
		Y, see ^{134}Ce	-	4E+3	2E-6	5E-9	-	-
58	Cerium-137	W, see ^{134}Ce	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
		Y, see ^{134}Ce	-	1E+5	5E-5	2E-7	-	-
58	Cerium-139	W, see ^{134}Ce	5E+3	8E+2	3E-7	1E-9	7E-5	7E-4
		Y, see ^{134}Ce	-	7E+2	3E-7	9E-10	-	-
58	Cerium-141	W, see ^{134}Ce	2E+3	7E+2	3E-7	1E-9	-	-
			LLI wall					
			(2E+3)	-	-	-	3E-5	3E-4
		Y, see ^{134}Ce	-	6E+2	2E-7	8E-10	-	-
58	Cerium-143	W, see ^{134}Ce	1E+3	2E+3	8E-7	3E-9	-	-
			LLI wall					
			(1E+3)	-	-	-	2E-5	2E-4
		Y, see ^{134}Ce	-	2E+3	7E-7	2E-9	-	-
58	Cerium-144	W, see ^{134}Ce	2E+2	3E+1	1E-8	4E-11	-	-

		LLI wall (3E+2)	-	-	-	3E-6	3E-5
	Y, see ^{134}Ce	-	1E+1	6E-9	2E-11	-	-
59	Praseodymium-136[2] W, all compounds except those given for Y	5E+4	2E+5	1E-4	3E-7	-	-
		St wall (7E+4)	-	-	-	1E-3	1E-2
	Y, oxides, hydroxides, carbides, and fluorides	-	2E+5	9E-5	3E-7	-	-
59	Praseodymium-137[2] W, see ^{136}Pr	4E+4	2E+5	6E-5	2E-7	5E-4	5E-3
	Y, see ^{136}Pr	-	1E+5	6E-5	2E-7	-	-
59	Praseodymium-138m W, see ^{136}Pr	1E+4	5E+4	2E-5	8E-8	1E-4	1E-3
	Y, see ^{136}Pr	-	4E+4	2E-5	6E-8	-	-
59	Praseodymium-139 W, see ^{136}Pr	4E+4	1E+5	5E-5	2E-7	6E-4	6E-3
	Y, see ^{136}Pr	-	1E+5	5E-5	2E-7	-	-
59	Praseodymium-142m[2] W, see ^{136}Pr	8E+4	2E+5	7E-5	2E-7	1E-3	1E-2
	Y, see ^{136}Pr	-	1E+5	6E-5	2E-7	-	-
59	Praseodymium-142 W, see ^{136}Pr	1E+3	2E+3	9E-7	3E-9	1E-5	1E-4
	Y, see ^{136}Pr	-	2E+3	8E-7	3E-9	-	-
59	Praseodymium-143 W, see ^{136}Pr	9E+2	8E+2	3E-7	1E-9	-	-
		LLI wall (1E+3)	-	-	-	2E-5	2E-4
	Y, see ^{136}Pr	-	7E+2	3E-7	9E-10	-	-
59	Praseodymium-144[2] W, see ^{136}Pr	3E+4	1E+5	5E-5	2E-7	-	-
		St wall (4E+4)	-	-	-	6E-4	6E-3
	Y, see ^{136}Pr	-	1E+5	5E-5	2E-7	-	-
59	Praseodymium-145 W, see ^{136}Pr	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
	Y, see ^{136}Pr	-	8E+3	3E-6	1E-8	-	-
59	Praseodymium-147[2] W, see ^{136}Pr	5E+4	2E+5	8E-5	3E-7	-	-
		St wall (8E+4)	-	-	-	1E-3	1E-2
	Y, see ^{136}Pr	-	2E+5	8E-5	3E-7	-	-
60	Neodymium-136[2] W, all compounds except those given for Y	1E+4	6E+4	2E-5	8E-8	2E-4	2E-3
	Y, oxides, hydroxides, carbides, and fluorides	-	5E+4	2E-5	8E-8	-	-
60	Neodymium-138 W, see ^{136}Nd	2E+3	6E+3	3E-6	9E-9	3E-5	3E-4
	Y, see ^{136}Nd	-	5E+3	2E-6	7E-9	-	-
60	Neodymium-139m W, see ^{136}Nd	5E+3	2E+4	7E-6	2E-8	7E-5	7E-4
	Y, see ^{136}Nd	-	1E+4	6E-6	2E-8	-	-
60	Neodymium-139[2] W, see ^{136}Nd	9E+4	3E+5	1E-4	5E-7	1E-3	1E-2
	Y, see ^{136}Nd	-	3E+5	1E-4	4E-7	-	-
60	Neodymium-141 W, see ^{136}Nd	2E+5	7E+5	3E-4	1E-6	2E-3	2E-2
	Y, see ^{136}Nd	-	6E+5	3E-4	9E-7	-	-
60	Neodymium-147 W, see ^{136}Nd	1E+3	9E+2	4E-7	1E-9	-	-
		LLI wall (1E+3)	-	-	-	2E-5	2E-4
	Y, see ^{136}Nd	-	8E+2	4E-7	1E-9	-	-
60	Neodymium-149[2] W, see ^{136}Nd	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
	Y, see ^{136}Nd	-	2E+4	1E-5	3E-8	-	-
60	Neodymium-151[2] W, see ^{136}Nd	7E+4	2E+5	8E-5	3E-7	9E-4	9E-3
	Y, see ^{136}Nd	-	2E+5	8E-5	3E-7	-	-
61	Promethium-141[2] W, all compounds except those given for Y	5E+4	2E+5	8E-5	3E-7	-	-
		St wall (6E+4)	-	-	-	8E-4	8E-3
	Y, oxides, hydroxides, carbides, and fluorides	-	2E+5	7E-5	2E-7	-	-
61	Promethium-143 W, see ^{141}Pm	5E+3	6E+2	2E-7	8E-10	7E-5	7E-4
	Y, see ^{141}Pm	-	7E+2	3E-7	1E-9	-	-
61	Promethium-144 W, see ^{141}Pm	1E+3	1E+2	5E-8	2E-10	2E-5	2E-4
	Y, see ^{141}Pm	-	1E+2	5E-8	2E-10	-	-

61	Promethium-145	W, see ^{141}Pm	1E+4	2E+2 Bone surf	7E-8	-	1E-4	1E-3
			-	(2E+2)	-	3E-10	-	-
		Y, see ^{141}Pm	-	2E+2	8E-8	3E-10	-	-
61	Promethium-146	W, see ^{141}Pm	2E+3	5E+1	2E-8	7E-11	2E-5	2E-4
		Y, see ^{141}Pm	-	4E+1	2E-8	6E-11	-	-
61	Promethium-147	W, see ^{141}Pm	4E+3 LLI wall	1E+2 Bone surf	5E-8	-	-	-
			(5E+3)	(2E+2)	-	3E-10	7E-5	7E-4
		Y, see ^{141}Pm	-	1E+2	6E-8	2E-10	-	-
61	Promethium-148m	W, see ^{141}Pm	7E+2	3E+2	1E-7	4E-10	1E-5	1E-4
		Y, see ^{141}Pm	-	3E+2	1E-7	5E-10	-	-
61	Promethium-148	W, see ^{141}Pm	4E+2 LLI wall	5E+2	2E-7	8E-10	-	-
			(5E+2)	-	-	-	7E-6	7E-5
		Y, see ^{141}Pm	-	5E+2	2E-7	7E-10	-	-
61	Promethium-149	W, see ^{141}Pm	1E+3 LLI wall	2E+3	8E-7	3E-9	-	-
			(1E+3)	-	-	-	2E-5	2E-4
		Y, see ^{141}Pm	-	2E+3	8E-7	2E-9	-	-
61	Promethium-150	W, see ^{141}Pm	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
		Y, see ^{141}Pm	-	2E+4	7E-6	2E-8	-	-
61	Promethium-151	W, see ^{141}Pm	2E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		Y, see ^{141}Pm	-	3E+3	1E-6	4E-9	-	-
62	Samarium-141m[2]	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
62	Samarium-141[2]	W, all compounds	5E+4 St wall	2E+5	8E-5	2E-7	-	-
			(6E+4)	-	-	-	8E-4	8E-3
62	Samarium-142[2]	W, all compounds	8E+3	3E+4	1E-5	4E-8	1E-4	1E-3
62	Samarium-145	W, all compounds	6E+3	5E+2	2E-7	7E-10	8E-5	8E-4
62	Samarium-146	W, all compounds	1E+1 Bone surf	4E2 Bone surf	1E-11	-	-	-
			(3E+1)	(6E-2)	-	9E-14	3E-7	3E-6
62	Samarium-147	W, all compounds	2E+1 Bone surf	4E2 Bone surf	2E-11	-	-	-
			(3E+1)	(7E-2)	-	1E-13	4E-7	4E-6
62	Samarium-151	W, all compounds	1E+4 LLI wall	1E+2 Bone surf	4E-8	-	-	-
			(1E+4)	(2E+2)	-	2E-10	2E-4	2E-3
62	Samarium-153	W, all compounds	2E+3 LLI wall	3E+3	1E-6	4E-9	-	-
			(2E+3)	-	-	-	3E-5	3E-4
62	Samarium-155[2]	W, all compounds	6E+4 St wall	2E+5	9E-5	3E-7	-	-
			(8E+4)	-	-	-	1E-3	1E-2
62	Samarium-156	W, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
63	Europium-145	W, all compounds	2E+3	2E+3	8E-7	3E-9	2E-5	2E-4
63	Europium-146	W, all compounds	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
63	Europium-147	W, all compounds	3E+3	2E+3	7E-7	2E-9	4E-5	4E-4
63	Europium-148	W, all compounds	1E+3	4E+2	1E-7	5E-10	1E-5	1E-4
63	Europium-149	W, all compounds	1E+4	3E+3	1E-6	4E-9	2E-4	2E-3
63	Europium-150 (12.62 h)	W, all compounds	3E+3	8E+3	4E-6	1E-8	4E-5	4E-4
63	Europium-150 (34.2 y)	W, all compounds	8E+2	2E+1	8E-9	3E-11	1E-5	1E-4
63	Europium-152m	W, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
63	Europium-152	W, all compounds	8E+2	2E+1	1E-8	3E-11	1E-5	1E-4

63	Europium-154	W, all compounds	5E+2	2E+1	8E-9	3E-11	7E-6	7E-5
63	Europium-155	W, all compounds	4E+3	9E+1	4E-8	-	5E-5	5E-4
			-	Bone surf (1E+2)	-	2E-10	-	-
63	Europium-156	W, all compounds	6E+2	5E+2	2E-7	6E-10	8E-6	8E-5
63	Europium-157	W, all compounds	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
63	Europium-158[2]	W, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
64	Gadolinium-145[2]	D, all compounds except those given for W	5E+4 St wall (5E+4)	2E+5	6E-5	2E-7	-	-
		W, oxides, hydroxides, and fluorides	-	-	-	-	6E-4	6E-3
			-	2E+5	7E-5	2E-7	-	-
64	Gadolinium-146	D, see ^{145}Gd	1E+3	1E+2	5E-8	2E-10	2E-5	2E-4
		W, see ^{145}Gd	-	3E+2	1E-7	4E-10	-	-
64	Gadolinium-147	D, see ^{145}Gd	2E+3	4E+3	2E-6	6E-9	3E-5	3E-4
		W, see ^{145}Gd	-	4E+3	1E-6	5E-9	-	-
64	Gadolinium-148	D, see ^{145}Gd	1E+1 Bone surf (2E+1)	8E+3 Bone surf (2E+2)	3E-12 -	- 2E-14	- 3E-7	- 3E-6
		W, see ^{145}Gd	-	3E-2	1E-11	-	-	-
			-	Bone surf (6E-2)	-	8E-14	-	-
64	Gadolinium-149	D, see ^{145}Gd	3E+3	2E+3	9E-7	3E-9	4E-5	4E-4
		W, see ^{145}Gd	-	2E+3	1E-6	3E-9	-	-
64	Gadolinium-151	D, see ^{145}Gd	6E+3	4E+2	2E-7	-	9E-5	9E-4
			-	Bone surf (6E+2)	-	9E-10	-	-
		W, see ^{145}Gd	-	1E+3	5E-7	2E-9	-	-
64	Gadolinium-152	D, see ^{145}Gd	2E+1 Bone surf (3E+1)	1E-2 Bone surf (2E-2)	4E-12 -	- 3E-14	- 4E-7	- 4E-6
		W, see ^{145}Gd	-	4E-2	2E-11	-	-	-
			-	Bone surf (8E-2)	-	1E-13	-	-
64	Gadolinium-153	D, see ^{145}Gd	5E+3	1E+2	6E-8	-	6E-5	6E-4
			-	Bone surf (2E+2)	-	3E-10	-	-
		W, see ^{145}Gd	-	6E+2	2E-7	8E-10	-	-
64	Gadolinium-159	D, see ^{145}Gd	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see ^{145}Gd	-	6E+3	2E-6	8E-9	-	-
65	Terbium-147[2]	W, all compounds	9E+3	3E+4	1E-5	5E-8	1E-4	1E-3
65	Terbium-149	W, all compounds	5E+3	7E+2	3E-7	1E-9	7E-5	7E-4
65	Terbium-150	W, all compounds	5E+3	2E+4	9E-6	3E-8	7E-5	7E-4
65	Terbium-151	W, all compounds	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
65	Terbium-153	W, all compounds	5E+3	7E+3	3E-6	1E-8	7E-5	7E-4
65	Terbium-154	W, all compounds	2E+3	4E+3	2E-6	6E-9	2E-5	2E-4
65	Terbium-155	W, all compounds	6E+3	8E+3	3E-6	1E-8	8E-5	8E-4
65	Terbium-156m (5.0 h)	W, all compounds	2E+4	3E+4	1E-5	4E-8	2E-4	2E-3
65	Terbium-156m (24.4 h)	W, all compounds	7E+3	8E+3	3E-6	1E-8	1E-4	1E-3
65	Terbium-156	W, all compounds	1E+3	1E+3	6E-7	2E-9	1E-5	1E-4
65	Terbium-157	W, all compounds	5E+4 LLI wall (5E+4)	3E+2 Bone surf (6E+2)	1E-7 -	- 8E-10	- 7E-4	- 7E-3
65	Terbium-158	W, all compounds	1E+3	2E+1	8E-9	3E-11	2E-5	2E-4
65	Terbium-160	W, all compounds	8E+2	2E+2	9E-8	3E-10	1E-5	1E-4

65	Terbium-161	W, all compounds	2E+3 LLI wall (2E+3)	2E+3 -	7E-7 -	2E-9 -	- 3E-5	- 3E-4
66	Dysprosium-155	W, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
66	Dysprosium-157	W, all compounds	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
66	Dysprosium-159	W, all compounds	1E+4	2E+3	1E-6	3E-9	2E-4	2E-3
66	Dysprosium-165	W, all compounds	1E+4	5E+4	2E-5	6E-8	2E-4	2E-3
66	Dysprosium-166	W, all compounds	6E+2 LLI wall (8E+2)	7E+2 -	3E-7 -	1E-9 -	- 1E-5	- 1E-4
67	Holmium-155[2]	W, all compounds	4E+4	2E+5	6E-5	2E-7	6E-4	6E-3
67	Holmium-157[2]	W, all compounds	3E+5	1E+6	6E-4	2E-6	4E-3	4E-2
67	Holmium-159[2]	W, all compounds	2E+5	1E+6	4E-4	1E-6	3E-3	3E-2
67	Holmium-161	W, all compounds	1E+5	4E+5	2E-4	6E-7	1E-3	1E-2
67	Holmium-162m[2]	W, all compounds	5E+4	3E+5	1E-4	4E-7	7E-4	7E-3
67	Holmium-162[2]	W, all compounds	5E+5 St wall (8E+5)	2E+6 -	1E-3 -	3E-6 -	- 1E-2	- 1E-1
67	Holmium-164m[2]	W, all compounds	1E+5	3E+5	1E-4	4E-7	1E-3	1E-2
67	Holmium-164[2]	W, all compounds	2E+5 St wall (2E+5)	6E+5 -	3E-4 -	9E-7 -	- 3E-3	- 3E-2
67	Holmium-166m	W, all compounds	6E+2	7E+0	3E-9	9E-12	9E-6	9E-5
67	Holmium-166	W, all compounds	9E+2 LLI wall (9E+2)	2E+3 -	7E-7 -	2E-9 -	- 1E-5	- 1E-4
67	Holmium-167	W, all compounds	2E+4	6E+4	2E-5	8E-8	2E-4	2E-3
68	Erbium-161	W, all compounds	2E+4	6E+4	3E-5	9E-8	2E-4	2E-3
68	Erbium-165	W, all compounds	6E+4	2E+5	8E-5	3E-7	9E-4	9E-3
68	Erbium-169	W, all compounds	3E+3 LLI wall (4E+3)	3E+3 -	1E-6 -	4E-9 -	- 5E-5	- 5E-4
68	Erbium-171	W, all compounds	4E+3	1E+4	4E-6	1E-8	5E-5	5E-4
68	Erbium-172	W, all compounds	1E+3 LLI wall (E+3)	1E+3 -	6E-7 -	2E-9 -	- 2E-5	- 2E-4
69	Thulium-162[2]	W, all compounds	7E+4 St wall (7E+4)	3E+5 -	1E-4 -	4E-7 -	- 1E-3	- 1E-2
69	Thulium-166	W, all compounds	4E+3	1E+4	6E-6	2E-8	6E-5	6E-4
69	Thulium-167	W, all compounds	2E+3 LLI wall (2E+3)	2E+3 -	8E-7 -	3E-9 -	- 3E-5	- 3E-4
69	Thulium-170	W, all compounds	8E+2 LLI wall (1E+3)	2E+2 -	9E-8 -	3E-10 -	- 1E-5	- 1E-4
69	Thulium-171	W, all compounds	1E+4 LLI wall (1E+4)	3E+2 Bone surf (6E+2)	1E-7 -	- 8E-10	- 2E-4	- 2E-3
69	Thulium-172	W, all compounds	7E+2 LLI wall (8E+2)	1E+3 -	5E-7 -	2E-9 -	- 1E-5	- 1E-4
69	Thulium-173	W, all compounds	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
69	Thulium-175[2]	W, all compounds	7E+4 St wall	3E+5	1E-4	4E-7	-	-

			(9E+4)	-	-	-	1E-3	1E-2
70	Ytterbium-162[2]	W, all compounds except those given for Y	7E+4	3E+5	1E-4	4E-7	1E-3	1E-2
		Y, oxides, hydroxides, and fluorides	-	3E+5	1E-4	4E-7	-	-
70	Ytterbium-166	W, see ^{162}Yb	1E+3	2E+3	8E-7	3E-9	2E-5	2E-4
		Y, see ^{162}Yb	-	2E+3	8E-7	3E-9	-	-
70	Ytterbium-167[2]	W, see ^{162}Yb	3E+5	8E+5	3E-4	1E-6	4E-3	4E-2
		Y, see ^{162}Yb	-	7E+5	3E-4	1E-6	-	-
70	Ytterbium-169	W, see ^{162}Yb	2E+3	8E+2	4E-7	1E-9	2E-5	2E-4
		Y, see ^{162}Yb	-	7E+2	3E-7	1E-9	-	-
70	Ytterbium-175	W, see ^{162}Yb	3E+3 LLI wall (3E+3)	4E+3	1E-6	5E-9	-	-
		Y, see ^{162}Yb	-	3E+3	1E-6	5E-9	4E-5 -	4E-4 -
70	Ytterbium-177[2]	W, see ^{162}Yb	2E+4	5E+4	2E-5	7E-8	2E-4	2E-3
		Y, see ^{162}Yb	-	5E+4	2E-5	6E-8	-	-
70	Ytterbium-178[2]	W, see ^{162}Yb	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		Y, see ^{162}Yb	-	4E+4	2E-5	5E-8	-	-
71	Lutetium-169	W, all compounds except those given for Y	3E+3	4E+3	2E-6	6E-9	3E-5	3E-4
		Y, oxides, hydroxides, and fluorides	-	4E+3	2E-6	6E-9	-	-
71	Lutetium-170	W, see ^{169}Lu	1E+3	2E+3	9E-7	3E-9	2E-5	2E-4
		Y, see ^{169}Lu	-	2E+3	8E-7	3E-9	-	-
71	Lutetium-171	W, see ^{169}Lu	2E+3	2E+3	8E-7	3E-9	3E-5	3E-4
		Y, see ^{169}Lu	-	2E+3	8E-7	3E-9	-	-
71	Lutetium-172	W, see ^{169}Lu	1E+3	1E+3	5E-7	2E-9	1E-5	1E-4
		Y, see ^{169}Lu	-	1E+3	5E-7	2E-9	-	-
71	Lutetium-173	W, see ^{169}Lu	5E+3	3E+2 Bone surf	1E-7	-	7E-5	7E-4
		Y, see ^{169}Lu	- -	(5E+2) 3E+2	- 1E-7	6E-10 4E-10	- -	- -
71	Lutetium-174m	W, see ^{169}Lu	2E+3 LLI wall (3E+3)	2E+2 Bone surf (3E+2)	1E-7 -	- 5E-10	- 4E-5	- 4E-4
		Y, see ^{169}Lu	-	2E+2	9E-8	3E-10	-	-
71	Lutetium-174	W, see ^{169}Lu	5E+3	1E+2 Bone surf	5E-8	-	7E-5	7E-4
		Y, see ^{169}Lu	- -	(2E+2) 2E+2	- 6E-8	3E-10 2E-10	- -	- -
71	Lutetium-176m	W, see ^{169}Lu	8E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		Y, see ^{169}Lu	-	2E+4	9E-6	3E-8	-	-
71	Lutetium-176	W, see ^{169}Lu	7E+2	5E+0 Bone surf	2E-9	-	1E-5	1E-4
		Y, see ^{169}Lu	- -	(1E+1) 8E+0	- 3E-9	2E-11 1E-11	- -	- -
71	Lutetium-177m	W, see ^{169}Lu	7E+2	1E+2 Bone surf	5E-8	-	1E-5	1E-4
		Y, see ^{169}Lu	- -	(1E+2) 8E+1	- 3E-8	2E-10 1E-10	- -	- -
71	Lutetium-177	W, see ^{169}Lu	2E+3 LLI wall (3E+3)	2E+3 -	9E-7 -	3E-9 -	- 4E-5	- 4E-4
		Y, see ^{169}Lu	-	2E+3	9E-7	3E-9	-	-
71	Lutetium-178m[2]	W, see ^{169}Lu	5E+4 St. wall (6E+4)	2E+5 -	8E-5 -	3E-7 -	- 8E-4	- 8E-3
		Y, see ^{169}Lu	-	2E+5	7E-5	2E-7	-	-
71	Lutetium-178[2]	W, see ^{169}Lu	4E+4 St wall (4E+4)	1E+5 -	5E-5 -	2E-7 -	- 6E-4	- 6E-3
		Y, see ^{169}Lu	-	1E+5	5E-5	2E-7	-	-

71	Lutetium-179	W, see ^{169}Lu	6E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		Y, see ^{169}Lu	-	2E+4	6E-6	3E-8	-	-
72	Hafnium-170	D, all compounds except those given for W	3E+3	6E+3	2E-6	8E-9	4E-5	4E-4
		W, oxides, hydroxides, carbides, and nitrates	-	5E+3	2E-6	6E-9	-	-
72	Hafnium-172	D, see ^{170}Hf	1E+3	9E+0	4E-9	-	2E-5	2E-4
			-	Bone surf (2E+1)	-	3E-11	-	-
		W, see ^{170}Hf	-	4E+1	2E-8	-	-	-
			-	Bone surf (6E+1)	-	8E-11	-	-
72	Hafnium-173	D, see ^{170}Hf	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see ^{170}Hf	-	1E+4	5E-6	2E-8	-	-
72	Hafnium-175	D, see ^{170}Hf	3E+3	9E+2	4E-7	-	4E-5	4E-4
			-	Bone surf (1E+3)	-	1E-9	-	-
		W, see ^{170}Hf	-	1E+3	5E-7	2E-9	-	-
72	Hafnium-177m[2]	D, see ^{170}Hf	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
		W, see ^{170}Hf	-	9E+4	4E-5	1E-7	-	-
72	Hafnium-178m	D, see ^{170}Hf	3E+2	1E+0	5E-10	-	3E-6	3E-5
			-	Bone surf (2E+0)	-	3E-12	-	-
		W, see ^{170}Hf	-	5E+0	2E-9	-	-	-
			-	Bone surf (9E+0)	-	1E-11	-	-
72	Hafnium-179m	D, see ^{170}Hf	1E+3	3E+2	1E-7	-	1E-5	1E-4
			-	Bone surf (6E+2)	-	8E-10	-	-
		W, see ^{170}Hf	-	6E+2	3E-7	8E-10	-	-
72	Hafnium-180m	D, see ^{170}Hf	7E+3	2E+4	9E-6	3E-8	1E-4	1E-3
		W, see ^{170}Hf	-	3E+4	1E-5	4E-8	-	-
72	Hafnium-181	D, see ^{170}Hf	1E+3	2E+2	7E-8	-	2E-5	2E-4
			-	Bone surf (4E+2)	-	6E-10	-	-
		W, see ^{170}Hf	-	4E+2	2E-7	6E-10	-	-
72	Hafnium-182m[2]	D, see ^{170}Hf	4E+4	9E+4	4E-5	1E-7	5E-4	5E-3
		W, see ^{170}Hf	-	1E+5	6E-5	2E-7	-	-
72	Hafnium-182	D, see ^{170}Hf	2E+2	8E-1	3E-10	-	-	-
			Bone surf (4E+2)	Bone surf (2E+0)	-	2E-12	5E-6	5E-5
		W, see ^{170}Hf	-	3E+0	1E-9	-	-	-
			-	Bone surf (7E+0)	-	1E-11	-	-
72	Hafnium-183[2]	D, see ^{170}Hf	2E+4	5E+4	2E-5	6E-8	3E-4	3E-3
		W, see ^{170}Hf	-	6E+4	2E-5	8E-8	-	-
72	Hafnium-184	D, see ^{170}Hf	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		W, see ^{170}Hf	-	6E+3	3E-6	9E-9	-	-
73	Tantalum-172[2]	W, all compounds except those given for Y	4E+4	1E+5	5E-5	2E-7	5E-4	5E-3
		Y, elemental Ta, oxides, hydroxides, halides, carbides, nitrates, and nitrides	-	1E+5	4E-5	1E-7	-	-
73	Tantalum-173	W, see ^{172}Ta	7E+3	2E+4	8E-6	3E-8	9E-5	9E-4
		Y, see ^{172}Ta	-	2E+4	7E-6	2E-8	-	-
73	Tantalum-174[2]	W, see ^{172}Ta	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
		Y, see ^{172}Ta	-	9E+4	4E-5	1E-7	-	-
73	Tantalum-175	W, see ^{172}Ta	6E+3	2E+4	7E-6	2E-8	8E-5	8E-4
		Y, see ^{172}Ta	-	1E+4	6E-6	2E-8	-	-
73	Tantalum-176	W, see ^{172}Ta	4E+3	1E+4	5E-6	2E-8	5E-5	5E-4
		Y, see ^{172}Ta	-	1E+4	5E-6	2E-8	-	-
73	Tantalum-177	W, see ^{172}Ta	1E+4	2E+4	8E-6	3E-8	2E-4	2E-3
		Y, see ^{172}Ta	-	2E+4	7E-6	2E-8	-	-

73	Tantalum-178	W, see ^{172}Ta	2E+4	9E+4	4E-5	1E-7	2E-4	2E-3
		Y, see ^{172}Ta	-	7E+4	3E-5	1E-7	-	-
73	Tantalum-179	W, see ^{172}Ta	2E+4	5E+3	2E-6	8E-9	3E-4	3E-3
		Y, see ^{172}Ta	-	9E+2	4E-7	1E-9	-	-
73	Tantalum-180m	W, see ^{172}Ta	2E+4	7E+4	3E-5	9E-8	3E-4	3E-3
		Y, see ^{172}Ta	-	6E+4	2E-5	8E-8	-	-
73	Tantalum-180	W, see ^{172}Ta	1E+3	4E+2	2E-7	6E-10	2E-5	2E-4
		Y, see ^{172}Ta	-	2E+1	1E-8	3E-11	-	-
73	Tantalum-182m[2]	W, see ^{172}Ta	2E+5 St wall (2E+5)	5E+5	2E-4	8E-7	-	-
		Y, see ^{172}Ta	-	4E+5	2E-4	6E-7	3E-3 -	3E-2 -
73	Tantalum-182	W, see ^{172}Ta	8E+2	3E+2	1E-7	5E-10	1E-5	1E-4
		Y, see ^{172}Ta	-	1E+2	6E-8	2E-10	-	-
73	Tantalum-183	W, see ^{172}Ta	9E+2 LLI wall (1E+3)	1E+3	5E-7	2E-9	-	-
		Y, see ^{172}Ta	-	1E+3	4E-7	1E-9	2E-5 -	2E-4 -
73	Tantalum-184	W, see ^{172}Ta	2E+3	5E+3	2E-6	8E-9	3E-5	3E-4
		Y, see ^{172}Ta	-	5E+3	2E-6	7E-9	-	-
73	Tantalum-185[2]	W, see ^{172}Ta	3E+4	7E+4	3E-5	1E-7	4E-4	4E-3
		Y, see ^{172}Ta	-	6E+4	3E-5	9E-8	-	-
73	Tantalum-186[2]	W, see ^{172}Ta	5E+4 St wall (7E+4)	2E+5	1E-4	3E-7	-	-
		Y, see ^{172}Ta	-	2E+5	9E-5	3E-7	1E-3 -	1E-2 -
74	Tungsten-176	D, all compounds	1E+4	5E+4	2E-5	7E-8	1E-4	1E-3
74	Tungsten-177	D, all compounds	2E+4	9E+4	4E-5	1E-7	3E-4	3E-3
74	Tungsten-178	D, all compounds	5E+3	2E+4	8E-6	3E-8	7E-5	7E-4
74	Tungsten-179[2]	D, all compounds	5E+5	2E+6	7E-4	2E-6	7E-3	7E-2
74	Tungsten-181	D, all compounds	2E+4	3E+4	1E-5	5E-8	2E-4	2E-3
74	Tungsten-185	D, all compounds	2E+3 LLI wall (3E+3)	7E+3	3E-6	9E-9	- 4E-5	- 4E-4
74	Tungsten-187	D, all compounds	2E+3	9E+3	4E-6	1E-8	3E-5	3E-4
74	Tungsten-188	D, all compounds	4E+2 LLI wall (5E+2)	1E+3	5E-7	2E-9	- 7E-6	- 7E-5
75	Rhenium-177[2]	D, all compounds except those given for W	9E+4 St wall (1E+5)	3E+5	1E-4	4E-7	- 2E-3	- 2E-2
		W, oxides, hydroxides, and nitrates	-	4E+5	1E-4	5E-7	-	-
75	Rhenium-178[2]	D, see ^{177}Re	7E+4 St wall (1E+5)	3E+5	1E-4	4E-7	-	-
		W, see ^{177}Re	-	3E+5	1E-4	4E-7	1E-3 -	1E-2 -
75	Rhenium-181	D, see ^{177}Re	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
		W, see ^{177}Re	-	9E+3	4E-6	1E-8	-	-
75	Rhenium-182 (12.7 h)	D, see ^{177}Re	7E+3	1E+4	5E-6	2E-8	9E-5	9E-4
		W, see ^{177}Re	-	2E+4	6E-6	2E-8	-	-
75	Rhenium-182 (64.0 h)	D, see ^{177}Re	1E+3	2E+3	1E-6	3E-9	2E-5	2E-4
		W, see ^{177}Re	-	2E+3	9E-7	3E-9	-	-
75	Rhenium-184m	D, see ^{177}Re	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see ^{177}Re	-	4E+2	2E-7	6E-10	-	-
75	Rhenium-184	D, see ^{177}Re	2E+3	4E+3	1E-6	5E-9	3E-5	3E-4
		W, see ^{177}Re	-	1E+3	6E-7	2E-9	-	-
75	Rhenium-186m	D, see ^{177}Re	1E+3	2E+3	7E-7	-	-	-

			St wall (2E+3)	St wall (2E+3)	-	3E-9	2E-5	2E-4
		W, see ^{177}Re	-	2E+2	6E-8	2E-10	-	-
75	Rhenium-186	D, see ^{177}Re	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
		W, see ^{177}Re	-	2E+3	7E-7	2E-9	-	-
75	Rhenium-187	D, see ^{177}Re	6E+5	8E+5	4E-4	-	8E-3	8E-2
			St wall -	(9E+5)	-	1E-6	-	-
		W, see ^{177}Re	-	1E+5	4E-5	1E-7	-	-
75	Rhenium-188m[2]	D, see ^{177}Re	8E+4	1E+5	6E-5	2E-7	1E-3	1E-2
		W, see ^{177}Re	-	1E+5	6E-5	2E-7	-	-
75	Rhenium-188	D, see ^{177}Re	2E+3	3E+3	1E-6	4E-9	2E-5	2E-4
		W, see ^{177}Re	-	3E+3	1E-6	4E-9	-	-
75	Rhenium-189	D, see ^{177}Re	3E+3	5E+3	2E-6	7E-9	4E-5	4E-4
		W, see ^{177}Re	-	4E+3	2E-6	6E-9	-	-
76	Osmium-180[2]	D, all compounds except those given for W and Y	1E+5	4E+5	2E-4	5E-7	1E-3	1E-2
		W, halides and nitrates	-	5E+5	2E-4	7E-7	-	-
		Y, oxides and hydroxides	-	5E+5	2E-4	6E-7	-	-
76	Osmium-181[2]	D, see ^{180}Os	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{180}Os	-	5E+4	2E-5	6E-8	-	-
		Y, see ^{180}Os	-	4E+4	2E-5	6E-8	-	-
76	Osmium-182	D, see ^{180}Os	2E+3	6E+3	2E-6	8E-9	3E-5	3E-4
		W, see ^{180}Os	-	4E+3	2E-6	6E-9	-	-
		Y, see ^{180}Os	-	4E+3	2E-6	6E-9	-	-
76	Osmium-185	D, see ^{180}Os	2E+3	5E+2	2E-7	7E-10	3E-5	3E-4
		W, see ^{180}Os	-	8E+2	3E-7	1E-9	-	-
		Y, see ^{180}Os	-	8E+2	3E-7	1E-9	-	-
76	Osmium-189m	D, see ^{180}Os	8E+4	2E+5	1E-4	3E-7	1E-3	1E-2
		W, see ^{180}Os	-	2E+5	9E-5	3E-7	-	-
		Y, see ^{180}Os	-	2E+5	7E-5	2E-7	-	-
76	Osmium-191m	D, see ^{180}Os	1E+4	3E+4	1E-5	4E-8	2E-4	2E-3
		W, see ^{180}Os	-	2E+4	8E-6	3E-8	-	-
		Y, see ^{180}Os	-	2E+4	7E-6	2E-8	-	-
76	Osmium-191	D, see ^{180}Os	2E+3	2E+3	9E-7	3E-9	-	-
			LLI wall (3E+3)	-	-	-	3E-5	3E-4
		W, see ^{180}Os	-	2E+3	7E-7	2E-9	-	-
		Y, see ^{180}Os	-	1E+3	6E-7	2E-9	-	-
76	Osmium-193	D, see ^{180}Os	2E+3	5E+3	2E-6	6E-9	-	-
			LLI wall (2E+3)	-	-	-	2E-5	2E-4
		W, see ^{180}Os	-	3E+3	1E-6	4E-9	-	-
		Y, see ^{180}Os	-	3E+3	1E-6	4E-9	-	-
76	Osmium-194	D, see ^{180}Os	4E+2	4E+1	2E-8	6E-11	-	-
			LLI wall (6E+2)	-	-	-	8E-6	8E-5
		W, see ^{180}Os	-	6E+1	2E-8	8E-11	-	-
		Y, see ^{180}Os	-	8E+0	3E-9	1E-11	-	-
77	Iridium-182[2]	D, all compounds except those given for W and Y	4E+4	1E+5	6E-5	2E-7	-	-
			St wall (4E+4)	-	-	-	6E-4	6E-3
		W, halides, nitrates, and metallic iridium	-	2E+5	6E-5	2E-7	-	-
		Y, oxides and hydroxides	-	1E+5	5E-5	2E-7	-	-
77	Iridium-184	D, see ^{182}Ir	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see ^{182}Ir	-	3E+4	1E-5	5E-8	-	-
		Y, see ^{182}Ir	-	3E+4	1E-5	4E-8	-	-
77	Iridium-185	D, see ^{182}Ir	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
		W, see ^{182}Ir	-	1E+4	5E-6	2E-8	-	-
		Y, see ^{182}Ir	-	1E+4	4E-6	1E-8	-	-
77	Iridium-186	D, see ^{182}Ir	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		W, see ^{182}Ir	-	6E+3	3E-6	9E-9	-	-
		Y, see ^{182}Ir	-	6E+3	2E-6	8E-9	-	-

77	Iridium-187	D, see ^{182}Ir	1E+4	3E+4	1E-5	5E-8	1E-4	1E-3
		W, see ^{182}Ir	-	3E+4	1E-5	4E-8	-	-
		Y, see ^{182}Ir	-	3E+4	1E-5	4E-8	-	-
77	Iridium-188	D, see ^{182}Ir	2E+3	5E+3	2E-6	6E-9	3E-5	3E-4
		W, see ^{182}Ir	-	4E+3	1E-6	5E-9	-	-
		Y, see ^{182}Ir	-	3E+3	1E-6	5E-9	-	-
77	Iridium-189	D, see ^{182}Ir	5E+3	5E+3	2E-6	7E-9	-	-
			LLI wall					
			(5E+3)	-	-	-	7E-5	7E-4
		W, see ^{182}Ir	-	4E+3	2E-6	5E-9	-	-
		Y, see ^{182}Ir	-	4E+3	1E-6	5E-9	-	-
77	Iridium-190m[2]	D, see ^{182}Ir	2E+5	2E+5	8E-5	3E-7	2E-3	2E-2
		W, see ^{182}Ir	-	2E+5	9E-5	3E-7	-	-
		Y, see ^{182}Ir	-	2E+5	8E-5	3E-7	-	-
77	Iridium-190	D, see ^{182}Ir	1E+3	9E+2	4E-7	1E-9	1E-5	1E-4
		W, see ^{182}Ir	-	1E+3	4E-7	1E-9	-	-
		Y, see ^{182}Ir	-	9E+2	4E-7	1E-9	-	-
77	Iridium-192m	D, see ^{182}Ir	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
		W, see ^{182}Ir	-	2E+2	9E-8	3E-10	-	-
		Y, see ^{182}Ir	-	2E+1	6E-9	2E-11	-	-
77	Iridium-192	D, see ^{182}Ir	9E+2	3E+2	1E-7	4E-10	1E-5	1E-4
		W, see ^{182}Ir	-	4E+2	2E-7	6E-10	-	-
		Y, see ^{182}Ir	-	2E+2	9E-8	3E-10	-	-
77	Iridium-194m	D, see ^{182}Ir	6E+2	9E+1	4E-8	1E-10	9E-6	9E-5
		W, see ^{182}Ir	-	2E+2	7E-8	2E-10	-	-
		Y, see ^{182}Ir	-	1E+2	4E-8	1E-10	-	-
77	Iridium-194	D, see ^{182}Ir	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W, see ^{182}Ir	-	2E+3	9E-7	3E-9	-	-
		Y, see ^{182}Ir	-	2E+3	8E-7	3E-9	-	-
77	Iridium-195m	D, see ^{182}Ir	8E+3	2E+4	1E-5	3E-8	1E-4	1E-3
		W, see ^{182}Ir	-	3E+4	1E-5	4E-8	-	-
		Y, see ^{182}Ir	-	2E+4	9E-6	3E-8	-	-
77	Iridium-195	D, see ^{182}Ir	1E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{182}Ir	-	5E+4	2E-5	7E-8	-	-
		Y, see ^{182}Ir	-	4E+4	2E-5	6E-8	-	-
78	Platinum-186	D, all compounds	1E+4	4E+4	2E-5	5E-8	2E-4	2E-3
78	Platinum-188	D, all compounds	2E+3	2E+3	7E-7	2E-9	2E-5	2E-4
78	Platinum-189	D, all compounds	1E+4	3E+4	1E-5	4E-8	1E-4	1E-3
78	Platinum-191	D, all compounds	4E+3	8E+3	4E-6	1E-8	5E-5	5E-4
78	Platinum-193m	D, all compounds	3E+3	6E+3	3E-6	8E-9	-	-
			LLI wall					
			(3E+4)	-	-	-	4E-5	4E-4
78	Platinum-193	D, all compounds	4E+4	2E+4	1E-5	3E-8	-	-
			LLI wall					
			(5E+4)	-	-	-	6E-4	6E-3
78	Platinum-195m	D, all compounds	2E+3	4E+3	2E-6	6E-9	-	-
			LLI wall					
			(2E+3)	-	-	-	3E-5	3E-4
78	Platinum-197m[2]	D, all compounds	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
78	Platinum-197	D, all compounds	3E+3	1E+4	4E-6	1E-8	4E-5	4E-4
78	Platinum-199[2]	D, all compounds	5E+4	1E+5	6E-5	2E-7	7E-4	7E-3
78	Platinum-200	D, all compounds	1E+3	3E+3	1E-6	5E-9	2E-5	2E-4
79	Gold-193	D, all compounds except						
		those given for W and Y	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
		W, halides and nitrates	-	2E+4	9E-6	3E-8	-	-
		Y, oxides and hydroxides	-	2E+4	8E-6	3E-8	-	-
79	Gold-194	D, see ^{193}Au	3E+3	8E+3	3E-6	1E-8	4E-5	4E-4
		W, see ^{193}Au	-	5E+3	2E-6	8E-9	-	-
		Y, see ^{193}Au	-	5E+3	2E-6	7E-9	-	-
79	Gold-195	D, see ^{193}Au	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4

		W, see ^{193}Au	-	1E+3	6E-7	2E-9	-	-
		Y, see ^{193}Au	-	4E+2	2E-7	6E-10	-	-
79	Gold-198m	D, see ^{193}Au	1E+3	3E+3	1E-6	4E-9	1E-5	1E-4
		W, see ^{193}Au	-	1E+3	5E-7	2E-9	-	-
		Y, see ^{193}Au	-	1E+3	5E-7	2E-9	-	-
79	Gold-198	D, see ^{193}Au	1E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		W, see ^{193}Au	-	2E+3	8E-7	3E-9	-	-
		Y, see ^{193}Au	-	2E+3	7E-7	2E-9	-	-
79	Gold-199	D, see ^{193}Au	3E+3	9E+3	4E-6	1E-8	-	-
			LLI wall					
			(3E+3)	-	-	-	4E-5	4E-4
		W, see ^{193}Au	-	4E+3	2E-6	6E-9	-	-
		Y, see ^{193}Au	-	4E+3	2E-6	5E-9	-	-
79	Gold-200m	D, see ^{193}Au	1E+3	4E+3	1E-6	5E-9	2E-5	2E-4
		W, see ^{193}Au	-	3E+3	1E-6	4E-9	-	-
		Y, see ^{193}Au	-	2E+4	1E-6	3E-9	-	-
79	Gold-200[2]	D, see ^{193}Au	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
		W, see ^{193}Au	-	8E+4	3E-5	1E-7	-	-
		Y, see ^{193}Au	-	7E+4	3E-5	1E-7	-	-
79	Gold-201[2]	D, see ^{193}Au	7E+4	2E+5	9E-5	3E-7	-	-
			St wall					
			(9E+4)	-	-	-	1E-3	1E-2
		W, see ^{193}Au	-	2E+5	1E-4	3E-7	-	-
		Y, see ^{193}Au	-	2E+5	9E-5	3E-7	-	-
80	Mercury-193m	Vapor	-	8E+3	4E-6	1E-8	-	-
		Organic D	4E+3	1E+4	5E-6	2E-8	6E-5	6E-4
		D, sulfates	3E+3	9E+3	4E-6	1E-8	4E-5	4E-4
		W, oxides, hydroxides, halides, nitrates, and sulfides	-	8E+3	3E-6	1E-8	-	-
80	Mercury-193	Vapor	-	3E+4	1E-5	4E-8	-	-
		Organic D	2E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		D, see ^{193m}Hg	2E+4	4E+4	2E-5	6E-8	2E-4	2E-3
		W, see ^{193m}Hg	-	4E+4	2E-5	6E-8	-	-
80	Mercury-194	Vapor	-	3E+1	1E-8	4E-11	-	-
		Organic D	2E+1	3E+1	1E-8	4E-11	2E-7	2E-6
		D, see ^{193m}Hg	8E+2	4E+1	2E-8	6E-11	1E-5	1E-4
		W, see ^{193m}Hg	-	1E+2	5E-8	2E-10	-	-
80	Mercury-195m	Vapor	-	4E+3	2E-6	6E-9	-	-
		Organic D	3E+3	6E+3	3E-6	8E-9	4E-5	4E-4
		D, see ^{193m}Hg	2E+3	5E+3	2E-6	7E-9	3E-5	3E-4
		W, see ^{193m}Hg	-	4E+3	2E-6	5E-9	-	-
80	Mercury-195	Vapor	-	3E+4	1E-5	4E-8	-	-
		Organic D	2E+4	5E+4	2E-5	6E-8	2E-4	2E-3
		D, see ^{193m}Hg	1E+4	4E+4	1E-5	5E-8	2E-4	2E-3
		W, see ^{193m}Hg	-	3E+4	1E-5	5E-8	-	-
80	Mercury-197m	Vapor	-	5E+3	2E-6	7E-9	-	-
		Organic D	4E+3	9E+3	4E-6	1E-8	5E-5	5E-4
		D, see ^{193m}Hg	3E+3	7E+3	3E-6	1E-8	4E-5	4E-4
		W, see ^{193m}Hg	-	5E+3	2E-6	7E-9	-	-
80	Mercury-197	Vapor	-	8E+3	4E-6	1E-8	-	-
		Organic D	7E+3	1E+4	6E-6	2E-8	9E-5	9E-4
		D, see ^{193m}Hg	6E+3	1E+4	5E-6	2E-8	8E-5	8E-4
		W, see ^{193m}Hg	-	9E+3	4E-6	1E-8	-	-
80	Mercury-199m[2]	Vapor	-	8E+4	3E-5	1E-7	-	-
		Organic D	6E+4	2E+5	7E-5	2E-7	-	-
			St wall					
			(1E+5)	-	-	-	1E-3	1E-2
		D, see ^{193m}Hg	6E+4	1E+5	6E-5	2E-7	8E-4	8E-3
		W, see ^{193m}Hg	-	2E+5	7E-5	2E-7	-	-
80	Mercury-203	Vapor	-	8E+2	4E-7	1E-9	-	-
		Organic D	5E+2	8E+2	3E-7	1E-9	7E-6	7E-5
		D, see ^{193m}Hg	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
		W, see ^{193m}Hg	-	1E+3	5E-7	2E-9	-	-
81	Thallium-194m[2]	D, all compounds	5E+4	2E+5	6E-5	2E-7	-	-
			St wall					
			(7E+4)	-	-	-	1E-3	1E-2

81	Thallium-194[2]	D, all compounds	3E+5	6E+5	2E-4	8E-7	-	-
			St wall (3E+5)	-	-	-	4E-3	4E-2
81	Thallium-195[2]	D, all compounds	6E+4	1E+5	5E-5	2E-7	9E-4	9E-3
81	Thallium-197	D, all compounds	7E+4	1E+5	5E-5	2E-7	1E-3	1E-2
81	Thallium-198m[2]	D, all compounds	3E+4	5E+4	2E-5	8E-8	4E-4	4E-3
81	Thallium-198	D, all compounds	2E+4	3E+4	1E-5	5E-8	3E-4	3E-3
81	Thallium-199	D, all compounds	6E+4	8E+4	4E-5	1E-7	9E-4	9E-3
81	Thallium-200	D, all compounds	8E+3	1E+4	5E-6	2E-8	1E-4	1E-3
81	Thallium-201	D, all compounds	2E+4	2E+4	9E-6	3E-8	2E-4	2E-3
81	Thallium-202	D, all compounds	4E+3	5E+3	2E-6	7E-9	5E-5	5E-4
81	Thallium-204	D, all compounds	2E+3	2E+3	9E-7	3E-9	2E-5	2E-4
82	Lead-195m[2]	D, all compounds	6E+4	2E+5	8E-5	3E-7	8E-4	8E-3
82	Lead-198	D, all compounds	3E+4	6E+4	3E-5	9E-8	4E-4	4E-3
82	Lead-199[2]	D, all compounds	2E+4	7E+4	3E-5	1E-7	3E-4	3E-3
82	Lead-200	D, all compounds	3E+3	6E+3	3E-6	9E-9	4E-5	4E-4
82	Lead-201	D, all compounds	7E+3	2E+4	8E-6	3E-8	1E-4	1E-3
82	Lead-202m	D, all compounds	9E+3	3E+4	1E-5	4E-8	1E-4	1E-3
82	Lead-202	D, all compounds	1E+2	5E+1	2E-8	7E-11	2E-6	2E-5
82	Lead-203	D, all compounds	5E+3	9E+3	4E-6	1E-8	7E-5	7E-4
82	Lead-205	D, all compounds	4E+3	1E+3	6E-7	2E-9	5E-5	5E-4
82	Lead-209	D, all compounds	2E+4	6E+4	2E-5	8E-8	3E-4	3E-3
82	Lead-210	D, all compounds	6E1 Bone surf (1E+0)	2E1 Bone surf (4E-1)	1E-10 -	- 6E-13	- 1E-8	- 1E-7
82	Lead-211[2]	D, all compounds	1E+4	6E+2	3E-7	9E-10	2E-4	2E-3
82	Lead-212	D, all compounds	8E+1 Bone surf (1E+2)	3E+1 -	1E-8 -	5E-11 -	- 2E-6	- 2E-5
82	Lead-214[2]	D, all compounds	9E+3	8E+2	3E-7	1E-9	1E-4	1E-3
83	Bismuth-200[2]	D, nitrates W, all other compounds	3E+4 -	8E+4 1E+5	4E-5 4E-5	1E-7 1E-7	4E-4 -	4E-3 -
83	Bismuth-201[2]	D, see ^{200}Bi W, see ^{200}Bi	1E+4 -	3E+4 4E+4	1E-5 2E-5	4E-8 5E-8	2E-4 -	2E-3 -
83	Bismuth-202[2]	D, see ^{200}Bi W, see ^{200}Bi	1E+4 -	4E+4 8E+4	2E-5 3E-5	6E-8 1E-7	2E-4 -	2E-3 -
83	Bismuth-203	D, see ^{200}Bi W, see ^{200}Bi	2E+3 -	7E+3 6E+3	3E-6 3E-6	9E-9 9E-9	3E-5 -	3E-4 -
83	Bismuth-205	D, see ^{200}Bi W, see ^{200}Bi	1E+3 -	3E+3 1E+3	1E-6 5E-7	3E-9 2E-9	2E-5 -	2E-4 -
83	Bismuth-206	D, see ^{200}Bi W, see ^{200}Bi	6E+2 -	1E+3 9E+2	6E-7 4E-7	2E-9 1E-9	9E-6 -	9E-5 -
83	Bismuth-207	D, see ^{200}Bi W, see ^{200}Bi	1E+3 -	2E+3 4E+2	7E-7 1E-7	2E-9 5E-10	1E-5 -	1E-4 -
83	Bismuth-210m	D, see ^{200}Bi	4E+1 Kidneys (6E+1)	5E+0 Kidneys (6E+0)	2E-9 -	- 9E-12	- 8E-7	- 8E-6
		W, see ^{200}Bi	-	7E-1	3E-10	9E-13	-	-
83	Bismuth-210	D, see ^{200}Bi	8E+2 -	2E+2 Kidneys	1E-7	-	1E-5	1E-4
		W, see ^{200}Bi	- -	(4E+2) 3E+1	- 1E-8	5E-10 4E-11	- -	- -

83	Bismuth-212[2]	D, see [200]Bi	5E+3	2E+2	1E-7	3E-10	7E-5	7E-4
		W, see [200]Bi	-	3E+2	1E-7	4E-10	-	-
83	Bismuth-213[2]	D, see [200]Bi	7E+3	3E+2	1E-7	4E-10	1E-4	1E-3
		W, see [200]Bi	-	4E+2	1E-7	5E-10	-	-
83	Bismuth-214[2]	D, see [200]Bi	2E+4 St wall (2E+4)	8E+2	3E-7	1E-9	-	-
				-	-	-	3E-4	3E-3
		W, see [200]Bi	-	9E-2	4E-7	1E-9	-	-
84	Polonium-203[2]	D, all compounds except those given for W	3E+4	6E+4	3E-5	9E-8	3E-4	3E-3
		W, oxides, hydroxides, and nitrates	-	9E+4	4E-5	1E-7	-	-
84	Polonium-205[2]	D, see [203]Po	2E+4	4E+4	2E-5	5E-8	3E-4	3E-3
		W, see [203]Po	-	7E+4	3E-5	1E-7	-	-
84	Polonium-207	D, see [203]Po	8E+3	3E+4	1E-5	3E-8	1E-4	1E-3
		W, see [203]Po	-	3E+4	1E-5	4E-8	-	-
84	Polonium-210	D, see [203]Po	3E+0	6E-1	3E-10	9E-13	4E-8	4E-7
		W, see [203]Po	-	6E-1	3E-10	9E-13	-	-
85	Astatine-207[2]	D, halides	6E+3	3E+3	1E-6	4E-9	8E-5	8E-4
		W	-	2E+3	9E-7	3E-9	-	-
85	Astatine-211	D, halides	1E+2	8E+1	3E-8	1E-10	2E-6	2E-5
		W	-	5E+1	2E-8	8E-11	-	-
86	Radon-220	With daughters removed	-	2E+4	7E-6	2E-8	-	-
		With daughters present	-	2E+1 (or 12 working level months)	9E-9	3E-11 (or 1.0 working level)	-	-
86	Radon-222	With daughters removed	-	1E+4	4E-6	1E-8	-	-
		With daughters present	-	1E+2 (or 4 working level months)	3E-8	1E-10 (or 0.33 working level)	-	-
87	Francium-222[2]	D, all compounds	2E+3	5E+2	2E-7	6E-10	3E-5	3E-4
87	Francium-223[2]	D, all compounds	6E+2	8E+2	3E-7	1E-9	8E-6	8E-5
88	Radium-223	W, all compounds	5E+0 Bone surf (9E+0)	7E-1	3E-10	9E-13	-	-
				-	-	-	1E-7	1E-6
88	Radium-224	W, all compounds	8E+0 Bone surf (2E+1)	2E+0	7E-10	2E-12	-	-
				-	-	-	2E-7	2E-6
88	Radium-225	W, all compounds	8E+0 Bone surf (2E+1)	7E-1	3E-10	9E-13	-	-
				-	-	-	2E-7	2E-6
88	Radium-226	W, all compounds	2E+0 Bone surf (5E+0)	6E-1	3E-10	9E-13	-	-
				-	-	-	6E-8	6E-7
88	Radium-227[2]	W, all compounds	2E+4 Bone surf (2E+4)	1E+4 Bone surf (2E+4)	6E-6	-	-	-
					-	3E-8	3E-4	3E-3
88	Radium-228	W, all compounds	2E+0 Bone surf (4E+0)	1E+0	5E-10	2E-12	-	-
				-	-	-	6E-8	6E-7
89	Actinium-224	D, all compounds except those given for W and Y	2E+3 LLI wall (2E+3)	3E+1 Bone surf (4E+1)	1E-8	-	-	-
					-	5E-11	3E-5	3E-4
		W, halides and nitrates	-	5E+1	2E-8	7E-11	-	-
		Y, oxides and hydroxides	-	5E+1	2E-8	6E-11	-	-
89	Actinium-225	D, see [224]Ac	5E+1 LLI wall (5E+1)	3E-1 Bone surf (5E-1)	1E-10	-	-	-
					-	7E-13	7E-7	7E-6
		W, see [224]Ac	-	6E-1	3E-10	9E-13	-	-
		Y, see [224]Ac	-	6E-1	3E-10	9E-13	-	-

89	Actinium-226	D, see ^{224}Ac	1E+2 LLI wall (1E+2)	3E+0 Bone surf (4E+0)	1E-9 -	- 5E-12	- 2E-6	- 2E-5
		W, see ^{224}Ac	-	5E+0	2E-9	7E-12	-	-
		Y, see ^{224}Ac	-	5E+0	2E-9	6E-12	-	-
89	Actinium-227	D, see ^{224}Ac	2E-1 Bone surf (4E-1)	4E-4 Bone surf (8E-4)	2E-13 -	- 1E-15	- 5E-9	- 5E-8
		W, see ^{224}Ac	-	2E-3 Bone surf (3E-3)	7E-13 -	- 4E-15	- -	- -
		Y, see ^{224}Ac	-	4E-3	2E-12	6E-15	-	-
89	Actinium-228	D, see ^{224}Ac	2E+3	9E+0 Bone surf (2E+1)	4E-9 -	- 2E-11	3E-5 -	3E-4 -
		W, see ^{224}Ac	-	4E+1 Bone surf (6E+1)	2E-8 -	- 8E-11	- -	- -
		Y, see ^{224}Ac	-	4E+1	2E-8	6E-11	-	-
90	Thorium-226[7]	W, all compounds except those given for Y	5E+3 St wall (5E+3)	2E+2 -	6E-8 -	2E-10 -	- 7E-5	- 7E-4
		Y, oxides and hydroxides	-	1E+2	6E-8	2E-10	-	-
90	Thorium-227	W, see ^{226}Th	1E+2	3E-1	1E-10	5E-13	2E-6	2E-5
		Y, see ^{226}Th	-	3E-1	1E-10	5E-13	-	-
90	Thorium-228	W, see ^{226}Th	6E+0 Bone surf (1E+1)	1E-2 Bone surf (2E-2)	4E-12 -	- 3E-14	- 2E-7	- 2E-6
		Y, see ^{226}Th	-	2E-2	7E-12	2E-14	-	-
90	Thorium-229	W, see ^{226}Th	6E-1 Bone surf (1E+0)	9E-4 Bone surf (2E-3)	4E-13 -	- 3E-15	- 2E-8	- 2E-7
		Y, see ^{226}Th	-	2E-3 Bone surf (3E-3)	1E-12 -	- 4E-15	- -	- -
90	Thorium-230	W, see ^{226}Th	4E+0 Bone surf (9E+0)	6E-3 Bone surf (2E-2)	3E-12 -	- 2E-14	- 1E-7	- 1E-6
		Y, see ^{226}Th	-	2E-2 Bone surf (2E-2)	6E-12 -	- 3E-14	- -	- -
90	Thorium-231	W, see ^{226}Th	4E+3	6E+3	3E-6	9E-9	5E-5	5E-4
		Y, see ^{226}Th	-	6E+3	3E-6	9E-9	-	-
90	Thorium-232	W, see ^{226}Th	7E-1 Bone surf (2E+0)	1E-3 Bone surf (3E-3)	5E-13 -	- 4E-15	- 3E-8	- 3E-7
		Y, see ^{226}Th	-	3E-3 Bone surf (4E-3)	1E-12 -	- 6E-15	- -	- -
90	Thorium-234	W, see ^{226}Th	3E+2 LLI wall (4E+2)	2E+2 -	8E-8 -	3E-10 -	- 5E-6	- 5E-5
		Y, see ^{226}Th	-	2E+2	6E-8	2E-10	-	-
91	Protactinium-227[7]	W, all compounds except those given for Y	4E+3	1E+2	5E-8	2E-10	5E-5	5E-4
		Y, oxides and hydroxides	-	1E+2	4E-8	1E-10	-	-
91	Protactinium-228	W, see ^{227}Pa	1E+3	1E+1 Bone surf (2E+1)	5E-9 -	- 3E-11	2E-5 -	2E-4 -
		Y, see ^{227}Pa	-	1E+1	5E-9	2E-11	-	-
91	Protactinium-230	W, see ^{227}Pa	6E+2 Bone surf (9E+2)	5E+0 -	2E-9 -	7E-12 -	- 1E-5	- 1E-4
		Y, see ^{227}Pa	-	4E+0	1E-9	5E-12	-	-
91	Protactinium-231	W, see ^{227}Pa	2E-1 Bone surf (5E-1)	2E-3 Bone surf (4E-3)	6E-13 -	- 6E-15	- 6E-9	- 6E-8
		Y, see ^{227}Pa	-	4E-3 Bone surf	2E-12	-	-	-

			-	(6E-3)	-	8E-15	-	-
91	Protactinium-232	W, see ^{227}Pa	1E+3	2E+1 Bone surf	9E-9	-	2E-5	2E-4
			-	(6E+1)	-	8E-11	-	-
		Y, see ^{227}Pa	-	6E+1	2E-8	-	-	-
			-	Bone surf (7E+1)	-	1E-10	-	-
91	Protactinium-233	W, see ^{227}Pa	1E+3	7E+2	3E-7	1E-9	-	-
			LLI wall (2E+3)	-	-	-	2E-5	2E-4
		Y, see ^{227}Pa	-	6E+2	2E-7	8E-10	-	-
91	Protactinium-234	W, see ^{227}Pa	2E+3	8E+3	3E-6	1E-8	3E-5	3E-4
		Y, see ^{227}Pa	-	7E+3	3E-6	9E-9	-	-
92	Uranium-230	D, UF, UOF, UO(NO)	4E+0 Bone surf (6E+0)	4E-1 Bone surf (6E-1)	2E-10	-	-	-
					-	8E-13	8E-8	8E-7
		W, UO, UF, UCl	-	4E-1	1E-10	5E-13	-	-
		Y, UO, UO	-	3E-1	1E-10	4E-13	-	-
92	Uranium-231	D, see ^{230}U	5E+3	8E+3	3E-6	1E-8	-	-
			LLI wall (4E+3)	-	-	-	6E-5	6E-4
		W, see ^{230}U	-	6E+3	2E-6	8E-9	-	-
		Y, see ^{230}U	-	5E+3	2E-6	6E-9	-	-
92	Uranium-232	D, see ^{230}U	2E+0 Bone surf (4E+0)	2E-1 Bone surf (4E-1)	9E-11	-	-	-
					-	6E-13	6E-8	6E-7
		W, see ^{230}U	-	4E-1	2E-10	5E-13	-	-
		Y, see ^{230}U	-	8E-3	3E-12	1E-14	-	-
92	Uranium-233	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10	-	-	-
					-	3E-12	3E-7	3E-6
		W, see ^{230}U	-	7E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	5E-14	-	-
92	Uranium-234[3]	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10	-	-	-
					-	3E-12	3E-7	3E-6
		W, see ^{230}U	-	7E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	5E-14	-	-
92	Uranium-235[3]	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	6E-10	-	-	-
					-	3E-12	3E-7	3E-6
		W, see ^{230}U	-	8E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	6E-14	-	-
92	Uranium-236	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10	-	-	-
					-	3E-12	3E-7	3E-6
		W, see ^{230}U	-	8E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	6E-14	-	-
92	Uranium-237	D, see ^{230}U	2E+3	3E+3	1E-6	4E-9	-	-
			LLI wall (2E+3)	-	-	-	3E-5	3E-4
		W, see ^{230}U	-	2E+3	7E-7	2E-9	-	-
		Y, see ^{230}U	-	2E+3	6E-7	2E-9	-	-
92	Uranium-238[3]	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	6E-10	-	-	-
					-	3E-12	3E-7	3E-6
		W, see ^{230}U	-	8E-1	3E-10	1E-12	-	-
		Y, see ^{230}U	-	4E-2	2E-11	6E-14	-	-
92	Uranium-239[2]	D, see ^{230}U	7E+4	2E+5	8E-5	3E-7	9E-4	9E-3
		W, see ^{230}U	-	2E+5	7E-5	2E-7	-	-
		Y, see ^{230}U	-	2E+5	6E-5	2E-7	-	-
92	Uranium-240	D, see ^{230}U	1E+3	4E+3	2E-6	5E-9	2E-5	2E-4
		W, see ^{230}U	-	3E+3	1E-6	4E-9	-	-
		Y, see ^{230}U	-	2E+3	1E-6	3E-9	-	-
92	Uranium-natural[3]	D, see ^{230}U	1E+1 Bone surf (2E+1)	1E+0 Bone surf (2E+0)	5E-10	-	-	-
					-	3E-12	3E-7	3E-6
		W, see ^{230}U	-	8E-1	3E-10	9E-13	-	-
		Y, see ^{230}U	-	5E-2	2E-11	9E-14	-	-

93	Neptunium-232[2]	W, all compounds	1E+5	2E+3	7E-7	-	2E-3	2E-2
			-	Bone surf (5E+2)	-	6E-9	-	-
93	Neptunium-233[2]	W, all compounds	8E+5	3E+6	1E-3	4E-6	1E-2	1E-1
93	Neptunium-234	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
93	Neptunium-235	W, all compounds	2E+4	8E+2	3E-7	-	-	-
			LLI wall (2E+4)	Bone surf (1E+3)	-	2E-9	3E-4	3E-3
93	Neptunium-236 (1.15E+5 y)	W, all compounds	3E+0	2E-2	9E-12	-	-	-
			Bone surf (6E+0)	Bone surf (5E-2)	-	8E-14	9E-8	9E-7
93	Neptunium-236 (22.5 h)	W, all compounds	3E+3	3E+1	1E-8	-	-	-
			Bone surf (4E+3)	Bone surf (7E+1)	-	1E-10	5E-5	5E-4
93	Neptunium-237	W, all compounds	5E-1	4E-3	2E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	1E-14	2E-8	2E-7
93	Neptunium-238	W, all compounds	1E+3	6E+1	3E-8	-	2E-5	2E-4
			-	Bone surf (2E+2)	-	2E-10	-	-
93	Neptunium-239	W, all compounds	2E+3	2E+3	9E-7	3E-9	-	-
			LLI wall (2E+3)	-	-	-	2E-5	2E-4
93	Neptunium-240[2]	W, all compounds	2E+4	8E+4	3E-5	1E-7	3E-4	3E-3
94	Plutonium-234	W, all compounds except PuO	8E+3	2E+2	9E-8	3E-10	1E-4	1E-3
		Y, PuO	-	2E+2	8E-8	3E-10	-	-
94	Plutonium-235[2]	W, see ^{234}Pu	9E+5	3E+6	1E-3	4E-6	1E-2	1E-1
		Y, see ^{234}Pu	-	3E+6	1E-3	3E-6	-	-
94	Plutonium-236	W, see ^{234}Pu	2E+0	2E-2	8E-12	-	-	-
			Bone surf (4E+0)	Bone surf (4E-2)	-	5E-14	6E-8	6E-7
		Y, see ^{234}Pu	-	4E-2	2E-11	6E-14	-	-
94	Plutonium-237	W, see ^{234}Pu	1E+4	3E+3	1E-6	5E-9	2E-4	2E-3
		Y, see ^{234}Pu	-	3E+3	1E-6	4E-9	-	-
94	Plutonium-238	W, see ^{234}Pu	9E-1	7E-3	3E-12	-	-	-
			Bone surf (2E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see ^{234}Pu	-	2E-2	8E-12	2E-14	-	-
94	Plutonium-239	W, see ^{234}Pu	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see ^{234}Pu	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-240	W, see ^{234}Pu	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see ^{234}Pu	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-241	W, see ^{234}Pu	4E+1	3E-1	1E-10	-	-	-
			Bone surf (7E+1)	Bone surf (6E-1)	-	8E-13	1E-6	1E-5
		Y, see ^{234}Pu	-	8E-1	3E-10	-	-	-
			-	Bone surf (1E+0)	-	1E-12	-	-
94	Plutonium-242	W, see ^{234}Pu	8E-1	7E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
		Y, see ^{234}Pu	-	2E-2	7E-12	-	-	-
			-	Bone surf (2E-2)	-	2E-14	-	-
94	Plutonium-243	W, see ^{234}Pu	2E+4	4E+4	2E-5	5E-8	2E-4	2E-3
		Y, see ^{234}Pu	-	4E+4	2E-5	5E-8	-	-

94	Plutonium-244	W, see ^{234}Pu	8E-1 Bone surf (2E+0)	7E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
		Y, see ^{234}Pu	- -	2E-2 Bone surf (2E-2)	7E-12 -	- 2E-14	- -	- -
94	Plutonium-245	W, see ^{234}Pu	2E+3	5E+3	2E-6	6E-9	3E-5	3E-4
		Y, see ^{234}Pu	-	4E+3	2E-6	6E-9	-	-
94	Plutonium-246	W, see ^{234}Pu	4E+2 LLI wall (4E+2)	3E+2 -	1E-7 -	4E-10 -	- 6E-6	- 6E-5
		Y, see ^{234}Pu	-	3E+2	1E-7	4E-10	-	-
95	Americium-237[2]	W, all compounds	8E+4	3E+5	1E-4	4E-7	1E-3	1E-2
95	Americium-238[2]	W, all compounds	4E+4	3E+3	1E-6	-	5E-4	5E-3
			-	Bone surf (6E+3)	-	9E-9	-	-
95	Americium-239	W, all compounds	5E+3	1E+4	5E-6	2E-8	7E-5	7E-4
95	Americium-240	W, all compounds	2E+3	3E+3	1E-6	4E-9	3E-5	3E-4
95	Americium-241	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
95	Americium-242m	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
95	Americium-242	W, all compounds	4E+3	8E+1 Bone surf (9E+1)	4E-8 -	- 1E-10	5E-5 -	5E-4 -
95	Americium-243	W, all compounds	8E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
95	Americium-244m[2]	W, all compounds	6E+4 St wall (8E+4)	4E+3 Bone surf (7E+3)	2E-6 -	- 1E-8	- 1E-3	- 1E-2
95	Americium-244	W, all compounds	3E+3	2E+2 Bone surf (3E+2)	8E-8 -	- 4E-10	4E-5 -	4E-4 -
95	Americium-245	W, all compounds	3E+4	8E+4	3E-5	1E-7	4E-4	4E-3
95	Americium-246m[2]	W, all compounds	5E+4 St wall (6E+4)	2E+5 -	8E-5 -	3E-7 -	- 8E-4	- 8E-3
95	Americium-246[2]	W, all compounds	3E+4	1E+5	4E-5	1E-7	4E-4	4E-3
96	Curium-238	W, all compounds	2E+4	1E+3	5E-7	2E-9	2E-4	2E-3
96	Curium-240	W, all compounds	6E+1 Bone surf (8E+1)	6E-1 Bone surf (6E-1)	2E-10 -	- 9E-13	- 1E-6	- 1E-5
96	Curium-241	W, all compounds	1E+3	3E+1 Bone surf (4E+1)	1E-8 -	- 5E-11	2E-5 -	2E-4 -
96	Curium-242	W, all compounds	3E+1 Bone surf (5E+1)	3E-1 Bone surf (3E-1)	1E-10 -	- 4E-13	- 7E-7	- 7E-6
96	Curium-243	W, all compounds	1E+0 Bone surf (2E+0)	9E-3 Bone surf (2E-2)	4E-12 -	- 2E-14	- 3E-8	- 3E-7
96	Curium-244	W, all compounds	1E+0 Bone surf (3E+0)	1E-2 Bone surf (2E-2)	5E-12 -	- 3E-14	- 3E-8	- 3E-7
96	Curium-245	W, all compounds	7E-1 Bone surf (1E+0)	6E-3 Bone surf (1E-2)	3E-12 -	- 2E-14	- 2E-8	- 2E-7
96	Curium-246	W, all compounds	7E-1	6E-3	3E-12	-	-	-

			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
96	Curium-247	W, all compounds	8E-1	6E-3	3E-12	-	-	-
			Bone surf (1E+0)	Bone surf (1E-2)	-	2E-14	2E-8	2E-7
96	Curium-248	W, all compounds	2E-1	2E-3	7E-13	-	-	-
			Bone surf (4E-1)	Bone surf (3E-3)	-	4E-15	5E-9	5E-8
96	Curium-249[2]	W, all compounds	5E+4	2E+4	7E-6	-	7E-4	7E-3
			-	Bone surf (3E+4)	-	4E-8	-	-
96	Curium-250	W, all compounds	4E-2	3E-4	1E-13	-	-	-
			Bone surf (6E-2)	Bone surf (5E-4)	-	8E-16	9E-10	9E-9
97	Berkelium-245	W, all compounds	2E+3	1E+3	5E-7	2E-9	3E-5	3E-4
97	Berkelium-246	W, all compounds	3E+3	3E+3	1E-6	4E-9	4E-5	4E-4
97	Berkelium-247	W, all compounds	5E-1	4E-3	2E-12	-	-	-
			Bone surf (1E+0)	Bone surf (9E-3)	-	1E-14	2E-8	2E-7
97	Berkelium-249	W, all compounds	2E+2	2E+0	7E-10	-	-	-
			Bone surf (5E+2)	Bone surf (4E+0)	-	5E-12	6E-6	6E-5
97	Berkelium-250	W, all compounds	9E+3	3E+2	1E-7	-	1E-4	1E-3
			-	Bone surf (7E+2)	-	1E-9	-	-
98	Californium-244[2]	W, all compounds except those given for Y	3E+4	6E+2	2E-7	8E-10	-	-
			St wall (3E+4)	-	-	-	4E-4	4E-3
		Y, oxides and hydroxides	-	6E+2	2E-7	8E-10	-	-
98	Californium-246	W, see ^{244}Cf	4E+2	9E+0	4E-9	1E-11	5E-6	5E-5
		Y, see ^{244}Cf	-	9E+0	4E-9	1E-11	-	-
98	Californium-248	W, see ^{244}Cf	8E+0	6E-2	3E-11	-	-	-
			Bone surf (2E+1)	Bone surf (1E-1)	-	2E-13	2E-7	2E-6
		Y, see ^{244}Cf	-	1E-1	4E-11	1E-13	-	-
98	Californium-249	W, see ^{244}Cf	5E-1	4E-3	2E-12	-	-	-
			Bone surf (1E+0)	Bone surf (9E-3)	-	1E-14	2E-8	2E-7
		Y, see ^{244}Cf	-	1E-2	4E-12	-	-	-
			-	Bone surf (1E-2)	-	2E-14	-	-
98	Californium-250	W, see ^{244}Cf	1E+0	9E-3	4E-12	-	-	-
			Bone surf (2E+0)	Bone surf (2E-2)	-	3E-14	3E-8	3E-7
		Y, see ^{244}Cf	-	3E-2	1E-11	4E-14	-	-
98	Californium-251	W, see ^{244}Cf	5E-1	4E-3	2E-12	-	-	-
			Bone surf (1E+0)	Bone surf (9E-3)	-	1E-14	2E-8	2E-7
		Y, see ^{244}Cf	-	1E-2	4E-12	-	-	-
			-	Bone surf (1E-2)	-	2E-14	-	-
98	Californium-252	W, see ^{244}Cf	2E+0	2E-2	8E-12	-	-	-
			Bone surf (5E+0)	Bone surf (4E-2)	-	5E-14	7E-8	7E-7
		Y, see ^{244}Cf	-	3E-2	1E-11	5E-14	-	-
98	Californium-253	W, see ^{244}Cf	2E+2	2E+0	8E-10	3E-12	-	-
			Bone surf (4E+2)	-	-	-	5E-6	5E-5
		Y, see ^{244}Cf	-	2E+0	7E-10	2E-12	-	-
98	Californium-254	W, see ^{244}Cf	2E+0	2E-2	9E-12	3E-14	3E-8	3E-7
		Y, see ^{244}Cf	-	2E-2	7E-12	2E-14	-	-
99	Einsteinium-250	W, all compounds	4E+4	5E+2	2E-7	-	6E-4	6E-3
			-	Bone surf (1E+3)	-	2E-9	-	-

99	Einsteinium-251	W, all compounds	7E+3	9E+2	4E-7	-	1E-4	1E-3
			-	Bone surf (1E+3)	-	2E-9	-	-
99	Einsteinium-253	W, all compounds	2E+2	1E+0	6E-10	2E-12	2E-6	2E-5
99	Einsteinium-254m	W, all compounds	3E+2	1E+1	4E-9	1E-11	-	-
			LLI wall (3E+2)	-	-	-	4E-6	4E-5
99	Einsteinium-254	W, all compounds	8E+0	7E-2	3E-11	-	-	-
			Bone surf (2E+1)	Bone surf (1E-1)	-	2E-13	2E-7	2E-6
100	Fermium-252	W, all compounds	5E+2	1E+1	5E-9	2E-11	6E-6	6E-5
100	Fermium-253	W, all compounds	1E+3	1E+1	4E-9	1E-11	1E-5	1E-4
100	Fermium-254	W, all compounds	3E+3	9E+1	4E-8	1E-10	4E-5	4E-4
100	Fermium-255	W, all compounds	5E+2	2E+1	9E-9	3E-11	7E-6	7E-5
100	Fermium-257	W, all compounds	2E+1	2E-1	7E-11	-	-	-
			Bone surf (4E+1)	Bone surf (2E-1)	-	3E-13	5E-7	5E-6
101	Mendelevium-257	W, all compounds	7E+3	8E+1	4E-8	-	1E-4	1E-3
			-	Bone surf (9E+1)	-	1E-10	-	-
101	Mendelevium-258		W, all compounds		3E+1	2E-1	1E-10	---
			Bone surf (5E+1)	Bone surf (3E-1)	-	5E-13	6E-7	6E-6
-	A single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life less than 2 hours	Submersion[1]	-	2E+2	1E-7	1E-9	-	-
-	A single radionuclide not listed above with decay mode other than alpha emission or spontaneous fission and with radioactive half-life greater than 2 hours		-	2E-1	1E-10	1E-12	1E-8	1E-7
-	A single radionuclide not listed above that decays by alpha emission or spontaneous fission, or a mixture for which either the identity or the concentration of a radionuclide in the mixture is not known		-	4E-4	2E-13	1E-15	2E-9	2E-8
If it is known that Ac-227-D and Cm-250-W are not present			-	7E-4	3E-13	-	-	-
If, in addition, it is known that Ac-227-W,Y, Th-229-W,Y, Th-230-W, Th-232-W,Y, Pa-231-W,Y, Np-237-W, Pu-239-W, Pu-240-W, Pu-242-W, Am-241-W, Am-242m-W, Am-243-W, Cm-245-W, Cm-246-W, Cm-247-W, Cm-248-W, Bk-247-W, Cf-249-W, and Cf-251-W are not present			-	7E-3	3E-12	-	-	-
If, in addition, it is known that Sm-146-W, Sm-147-W, Gd-148-D,W, Gd-152-D,W, Th-228-W,Y, Th-230-Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, Np-236-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-Y, Pu-240-Y, Pu-242-Y, Pu-244-W,Y, Cm-243-W, Cm-244-W, Cf-248-W, Cf-249-Y, Cf-250-W,Y, Cf-251-Y, Cf-252-W,Y, and Cf-254-W,Y are not present			-	7E-2	3E-11	-	-	-
If, in addition, it is known that Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-Y, Es-254-W, Fm-257-W, and Md-258-W are not present			-	7E-1	3E-10	-	-	-
If, in addition, it is known that Si-32-Y, Ti-44-Y, Fe-60-D, Sr-90-Y, Zr-93-D, Cd-113m-D, Cd-113-D, In-115-D,W, La-138-D, Lu-176-W, Hf-178m-D,W, Hf-182-D,W, Bi-210m-D,								

Ra-224-W, Ra-228-W, Ac-226-D,W,Y, Pa-230-W,Y, U-233-D,W, U-234-D,W, U-235-D,W, U-236-D,W, U-238-D,W, Pu-241-Y, Bk-249-W, Cf-253-W,Y, and Es-253-W are not present	-	7E+0	3E-9	-	-	-
If it is known that Ac-227-D,W,Y, Th-229-W,Y, Th-232-W,Y, Pa-231-W,Y, Cm-248-W, and Cm-250-W are not present	-	-	-	1E-14	-	-
If, in addition, it is known that Sm-146-W, Gd-148-D,W, Gd-152-D, Th-228-W,Y, Th-230-W,Y, U-232-Y, U-233-Y, U-234-Y, U-235-Y, U-236-Y, U-238-Y, U-Nat-Y, Np-236-W, Np-237-W, Pu-236-W,Y, Pu-238-W,Y, Pu-239-W,Y, Pu-240-W,Y, Pu-242-W,Y, Pu-244-W,Y, Am-241-W, Am-242m-W, Am-243-W, Cm-243-W, Cm-244-W, Cm-245-W, Cm-246-W, Cm-247-W, Bk-247-W, Cf-249-W,Y, Cf-250-W,Y, Cf-251-W,Y, Cf-252-W,Y, and Cf-254-W,Y are not present	-	-	-	1E-13	-	-
If, in addition, it is known that Sm-147-W, Gd-152-W, Pb-210-D, Bi-210m-W, Po-210-D,W, Ra-223-W, Ra-225-W, Ra-226-W, Ac-225-D,W,Y, Th-227-W,Y, U-230-D,W,Y, U-232-D,W, U-Nat-W, Pu-241-W, Cm-240-W, Cm-242-W, Cf-248-W,Y, Es-254-W, Fm-257-W, and Md-258-W are not present	-	-	-	1E-12	-	
If, in addition it is known that Fe-60, Sr-90, Cd-113m, Cd-113, In-115, I-129, Cs-134, Sm-145, Sm-147, Gd-148, Gd-152, Hg-194 (organic), Bi-210m, Ra-223, Ra-224, Ra-225, Ac-225, Th-228, Th-230, U-233, U-234, U-235, U-236, U-238, U-Nat, Cm-242, Cf-248, Es-254, Fm-257, and Md-258 are not present	-	-	-	-	1E-6	1E-5

FOOTNOTES:

[1]"Submersion" means that values given are for submersion in a hemispherical semi-infinite cloud of airborne material.

[2]These radionuclides have radiological half-lives of less than 2 hours. The total effective dose equivalent received during operations with these radionuclides may include a significant contribution from external exposure. The DAC values for all radionuclides, other than those designated Class "Submersion," are based upon the committed effective dose equivalent due to the intake of the radionuclide into the body and do NOT include potentially significant contributions to dose equivalent from external exposures. The licensee may substitute 1E-7 μCi/ml for the listed DAC to account for the submersion dose prospectively, but may use individual monitoring devices or other radiation measuring instruments that measure external exposure to demonstrate compliance with the limits. (See Section 43 of this administrative regulation)

[3]For soluble mixtures of U-238, U-234, and U-235 in air, chemical toxicity may be the limiting factor (Section 3(5) of this administrative regulation). If the percent by weight (enrichment) of U-235 is not greater than five (5), the concentration value for a forty (40) hour workweek is two-tenths (0.2) milligrams uranium per cubic meter of air average. For enrichment, the product of the average concentration and time of exposure during a forty (40) hour workweek shall not exceed 8E-3 (SA) μCi-hr/ml, if SA is the specific activity of the uranium inhaled. The specific activity for natural uranium is 6.77E-7 curies per gram U. The specific activity for other mixtures of U-238, U-235, and U-234, if not known, shall be:

SA = 3.6E-7 curies/gram U U-depleted

SA = [0.4 + 0.38 (enrichment) + 0.0034 (enrichment)^2] E-7, enrichment ≥ 0.72

"Enrichment is the percentage by weight of U-235, expressed as percent.

NOTE:

1. If the identity of each radionuclide in a mixture is known but the concentration of one or more of the radionuclides in the mixture is not known, the DAC for the mixture shall be the most restrictive DAC of a radionuclide in the mixture.

2. If the identity of each radionuclide in the mixture is not known, but it is known that certain radionuclides specified in this appendix are not present in the mixture, the inhalation ALI, DAC, and effluent and sewage concentrations for the mixture shall be the lowest values specified in this appendix for a radionuclide that is not known to be absent from the mixture; or

3. If a mixture of radionuclides consists of uranium and its daughters in ore dust (ten (10) μm AMAD particle distribution assumed) prior to chemical separation of the uranium from the ore, the following values may be used for the DAC of the mixture: 6E-11 μCi of gross alpha activity from uranium-238, uranium-234, thorium-230, and radium-226 per milliliter of air; 3E-11 μCi of natural uranium per milliliter of air; or forty-five (45) micrograms of natural uranium per cubic meter of air.

4. If the identity and concentration of each radionuclide in a mixture are known, the limiting values may be derived as follows: determine, for each radionuclide in the mixture, the ratio between the concentration present in the mixture and the concentration otherwise established in Section 44 of this administrative regulation for the specific radionuclide if not in a mixture. The sum of ratios for the radionuclides in the mixture shall not exceed "1" (i.e., "unity").

Example: If radionuclides "A," "B," and "C" are present in concentrations CA, CB, and CC, and if the applicable DACs are DAC_A, DAC_B, and DAC_C, respectively, then the concentrations shall be limited so that the following relationship exists:

$$\frac{C_A}{DAC_A} + \frac{C_B}{DAC_B} + \frac{C_C}{DAC_C}$$

Section 45. Material Incorporated by Reference. (1) The following forms are incorporated by reference:

(a) NRC Form 4, "Cumulative Occupational Exposure History," (June 1992)"; and

(b) NRC Form 5, "Occupational Exposure Record for a Monitoring Period," (June 1992).

(2) The forms in subsection (1) of this section may be viewed or copied at the Office of the Commissioner of Health Services, 275 East Main Street, Frankfort, Kentucky 40621, 8 a.m. until 4:30 p.m., Monday through Friday.

Section 46. 902 KAR 100:020, Standards for Protection Against Radiation, and 902 KAR 100:025, Concentration Above Natural Background for Air and Water, are hereby repealed.

RICE C. LEACH, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 9, 1993
FILED WITH LRC: January 14, 1994 at 11 a.m.
PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for February 22, 1994, at 9 a.m., in the Health Services Auditorium located on the first floor of the Health Services Building, 275 East Main Street, Frankfort, Kentucky. This hearing will be cancelled unless interested persons notify the following office in writing by February 17, 1994, of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John A. Volpe, Ph.D.
(1) Type and number of entities affected: 388 licensees.
(a) Direct and indirect costs or savings to those affected:
1. First year: A cost will be realized by some licensees for training employees in regards to the proposed standards, in revising current recordkeeping systems, and in some cases providing additional shielding.
2. Continuing costs or savings: No continuing costs should be incurred by the licensees after the initial costs.
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: Changes in reporting and paperwork requirements will be required by some licensees.
(2) Effects on the promulgated administrative body: Major impact, due to training of agency staff and providing help to licensees in implementing new standards and requirements.
(a) Direct and indirect costs or savings:
1. First year: Costs will be incurred by the agency due to providing copies of regulations to licensees, in providing interpretations and explanation of the new standards and in training of agency staff on implementation of new standards.
2. Continuing costs or savings: There are no continuing costs or savings.
3. Additional factors increasing or decreasing costs: None
(b) Reporting and paperwork requirements:
(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.
(4) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative.
(5) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: No statute, regulation or policy will conflict, overlap or duplicate this regulation.
(a) Necessity of proposed administrative 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 licensees are affected by this regulation. The agreement Kentucky has with the U.S. Nuclear Regulatory Commission requires uniformity of this regulation. It applies to all licensees or persons using radioactive material.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 10 CFR Part 20.
2. State compliance standards. The standards provides requirements for protection against ionizing radiation.
3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires state regulations to be compatible for standards for protection against ionizing radiation.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation will impose identical requirements and responsibilities as required by the federal mandate.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no different, stricter or additional responsibilities or requirements.

CABINET FOR HUMAN RESOURCES
Department for Health Services
Division of Environmental Health & Community Safety

902 KAR 100:041. Quantities of radioactive materials requiring consideration of the need for an emergency plan.

RELATES TO: KRS 211.842 to 211.852, 211.990(4), 42 U.S.C. 11001, 10 CFR 30.32, 30.72
STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.844, 42 U.S.C. 11001, 10 CFR 30.32, 30.72
NECESSITY AND FUNCTION: KRS 211.844 authorizes the Cabinet for Human Resources to provide by administrative regulation for the registration and licensing of the possession or use of sources of ionizing or electronic product radiation, and the handling and disposal of radioactive waste. This administrative regulation provides requirements for emergency plans for responding to a release of radioactive material or waste, and shall apply to a person, applicant, or licensee required to submit an emergency plan.

Section 1. General Requirements. A license application to possess or a license authorizing the possession of radioactive materials in unsealed form, on foils or plated sources, or sealed in glass in excess of the quantities in Section 4(1) of this administrative regulation shall contain:
(1) An evaluation showing the maximum dose to a person off site due to a release of radioactive materials shall not exceed one (1) rem effective dose equivalent or five (5) rems to the thyroid; or
(2) An emergency plan for responding to a release of radioactive material.

Section 2. Factors Supporting an Evaluation. One (1) or more of the following factors may be used to support an evaluation submitted pursuant to Section 1(1) of this administrative regulation:
(1) The radioactive material is physically separated that only a portion may be involved in an accident.
(2) The radioactive material, or part of the radioactive material, shall not be subject to release during an accident because of storage or packaging.
(3) The release fraction in the respirable size range may be lower than the release fraction shown in Section 4(1) of this administrative regulation due to the chemical or physical form of the material.
(4) The solubility of the radioactive material may reduce the dose received.
(5) Facility design or engineered safety features in the facility may cause the release fraction to be lower than the limits in Section 4(1) of this administrative regulation.
(6) Operating restrictions or procedures may prevent a release

fraction as large as that shown in Section 4(1) of this administrative regulation.

(7) Other factors appropriate for the specific facility as determined by the cabinet.

Section 3. Emergency Plan Information. (1) An emergency plan for responding to a release of radioactive material submitted pursuant to Section 1(2) of this administrative regulation shall include:

(a) Facility description. A brief description of the licensee's facility and area near the site.

(b) Types of accidents. An identification of each type of radioactive materials accident for which protective actions may be needed.

(c) Classification of accidents. A classification system for classifying accidents as alerts or site area emergencies.

(d) Detection of accidents. Identification of the means of detecting each type of accident in a timely manner.

(e) Mitigation of consequences. A brief description of the means and equipment for mitigating the consequences of each type of accident, including those provided to protect workers on site, and the program for maintaining the equipment.

(f) Assessment of releases. A brief description of the methods and equipment to assess releases of radioactive materials.

(g) Responsibilities. A brief description of the responsibilities of licensee personnel if an accident occurs, including identification of personnel responsible for promptly notifying off site response organizations and the Radiation Control Branch, and responsibilities for developing, maintaining, and updating the plan.

(h) Notification and coordination. A brief description of the means to promptly notify off site response organizations and request off site assistance, including medical assistance for the treatment of contaminated injured on site workers, if appropriate.

1. A control point shall be established.

2. Unavailability of personnel, parts of a facility, and equipment shall not exempt the licensee from notification and coordination requirements.

3. The licensee shall notify the appropriate off site response organizations immediately after the licensee declares an emergency and the Radiation Control Branch within one (1) hour.

(i) Information to be communicated. A brief description of the types of information on facility status, radioactive releases, and recommended protective actions, if necessary, to be given to off site response organizations and the Radiation Control Branch.

(j) Training. A brief description of the frequency, performance objectives, and licensee's plan for training workers to respond to an emergency, including special instructions and orientation tours offered by licensee to fire, police, medical, and other emergency personnel. Training shall:

1. Familiarize personnel with site-specific emergency procedures; and

2. Thoroughly prepare site personnel for responsibilities in the event of accident scenarios postulated as most probable for the specific site, including the use of team training for the scenarios.

(k) Safe shutdown. A brief description of the means of restoring the facility to a safe condition after an accident.

(l) Exercises.

1. Provisions for conducting quarterly communication checks with off site response organizations, and biennial on site exercises to test response to simulated emergencies.

a. Quarterly communication checks with off site response organizations shall include the check and update of necessary telephone numbers.

b. The licensee shall invite off site response organizations to participate in the biennial exercises. Participation of off site response organizations in biennial exercises, although recommended, is not required.

2. Exercises shall use accident scenarios postulated as most probable for the specific site, and the scenarios shall not be known to most exercise participants.

3. The licensee shall critique each exercise using individuals without direct implementation responsibility for the plan. Critiques of exercises shall evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response.

4. Deficiencies found by the critiques shall be corrected.

(m) Hazardous chemicals. A certification stating the applicant has met responsibilities pursuant to 42 USC 11001, Emergency Planning and Community Right-to-Know Act of 1986, if applicable to the applicant's activities at the proposed place of use of the radioactive material.

(2) The licensee shall allow off site response organizations expected to respond if an accident occurs sixty (60) days to comment on the licensee's emergency plan before submitting the plan to Radiation Control Branch. The licensee shall provide comments received within the sixty (60) days to the Radiation Control Branch with the emergency plan.

Section 4. Quantities of Radioactive Materials. (1) The following table provides the quantities of radioactive materials requiring consideration of the need of an emergency plan for responding to a release:

Radioactive Material	Release fraction	Quantity (curies)
Actinium-228	0.001	4,000
Americium-241	.001	2
Americium-242	.001	2
Americium-243	.001	2
Antimony-124	.01	4,000
Antimony-126	.01	6,000
Barium-133	.01	10,000
Barium-140	.01	30,000
Bismuth-207	.01	5,000
Bismuth-210	.01	600
Cadmium-109	.01	1,000
Cadmium-113	.01	80
Calcium-45	.01	20,000
Californium-252	.001	9(20 mg)
Carbon-14 Non CO	.01	50,000
Cerium-141	.01	10,000
Cerium-144	.01	300
Cesium-134	.01	2,000
Cesium-137	.01	3,000
Chlorine-36	.5	100
Chromium-51	.01	300,000
Cobalt-60	.001	5,000
Copper-64	.01	20,000
Curium-242	.001	60
Curium-243	.001	3
Curium-244	.001	4
Curium-245	.001	2
Europium-152	.01	500
Europium-154	.01	400
Europium-155	.01	3,000
Germanium-68	.01	2,000
Gadolinium-153	.01	5,000
Gold-198	.01	30,000
Hafnium-172	.01	400
Hafnium-181	.01	7,000
Holmium166m	.01	7,000
Hydrogen-3	.5	100
Iodine-125	.5	20,000
Iodine-131	.5	10
Indium-114m	.01	1,000

Iridium-192	.001	40,000
Iron-55	.01	40,000
Iron-59	.01	7,000
Krypton-85	1.0	6,00,000
Lead-210	.01	8
Manganese-56	.01	60,000
Mercury-203	.01	10,000
Molybdenum-99	.01	30,000
Neptunium-237	.001	2
Nickel-63	.01	20,000
Niobium-94	.01	300
Phosphorus-32	.5	100
Phosphorus-33	.5	1,000
Polonium-32	.01	10
Potassium-42	.01	9,000
Promethium-145	.01	4,000
Promethium-147	.01	4,000
Ruthenium-106	.01	200
Samarium-151	.01	4,000
Scandium-46	.01	3,000
Selenium-75	.01	10,000
Silver-110m	.01	1,000
Sodium-22	.01	9,000
Sodium-24	.01	10,000
Strontium-89	.01	3,000
Strontium-90	.01	90
Sulfur-35	.5	900
Technetium-99	.01	10,000
Technetium-99m	.01	400,000
Tellurium-127m	.01	5,000
Tellurium-129m	.01	5,000
Terbium-160	.01	4,000
Thulium-170	.01	4,000
Tin-113	.01	10,000
Tin-123	.01	3,000
Tin-126	.01	1,000
Titanium-44	.01	100
Vanadium-48	.01	7,000
Xenon-133	1.0	900,000
Yttrium-91	.01	2,000
Zinc-65	.01	5,000
Zirconium-93	.01	400
Zirconium-95	.01	5,000
Other beta-gamma emitter	.01	10,000
Mixed corrosion products	.01	10,000
Mixed fission products	.01	1,000
Contaminated equipment beta gamma	.001	10,000
Irradiated material, forms other than solid noncombustible	.01	1,000
Irradiated material, solid noncombustible	.001	10,000
Mixed radioactive waste, beta-gamma	.01	1,000
Packaged mixed waste, beta-gamma	.001	10,000
Other alpha emitter	.001	2
Contaminated equipment, alpha	.0001	20
Packaged waste, alpha	.0001	20

(2) For combinations of radioactive materials, consideration of the need for an emergency plan shall be required if the sum of the ratios of the quantity of each radioactive material authorized to the quantity listed for that material in subsection (1) of this section exceeds one (1).

(3) Waste packaged in Type B containers shall not require an emergency plan.

RICE C. LEACH, Commissioner
FONTAINE BANKS, JR., Secretary
APPROVED BY AGENCY: December 9, 1993
FILED WITH LRC: January 14, 1994 at 11 a.m.

PUBLIC HEARING: A public hearing on this administrative regulation has been scheduled for February 21, 1994, at 9 a.m., in the Health Services Auditorium located on the first floor of the Health Services Building, 275 East Main Street, Frankfort, Kentucky. This hearing will be cancelled unless interested persons notify the following office in writing by February 16, 1994, of their desire to appear and testify at the hearing: William K. Moore, Deputy Counsel for Administrative Law, Department of Law, Cabinet for Human Resources, 275 East Main Street - 4 West, Frankfort, Kentucky 40621.

REGULATORY IMPACT ANALYSIS

Agency Contact Person: John A. Volpe, Ph.D.

(1) Type and number of entities affected: Presently, no licensees are affected.

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

1. First year: If a licensee is required to submit a plan, a cost would be involved in writing the plan.

2. Continuing costs or savings: Periodic testing of the plan could be a continuing cost to licensees.

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: Additional paperwork in writing the plan would be required.

(2) Effects on the promulgated administrative body: No impact at present.

(a) Direct and indirect costs or savings:

1. First year: The agency would be required to review their submitted plan.

2. Continuing costs or savings: None

3. Additional factors increasing or decreasing costs: None

(b) Reporting and paperwork requirements:

(3) Assessment of anticipated effect on state and local revenues: No effect on state or local revenues is anticipated.

(4) Assessment of alternative methods; reasons why alternatives were rejected: There is no alternative.

(5) Identify any statute, administrative regulation or governmental policy which may be in conflict, overlapping, or duplication: No statute, regulation or policy will conflict, overlap or duplicate this regulation.

(a) Necessity of proposed administrative regulation if in conflict:

(b) If in conflict, was effort made to harmonize the proposed administrative regulation with conflicting provisions:

(6) Any additional information or comments: None

TIERING: Was tiering applied? Yes. Licensees will have different possession limits and thus emergency plans will vary in complexity and cost to implement. In addition, some licensees will not be required to submit an emergency plan.

FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. 10 CFR Parts 30, 40 and 70.

2. State compliance standards. The federal standard requires submission of an emergency plan if quantities of radioactive materials exceed the listed quantities.

3. Minimum or uniform standards contained in the federal mandate. The federal mandate requires state regulations to be compatible with federal requirements for submission of emergency plans.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those

required by the federal mandate? This administrative regulation will impose identical requirements and responsibilities as required by the federal mandate.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no different, stricter or additional responsibilities or requirements.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of the January 5, 1994 Meeting

The January meeting of the Administrative Regulation Review Subcommittee was held on Wednesday, January 5, 1994, at 10 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 December 7, 1993 meeting were approved.

Present were:

Members: Representative Tom Kerr, Chairman; Senators Tom Smith, Nick Kafoglis; Representatives Jim Bruce and James Yates.

Guests: Julie True, Jean-Ann Gabbard, Lowell Clark, Frank Willey, Dan Egbers, Department of Personnel; Hanson Williams, Personnel Board; Bill Pettus, State Board of Podiatry; Dave Nicholas, Division of Occupations and Professions; Tom Bennett, Department of Fish and Wildlife Resources; Stephen A. Coleman, Division of Conservation; David W. Morgan, Bruce Williams, Phillip Shepherd, Jack A. Wilson, Abbie Meyer, Michael Welch, Kay Harker, Bob Logan, James Hale, Karen Armstrong-Cummings, Linda Stacy, John Hornback, Natural Resources and Environmental Protection; Jack Damron, Louis Smith, Department of Corrections; Steve Coffey, Sandra Pullen, Transportation Cabinet; Nadine Cox, Debbie Schumacher, Department of Education; Roland Goddu, Akeel Zaheer, Education Professional Standards Board; Delmus Murrell, Beverly H. Haverstock, Dwayne Gatewood, Workforce Development Cabinet; D. J. Wasson, Carla H. Montgomery, Department of Insurance; Mike Fulkerson, Kentucky Racing Commission; Karen Doyle, Danna Droz, Mark D. Birdwhistell, Tom Graham, Masten Childers II, Anita Moore, John H. Walker, Bill Griffin, Ked Fitzpatrick, Cabinet for Human Resources; Larry O'Nan, Charlotte Quarles, Revenue; Dandridge F. Walton, KADA; John Cooper, KBA; Berrie Smith, Sylvan Smith, KFA; William S. Wester, Michael R. Porter, Kentucky Dental Association; John Brazel, Mike Ridenour, Kentucky Chamber of Commerce; Larry Maggard, John Nichols, Associated Industries of Kentucky; Carl Breeding, WESTVACO; Mike Helton, Kentucky Petroleum Council; Michael M. Kumpf, BP America; Roy Strange, Ashland Oil, Inc.; Sarah S. Nicholson, Kentucky Hospital Association; Sherman C. Hockenbury, Kentucky Ambulance Providers Association; Lucy LaFontaine, Radiography; Neil Kellen, Henderson City-County Ambulance Service; Ken Knipper, Kentucky Firefighters Association; Mike Swift, Barren-Metcalfe EMS; Jim Butler, Florence Fire And EMS; Rich Lewis, Jane Ann C. Bradford, Jefferson County Public Schools; Paul Bendl Smith, Early Childhood Advisory Council; Vicki Stayton, Kentucky Early Intervention System Interagency Coordinating Council; Joe Gray, Kentucky Court of Justice; Jim Carloss, Kentucky Assoc. Realtors; Lyle D. Cobb, KNA; Clair Nichols, Dennis Conniff, Kentucky Reduced RVP Coalition; Scott Adams, WFKY; James E. Baker, Western Kentucky Coal Association; Chuck Lambert; Sharon Roark, WKED Radio.

LRC Staff: Greg Karambellas, O. Joseph Hood, Tom Troth, Susan Wunderlich, Peggy Jones, Donna Valencia, Susan Eastman, Don Hines, Bill Stearns.

The Subcommittee determined that the following administrative regulations did not comply with statutory requirements:

Education Professional Standards Board

704 KAR 20:620. Interdisciplinary early childhood education, birth to primary. This administrative regulation was amended to: (1) Delete the reference to "Valued Educator Outcomes" and insert "Teacher Performance Standards"; (2) Delete the reference to "Learner Outcomes" and insert the reference to the learner goals found in KRS 158.6451; and (3) delete several pages from the administrative regulation that the Education and Professional Standards Board thought were unclear.

Paula Smith, parent representative on the early childhood advisory council, established by KERA, stated that: (1) she was appointed by the Governor to advise the Kentucky Department of Education and Dr. Boysen about the early childhood programs within the state; (2) she maintained contact with parents throughout the state, including: (a) parents who choose to use Kentucky's public preschool and those who do not; (b) parents who use private day cares and preschools; and (c) parents who are convinced that young children are best cared for by their parents. Ms. Smith stated that parents: (1) are driven to achieve the highest quality of care for their children in all circumstances; (2) are frustrated by the lack of a professional certification for preschool workers so that they can be assured that those who care for their children will have appropriate training; (3) want a professional to care for their children who understands the development of young children and can help families understand the special needs of preschool children; (4) are frustrated when told that a child does not warrant any special attention until the age of five years old. She added that the concern for quality, sensitivity to family needs and a request for developmentally appropriate training are what led to the development of this administrative regulation; and that parents want this certification.

Chairman Kerr pointed out that: (1)(a)there appeared to be a lack of statutory authority to certify teachers for children from birth to age five; (b) the general assembly may need to grant appropriate statutory authority to allow certification of preschool personnel for ages birth to five; (c) this administrative regulation cannot be approved if there is no statutory authority; (2) the learner outcomes were referenced in this administrative regulation but have never been promulgated in an administrative regulation; and (3) the subcommittee has taken the position that it cannot approve an administrative regulation that references the learner outcomes.

Ms. Smith stated that it is frustrating to parents when professional care for preschool children is available, there are universities that have available training, but the training cannot be utilized because this administrative regulation is not currently in effect to certify preschool professionals. This administrative regulation should be approved so preschool teachers can be certified.

Jane Ann Bradford, specialist with Jefferson County Public Schools in the early childhood program, read the comments of Rich Lewis, also with the early childhood program in Jefferson County. Ms Bradford spoke on behalf of the Department of Early Childhood, Jefferson County Public Schools, the subdivision of Early Childhood, Kentucky Council for Exceptional Children and the Kentucky Education Association for the education of young children.Ms Bradford stated that: (1) the Department of Education staff and the Education Professional Standards Board ensured that all interested groups were heard and represented during the development of this certification administrative regulation; (2) the certification program has undergone many substantive changes from its original version of 1989 and 1990; (3) hundreds of professionals and parents have had a hand in the proposal before the Subcommittee; (4) an interdisciplinary focus was maintained throughout the process; (5) coverage of the children from birth through kindergarten was maintained; (6) the administrative regulation still includes: (a) family involvement; (b) typical and atypical child development; and (c) developmentally and individually appropriate curricula; (7) all of these characteristics are crucial to the success of persons charged with providing educational services to young children; (8) it is critical that this administrative regulation certify personnel who deal with children from birth because: (a) personnel preparation programs must provide instruction in services to infants and toddlers if they adequately are to serve preschool age children; (b) not all children will be functioning on the same developmental level and a thorough knowledge of the full developmental range is necessary to ensure appropriate services to all children; (c)

preschool age children with disabilities entering public school programs come from programs which serve infants and toddlers with disabilities; (d) a firm understanding of these services on the part of the teacher will smooth the transition of these children and families to public school preschool programs; (e) programs for infants and toddlers with developmental delays need qualified educators to serve that age group; it is expected that this certification will be used to qualify persons to perform the educator role for infants and toddlers; (g) under the children's initiative all agencies of state government must work together to provide for one certification program for teachers and caregivers for infants and toddlers; (h) this is what is best for our families and our children; and (9) approval of this administrative regulation is requested so that the Department can prepare educators for their role.

Vicki Stayton, chair of the Kentucky Early Intervention System Interagency Coordinating Council (the Council), stated that: (1) the Council was appointed by the Governor to assist and advise the Cabinet for Human Resources in the development of a statewide system for infants and toddlers with disabilities; (2) the quality of professionals that deal with these infants and toddlers is important; (3) the Council has been involved in the development of this administrative regulation and the whole certification process; (4) the Council supports this administrative regulation and believes it to be critical for the effective care of infants and toddlers with disabilities; (5) this administrative regulation includes teacher performance standards that give educators a strong understanding of children with disabilities and the necessary curriculum for those children; (6) this administrative regulation also ensures parent participation in that curriculum; (7) no particular program is required by this administrative regulation, nor does this administrative regulation mandate participation; (8) quality early intervention programs are ensured by this administrative regulation; (9) the administrative regulation is consistent with certification trends in other states and is consistent with the recommendations of the major professional organizations in this country; and (10) we urge passage of this administrative regulation.

Chairman Kerr asked if certification of teachers of infants and toddlers had been previously approved by this subcommittee. Ms. Stayton responded that she was not aware of any other certification requirements for professionals, although certain programs may already require certification.

Chairman Kerr pointed out that he had been to several homes to see the early intervention program in action and was told by a lady at one of the facilities that she would no longer be allowed to work with preschool children because of this administrative regulation, even though she had worked with children for twenty years.

Ms Stayton responded that: (1) she was not familiar with the particular situation; (2) under this administrative regulation, persons who are currently working in programs, may not have to obtain additional training if they can demonstrate that they meet the performance standards contained in this administrative regulation.

Chairman Kerr asked if there were different standards adopted for those individuals who were not teachers. Ms. Stayton responded that: (1) there were no specific administrative regulations addressing the nonteacher; (2) the Council has approved a policy that would implement a tri-level system of qualifications for individuals who work with young children but are not professional teachers; (3) a nonteacher who was nevertheless certified pursuant to this administrative regulation would qualify to work with young children; (4) a person with a high school or equivalent degree and then ongoing in-service training would also qualify to work with children under this tri-level system.

In response to a question by Representative Yates, Dr. Roland Goddu, from the Department of Education stated: (1) this was the first in a series of administrative regulations that relate to the requirements to change to a performance based system; (2) the Board is learning as they go along what material should be in an administrative regulation; (3) in response to an inquiry from this subcommittee it was discovered that much of the criteria in this administrative regulation did not relate to the actual performance standards of an early childhood teacher; and (4) the amendment seeks to eliminate any provisions in the administrative regulation that do not relate to an early childhood teacher.

Chairman Kerr stated that: (1) the deletion of the reference to the learner outcomes was certainly an improvement; (2) the reference to the parents as equal partners in early childhood education is troubling; (3) parents are much more than equal partners in the education process; (4) the main problem with the administrative regulation relates to statutory authority; (5) KRS 157.3175 allows programs for children with disabilities beginning at age 4 but there is nothing that allows early childhood education programs from the birth of the child; (6) pursuant to 20 USC 1423: (a) preschool programs and early intervention services may be provided and paid for by the federal government for children with disabilities who are at risk of having developmental delays if early services are not provided; (b) the children with disabilities may be "birth through eight years of age, including infants and toddlers with disabilities"... 20 USC 1423(g); (c) while there is no authority under federal law to provide preschool programs for children, birth through age 8, who do not have disabilities, this administrative regulation will certify preschool teachers and other individuals for programs for such children.

Dr. Goddu responded that: (1) while he did not disagree with Chairman Kerr's interpretation of the federal law, the Education and Professional Standards Board believes that the administrative regulation is appropriate because it is required to certify all personnel; (2) the Board has inherited a series of existing certifications; (3) the area of "birth through primary" is an area in which there is no existing certification for individuals who work with young children; (4) The Board does not base its jurisdiction on federal law but on the Board's understanding of its charter to create certification criteria for those persons who work with young children; (5) the Board looks to its broad authority to require certification of individuals who work with young children, if they work in an environment where they are receiving public funds.

Chairman Kerr stated that: (1) there is an important issue relating to statutory authority that the General Assembly may want to address; (2) certification of persons working with infants and toddlers that are not disabled may be a good thing but this is something the legislature needs review.

A motion was adopted by the subcommittee finding this administrative regulation deficient pursuant to KRS 13A.120(2) because it modified or vitiated a statute or its intent and was otherwise without statutory authority.

Cabinet for Human Resources: Department for Medicaid Services

907 KAR 1:580. Additional classes of health care services and providers defined. Sherman Hockenberry, President of the Kentucky Ambulance Providers Association, objected to the inclusion of emergency ambulance services as a provider subject to the tax imposed by House Bill 1. He stated that: (1) while the main purpose of the tax was to subsidize the Medicaid Program and to receive matching federal funds, emergency ambulance services will not receive any additional funds from the tax; (2) unlike other providers, ambulance services have not been granted an increase in Medicaid reimbursement in ten years; (3) the Medicaid Program does not acknowledge levels of care in ambulance services; for example, the average charges for advance life support services are $250 but the Medicaid Program reimburses only $50; (4) after an inherent reasonableness study, Medicare reimburses at a rate four times the Medicaid reimbursement rate; (5) the ambulance services are subsidizing every Medicaid client for which services are provided; (6) this administrative regulation governs emergency ambulance services, which do not have the right to refuse service like pharmacies and physicians who may chose not to participate in the Medicaid Program; (7) 160 of the 273 ambulance services providing emergency care are

agencies of county or state government, or are in effect government agencies such as fire department emergency ambulance services making the provider tax, in effect, a tax on government services, and a charge against local government budgets because: (a) the majority of private ambulance services receive subsidies from government agencies, either as direct money contribution or contributions of equipment to ensure that the services are provided, and to relieve a local government of the burden of providing the services; and (b) in some cases, counties have agreed to make up the deficit faced by ambulance services, a deficit largely due to the Medicaid Program; (8) the definition of gross revenues would appear to include as gross revenues government contributions, charitable contributions, earnings from charitable affairs, bequests and other contributions; (9) while emergency ambulance services are not requesting a profit from their Medicaid Program activities, their reimbursement should at least ensure that they cover expenses rather than suffer a deficit.

Masten Childers, representing the Cabinet, stated: (1) under the federal law and regulations, the Cabinet was given very little discretion in the categories of providers, and was required to develop a broad based provider tax that did not provide for a return of the tax to those who were taxed; (2) the state law required compliance with federal regulation, which was not issued until months after the enactment of House Bill 1, which required the state to impose the tax on several new categories, such as emergency ambulance services, podiatric and optometric therapists; (3) House Bill 1 provided that if the state prohibited any group within a class of providers from directly billing the Medicaid Program, that class would not be subject to the provider tax; (4) this excluded nurses, chiropractors, and psychologists, because they had to bill through others rather than directly; it would not exclude emergency ambulance services because there is no distinction between municipal or privately owned emergency ambulance services; (5) this requires the Cabinet to tax its own facilities on the revenues of mental health retardation and psychiatric facilities derived from third party payors; (6) the Cabinet is restricted in the exemptions it can grant, and cannot exempt emergency ambulance services under House Bill 1; (7) under the federal requirement of a broad based tax prohibiting the exclusion of a particular group in a class, if municipal emergency ambulance services were exempted, all emergency ambulance services would have to be exempted; (8) under the provisions of House Bill 1, money derived from private or government contributions or funding, bequests, or charitable events is not included in gross revenue; and (10) the provisions of House Bill 1 would expire in April, 1994, ensuring that the General Assembly will review this issue and determine more specifically what taxes should be levied on what groups and the extent of the discretion granted to the Cabinet.

Senator Kafoglis questioned why this administrative regulation was needed at this time, since the General Assembly would address the issues raised during the current Regular Session. Mr. Childers stated that the Cabinet was required to implement the collection of the tax in order to acquire the funding for a large part of the Medicaid Program. He added that the tax on emergency ambulance services would not become effective until April. Senator Kafoglis stated that: (1) while he understood the Cabinet's position that it was carrying out a duty mandated under the General Assembly, it was unlikely that the General Assembly would provide for the taxation of emergency ambulance and other services; and (2) it appeared that this administrative regulation should not be implemented since the law soon would be amended to exclude taxation of some of the services taxed under this administrative regulation.

Ken Knipper, Kentucky Firefighters Association, asked that the Subcommittee consider amending or repealing House Bill 1.

In response to a question by Senator Kafoglis for an estimate of the revenues that would be derived from the taxation of the providers added to this administrative regulation, Mr. Childers stated that: (1) $179.7 million would be obtained, which would qualify the state for $444 million from the federal government; (2) of the $179.7 million, $500,000 would be derived from the taxation of emergency ambulance services; (3) ambulatory surgical center services would provide $1.3 million; dental services - $6 million; podiatric services - $200,000; optometric-optician services - $1.4 million; laboratory and x-ray services - $2.1 million; (4) the deleted categories of psychological and nursing services would have provided $7.5 million; (5) the services added would yield $14 million; (6) the provider tax would apply to gross revenues of radiologists as follows: (a) freestanding radiology clinics and laboratory services, radiologists and laboratory services working through hospitals that bill separately from the hospitals, and are taxed directly; and (b) radiologists and laboratory services working through hospitals that do not bill separately are part of hospital services for which the tax is paid by hospitals as part of the hospitals' gross revenues.

Senator Kafoglis noted that the taxation of physician services had been cleared unconstitutional by Franklin Circuit Court, and that House Bill 1 would sunset at the end of this session. He stated that he realized that the action of the Cabinet was motivated by the mandate in House Bill 1, but added that the wiser approach would be to defer this administrative regulation until the General Assembly has determined whether the services discussed today should be included, particularly since he believed the General Assembly was not completely aware that these services would be taxed under the mandate of House Bill 1. Senator Kafoglis questioned whether it was good public policy to impose a tax that in a short time would be repealed. Mr. Childers stated that the Cabinet felt it was bound by the duty imposed upon it by House Bill 1, especially since the General Assembly in House Bill 1 did not grant the Cabinet authority to exclude these categories.

Senator Kafoglis stated that: (1) the amount of money provided by this tax would not make or break the Medicaid Program; (2) both legislative committees and the administration have indicated that better management practices would result in substantial savings, greater than those provided by this tax in the operation of the Medicaid Program; and (3) deferral would not harm the Medicaid Program and would allow the General Assembly an opportunity to determine what the policy for the upcoming should be.

In response to a question by Senator Smith, Mr. Childers stated that: (1) the Cabinet could not exempt nonemergency ambulance services; and (2) under the federal broad based requirement, if any group within a provider class could not participate directly in Medicaid or bill directly to Medicaid, none of the class could be taxed; (3) the exemption of psychological services and nurses, for example, were based on this requirement since they cannot obtain provider numbers under the state plan. Senator Smith stated that he understood that the Cabinet felt that its action was mandated by House Bill and that an executive branch agency could not amend or fail to follow the mandate of a legislative enactment.

In response to a question by Representative Yates, Mr. Childers stated that the greater number of those listed in opposition to this administrative regulation at the public hearing represented providers who were excluded through amendment of this administrative regulation after the public hearing.

The Subcommittee approved an amendment to Section 1 exempting charitable solicitations and contributions derived from functions, activities, or bequests.

Senator Kafoglis stated that while he acknowledged the Cabinet's position that it believed it could not defer this administrative regulation, he believed that the General Assembly would want to act on this issue. The Subcommittee approved a motion by Senator Kafoglis to find this administrative regulation deficient in order to permit the General Assembly to determine whether the tax on provider services should be imposed upon the groups discussed at this meeting. Representative Bruce stated that under the provisions of KRS Chapter 13A, the Cabinet could still implement this administrative regulation, and that the tax would sunset upon the expiration of House Bill 1.

The Subcommittee determined that the following administrative regulations, as amended, complied with statutory requirements:

Board for Specialists in Hearing Instruments

These administrative regulations were amended to comply with the drafting requirements of KRS 13A.222(4), and the format requirements of KRS 13A.220.

201 KAR 7:020. Educational and health qualifications of applicants.

201 KAR 7:040. Examinations.

201 KAR 7:070. License renewal.

201 KAR 7:075. Continuing education requirements.

201 KAR 7:100. Procedure for processing complaints.

201 KAR 7:105. Hearing procedures.

Board of Podiatry

201 KAR 25:080. HIV/HBV infection control for podiatrists. This administrative regulation was amended to comply with the format requirements of KRS 13A.220, to add licensed podiatrists to the review panel, and to clarify the requirement to adhere to universal precautions.

Board of Occupational Therapy

201 KAR 28:140. Unprofessional conduct and code of ethics. This administrative regulation was amended to clarify that a violation of any of the provisions of Section 1 of the administrative regulation constitutes unprofessional conduct in the practice of occupational therapy.

201 KAR 28:160. Administrative hearings. This administrative regulation was amended to require that hearing officers be licensed attorneys.

Department of Corrections: Office of the Secretary

501 KAR 6:040. Kentucky State Penitentiary. Jack Damron was present representing the agency. KSP 11-03-01 was amended to specify that all medically prescribed diet needs shall be accommodated.

501 KAR 6:060. Northpoint Training Center. NTC 04-04-01 was amended to add KRS Chapter 503 to the reference section and NTC 19-01-01 was amended to specify that back pay requires the approval of the warden or his designee.

Transportation Cabinet: Department of Vehicle Regulation: Division of Motor Carriers

601 KAR 1:025. Transporting hazardous materials by air or highway; permit. Sandy Pullen was present representing the Cabinet. This administrative regulation was amended to correctly specify the insurance requirement in Section 2 as $1 million for single limit coverage, to comply with KRS 281.655(6). Section 2(4) was also amended after the words "coal mining wastes" by adding "as defined in 401 KAR 30:010, Section 1". Also, Section 2(4) was amended by adding a "," after "scrubber sludge".

601 KAR 1:040. Application for operating authority and registration of motor carriers authorized to operate by the Interstate Commerce Commission. Section 4(1)(a) was amended to correct the verb tense.

601 KAR 1:101. Proof of liability and cargo insurance. Section 4(5) was amended to specify the reason for the Cabinet requiring additional financial statements to be when the Cabinet "has reason to believe the financial condition of the applicant has changed".

Workforce Development Cabinet: Department for Adult and Technical Education: Management of the Kentucky Tech System

780 KAR 2:020. Occupational appeals officer. Beverly Haverstock and Dwayne Gatewood were present representing the Cabinet. This administrative regulation was amended for uniformity and clarity. In Sections 5 and 10 "appeals officer or designee" was inserted in lieu of "hearing officer". In Section 8 the words "or designee", were inserted after the words "appeals officer".

Personnel System for Certified and Equivalent Employees

780 KAR 3:070. Attendance, compensatory time, and leave. Ms. Haverstock explained that these amendments were being offered to comply with the drafting requirements of KRS Chapter 13A and in response to the Subcommittee's concern that the health care provider be a person actually providing services, in connection with the employee requesting family leave. Senator Smith asked if this administrative regulation was being proposed to conform to federal law. Ms. Haverstock said yes it was to conform to the new federal family leave act. In Section 1(f), the definition of "health care provider" was amended to specify those persons determined by the United States Secretary of Labor to be those "as set forth in regulations found in the Federal Register, Volume 58, No. 106. Section 825.118, dated June 4, 1993. Section 7(5)a) and (b) were amended to add the requirement that " The certifying health care provider shall be a person actually providing services to the employee, child, spouse or parent."

Unclassified Personnel Regulations

780 KAR 6:060. Attendance, compensatory time, and leave. In Section 1(f), the definition of "health care provider" was amended to specify those persons determined by the United States Secretary of Labor to be those "as set forth in regulations found in the Federal Register, Volume 58, No. 106. Section 825.118, dated June 4, 1993. Section 7(5)a) and (b) were amended to add the requirement that " The certifying health care provider shall be a person actually providing services to the employee, child, spouse or parent."

Kentucky Racing Commission: Thoroughbred Racing

810 KAR 1:031. Intertrack simulcasting. The title of this administrative regulation was amended to refer to the specific subject matter governed, "application for new facilities".

Cabinet for Human Resources: Department for Medicaid Services

907 KAR 1:585. Estate recovery. This administrative regulation was amended to: (1) provide a hearing procedure; (2) clarify that this administrative regulation applies only to decedent's estates; and (3) conform to drafting requirements of KRS 13A.220(4) and 13A.222(4).

Cabinet personnel stated that: (1) federal law requires each state to establish a state recovery program; (2) this administrative regulation has been promulgated to satisfy that requirement; (3) there are certain criteria relating to a hardship waiver that will be added to the administrative regulation, once the federal government establishes that criteria.

Chairman Kerr pointed out that: (1) under current law, a person who applies for Medicaid is entitled to exempt his home from consideration when determining eligibility for Medicaid; (2) this administrative regulation does not appear to relate to this exemption; (3) Kentucky is more liberal than Ohio in exempting the home from Medicaid recovery; (4) Ohio requires that the home be sold in a certain number of days and the money applied to the outstanding Medicaid debt.

Cabinet personnel responded that: (1) the Cabinet is required to: (a) determine the amount of money owed to Medicaid upon the death of the recipient; and (b) file a claim against the decedent's estate for the amount owed; (2) the issue of the homestead exemption is not currently being addressed by the Cabinet because the federal government has not provided sufficient guidance to the state; (3) once the federal government provides some definitive criteria, the administrative regulation will be amended relative to the hardship waiver and the homestead exemption; (4) Congress has changed the way states may proceed against trusts; (5) except for cases of disability, Medicaid qualifying trusts are no longer effective; (6) the Cabinet will not, in all likelihood, proceed against a decedent's estate until the waiver criteria is established by the federal government; (7)

the hearing process will be changed when Medicaid develops its own hearing procedure; (8) the current hearing procedure used for Medicaid is the same that is used by the Department for Social Insurance.

Chairman Kerr asked if: (1) there was a statute of limitations for recovery of Medicaid payments from an estate; and (2) a lien against the property of a Medicaid recipient is created such that he cannot dispose of his property prior to death.

Cabinet personnel responded that: (1) there is currently no limitation in the federal law; (2) common sense would appear to indicate a period beyond which the cabinet should not proceed against an estate; (3) the claims will be subject to the decision of the district court and therefore the judge may place some limitation on recovery; (4) there is no lien established by the federal or state program that would prevent the disposition of property.

The Subcommittee determined that the following administrative regulations complied with statutory requirements:

Personnel: Classified

101 KAR 2:056. Registers.

101 KAR 2:066. Certification and selection of eligibles for appointment.

101 KAR 2:105. Sick leave sharing procedures.

Board for Specialists in Hearing Instruments

201 KAR 7:010. Definitions.

201 KAR 7:025. Trial period for remade, remanufactured, or substituted hearing instruments.

201 KAR 7:050. Identification, proof of license.

201 KAR 7:090. Unethical conduct; code of ethics.

Board of Occupational Therapy

201 KAR 28:010. Definitions and abbreviations.

201 KAR 28:020. General provisions.

201 KAR 28:030. Short-term practice of occupational therapy.

201 KAR 28:050. Special licensure requirements.

201 KAR 28:060. Regular licensure requirements/temporary permits of O.T.R./L.s and C.O.T.A.s.

201 KAR 28:070. Examination.

201 KAR 28:090. Renewals.

201 KAR 28:110. Fees.

201 KAR 28:120. Applications by foreign trained O.T.R.s and O.T.A.s.

201 KAR 28:130. Supervision of certified occupational therapy assistants, occupational therapy aides, occupational therapy students, and temporary permit holders.

201 KAR 28:150. Disciplinary proceedings.

Tourism Cabinet: Department of Fish and Wildlife Resources: Game

301 KAR 2:220. Hunting seasons for migratory birds.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection

401 KAR 30:010 through 401 KAR 35:285 were amended to add the appropriate citation to the Code of Federal Regulations in the RELATES TO section.

General Administrative Procedures

401 KAR 30:010. Definitions for 401 KAR chapters 30 to 49. This administrative regulation provides definitions for 19 chapters in the Administrative Register and therefore violates KRS 13A.222(4)(e). The cabinet has agreed to amend the various chapters to which these definitions apply over the next two years and to add a definitions section for the beginning of each chapter. The cabinet will then be able to repeal this administrative regulation.

Identification and Listing of Hazardous Waste

401 KAR 31:010. General provisions for hazardous wastes.

401 KAR 31:020. Criteria for identifying the characteristics of hazardous waste and criteria for listing.

401 KAR 31:030. Characteristics of hazardous waste.

401 KAR 31:040. Lists of hazardous wastes.

401 KAR 31:060. Rule-making petitions for hazardous waste.

401 KAR 31:120. Appendix on chemical analysis test methods.

401 KAR 31:160. Appendix on basis for listing hazardous waste.

401 KAR 31:170. Appendix on hazardous waste constituents.

Standards Applicable to Generators of Hazardous Waste

401 KAR 32:010. General provisions for generators.

401 KAR 32:020. Manifest system.

401 KAR 32:030. Pretransport requirements.

401 KAR 32:050. Special conditions.

Standards for Owners and Operators of Hazardous Waste Storage, Treatment and Disposal Facilities

401 KAR 34:020. General facility standards.

401 KAR 34:050. Manifest system, recordkeeping and reporting.

401 KAR 34:070. Closure and postclosure.

401 KAR 34:080. General financial requirements.

401 KAR 34:120. Liability requirements.

401 KAR 34:190. Tanks.

401 KAR 34:200. Surface impoundments.

401 KAR 34:210. Waste piles.

401 KAR 34:220. Land treatment.

401 KAR 34:230. Landfills.

401 KAR 34:240. Incinerators.

401 KAR 34:275. Air emission standards for process vents.

401 KAR 34:280. Air emission standards for equipment leaks.

401 KAR 34:285. Drip pads.

Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities

401 KAR 35:010. General provisions for facilities (IS).

401 KAR 35:020. General facilities standards (IS).

401 KAR 35:050. Manifest system, recordkeeping and reporting (IS).

401 KAR 35:060. Groundwater monitoring (IS).

401 KAR 35:070. Closure and postclosure (IS).

401 KAR 35:080. General financial requirements (IS).

401 KAR 35:120. Liability requirements (IS).

401 KAR 35:190. Tanks (IS).

401 KAR 35:200. Surface impoundments (IS).

401 KAR 35:210. Waste piles (IS).

401 KAR 35:220. Land treatment (IS).

401 KAR 35:230. Landfill (IS).

401 KAR 35:240. Incinerators (IS).

401 KAR 35:250. Thermal treatment (IS).

401 KAR 35:275. Air emission standards for process vents (IS).

401 KAR 35:280. Air emission standards for equipment leaks (IS).

401 KAR 35:285. Drip pads (IS).

Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management

401 KAR 36:020. Hazardous waste burned in boilers and industrial furnaces.

401 KAR 36:025. Tables and procedures associated with the standards for the management of specific hazardous wastes and specific hazardous wastes and specific types of hazardous waste management facilities.

401 KAR 36:030. Recyclable materials used in a manner constituting disposal.

401 KAR 36:050. Used oil burned for energy recovery.

Waste Management - Land Disposal Restrictions

401 KAR 37:010. General provisions for land disposal restrictions.

401 KAR 37:030. Prohibitions on land disposal.

401 KAR 37:040. Treatment standards.

401 KAR 37:050. Prohibitions on storage.

Hazardous Waste Permitting Process

401 KAR 38:010. General provisions for permitting.

401 KAR 38:020. Interim status provisions.
401 KAR 38:040. Changes to permits; expiration of permits.
401 KAR 38:050. Public information procedures.
401 KAR 38:060. Special types of permits.
401 KAR 38:090. General contents of Part B application.
401 KAR 38:170. Specific Part B requirements for surface impoundments.
401 KAR 38:180. Specific Part B requirements for waste piles.
401 KAR 38:210. Specific Part B requirements for landfills.
401 KAR 38:240. Specific Part B requirements for process vents.
401 KAR 38:250. Specific Part B requirements for equipment.
401 KAR 38:260. Specific Part B information requirements for boilers and industrial furnaces burning hazardous waste.
401 KAR 38:270. Specific Part B information requirements for drip pads.

Department of Corrections: Office of the Secretary
501 KAR 6:030. Kentucky State Reformatory.

Transportation Cabinet: Department of Vehicle Regulation: Administration
601 KAR 2:010. General procedures.
Motor Vehicle Tax
601 KAR 9:040. Reciprocity and motor vehicle identification cards.
Motorcycle and Bicycle Safety
601 KAR 14:020. Bicycle safety standards. Sandy Pullen was present representing the Cabinet and submitted a revised administrative regulation impact statement which the Subcommittee accepted. Chairman Kerr asked Ms. Pullen if there was a real problem with bicycle safety standards. Ms. Pullen responded that parts of it were absolutely necessary. She stated that the administrative regulation was needed to clarify enforcement, and to specify certain safety requirements. Senator Smith requested that the Cabinet address a very real safety problem concerning horse drawn carriages. He stated that the Amish carriages in his area presented a special safety problem. Ms. Pullen replied that all vehicles on the highways, not just motor vehicles, are required to meet certain safety requirements, and that this problem with horse drawn carriages is an enforcement problem, not a problem of lack of standards.

Department of Education: Office of District Support Services: School Administration and Finance
702 KAR 3:130. Internal accounting.
Education Professional Standards Board
704 KAR 20:251. Professional certificate for teaching the moderately and severely disabled.

Workforce Development Cabinet: Department for Adult and Technical Education: Management of the Kentucky Tech System
780 KAR 2:060. Suspension and expulsion of students.
780 KAR 2:090. Postsecondary vocational technical school admission priorities.

Department of Insurance: Administration
806 KAR 2:090. Fee for city, county, or urban county government insurance tax.
806 KAR 2:095. Accounting and reporting requirements for collecting local government premium tax.
806 KAR 2:096. Disclosure of local government premium taxes; unfair discrimination.
806 KAR 2:097. Filing of local government premium tax ordinances; notification to insurers.

Cabinet for Human Resources: Department for Health Services: Controlled Substances
902 KAR 55:030. Schedule IV substances.

Department for Medicaid Services
907 KAR 1:038. Hearing and vision services.

The Subcommittee had no objections to emergency administrative regulations which had been filed.

The following administrative regulations were deferred to the January meeting upon agreement by the promulgating agency and the Subcommittee:

Registry of Election Finance: Practice and Procedure
32 KAR 2:160E. Candidate with write-in opposition, revocation of exemption.
32 KAR 2:170. In-kind contributions.
32 KAR 2:180. Extension of credit to candidates, campaign committees, or political issues committee.
32 KAR 2:190. Committee affiliation.

Board of Medical Licensure
201 KAR 9:023. Endorsement.
201 KAR 9:031. Examinations.
201 KAR 9:041. Fee schedule.
201 KAR 9:051. License renewal and registration; reregistration of inactive license.
201 KAR 9:061. Limited licenses.
201 KAR 9:081. Disciplinary proceedings.
201 KAR 9:084. Fee schedule.
201 KAR 9:136. Procedure for certification of paramedics from other states; graduate paramedics; issuance of temporary certificate.
201 KAR 9:141. Denial, revocation and suspension of certification.
201 KAR 9:151. Contracts for support services; establish a fee schedule; and establish a paramedic advisory committee.
201 KAR 9:175. Emergency permits.

Natural Resources and Environmental Protection Cabinet: Department for Environmental Protection
Pursuant to 40 CFR 143(i), the owner of a hazardous waste site is released from his cleanup bond 60 days after the federal government receives certification from the owner or operator and an independent registered professional engineer that final closure has been completed. The following four administrative regulations are do not comply with the federal minimum requirement because they allow release of financial responsibility by the owner only after the cabinet approves the release. Cabinet personnel stated that KRS 124.01-010 and 224.46-520, relating to termination, require the cabinet to take some final action before release of financial responsibility.
Senator Smith stated that: (1) he was concerned about any state statute that imposed a requirement that was stricter than the minimum federal requirement; and (2) KRS 224.01-010(26) and KRS 224.46-520 should be amended so as not to be stricter than the minimum federal requirements; and (3) the cabinet should not be in a position to withhold release of bonds after the site has been cleaned up.
The cabinet agreed to defer the administrative regulations to allow further review by staff.
Standards for Owners and Operators of Hazardous Waste Storage, Treatment and Disposal Facilities
401 KAR 34:090. Closure financial requirements.
401 KAR 34:100. Postclosure financial requirements.
Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities
401 KAR 35:090. Closure financial requirements (IS).
401 KAR 35:100. Postclosure financial requirements (IS).

Department of Education: Office of Chief State School Officer
701 KAR 5:050. Summary hearing procedures.
701 KAR 5:110. Use of local monies to reduce unmet technology

need.

Office of District Support Services: Facilities Management

702 KAR 4:160. Capital construction process.

Office of Education for Exceptional Children: Exceptional and Handicapped Programs

707 KAR 1:220. Placement in the least restrictive environment.

Deferred Other Business: Department of Fish and Wildlife Resources: Game

301 KAR 2:260. Crow hunting season.

OTHER BUSINESS:

Governor's Authority Pursuant to 42 USC 7545(k)(6)(A) and KRS Chapter 13A

John Hornback, Director, Division of Air Quality, stated that: (1) the cabinet has provided: (a) a list of states that chose to opt-in to the Reformulated Gasoline (RFG) program; and (b) certain documentation relating to the cabinet's choice to use reformulated gasoline in the Northern Kentucky and Jefferson County area (moderate ozone nonattainment areas); and (2) the cabinet has no other presentation to make at this meeting.

Dennis Conniff, Counsel for the Kentucky Reduced RVP Coalition, and Michael Kumpf, Director of Government Affairs for BP America, Southeast Region stated that: (1) this issue was brought to the subcommittee because Counsel believes that an administrative regulation, pursuant to KRS Chapter 13A, is required for the Governor's selection of RFG gasoline in the moderate ozone nonattainment areas in Kentucky; (2) the authority of the Natural Resources and Environmental Protection Cabinet to provide control measures for air pollution is dependent upon the authority delegated pursuant to KRS 224-20.110 and 224-20.120; and (3) in order to implement this statutory authority, the Governor must adopt an administrative regulation; (4) Counsel for the Kentucky Reduced RVP Coalition is requesting the Subcommittee to find that an administrative regulation is required to implement an existing statute pursuant to KRS 13A.030(2)(b); (5) legal memoranda have been submitted to the subcommittee; (6) Counsel is asking the subcommittee to find that the Governor should have made his election pursuant to the administrative regulation process, and not that the Governor should have selected RVP gasoline; (7) the Cabinet has proposed an amendment to the state implementation plan which requires a showing to EPA that air pollution will be reduced by 15% in all nonattainment areas by November 1996; (8) in making this showing to EPA all other control measures, with the exception of RFG gasoline, have been implemented by state administrative regulation; (9) an administrative regulation is important because Northern Kentucky has chosen reformulated gasoline as one of the air pollution control measures while across the river, Ohio has chosen reduced RVP gasoline; (11) significant issues of cost effectiveness and feasibility of other alternative have been raised concerning the RFG choice by Kentucky; (12) the state implementation plan to be submitted to EPA does not address cost or consideration of alternatives; (13) by utilizing KRS Chapter 13A and the promulgation of an administrative regulation a regulatory impact analysis and the hearing procedures would require the cabinet to fully explore alternatives and justify its actions.

Mr. Hornback responded that: (1) other options were addressed before this subcommittee; (2) there was significant public and legislative concern about those proposals; (3) the decision was based on the provisions of federal law which give the Governor the authority to opt-in to the RFG program; and (4) the cabinet had no other alternative available to it.

Mr. Coniff pointed out that: (1) Mr. Hornback's response supports counsel's argument; (2) there are three control measures available when dealing with mobile sources: (a) a vehicle emission testing program; (b) Stage II vapor recovery; and (c) reformulated gasoline; (3) of all control measures, only reformulated gasoline has not been promulgated by an administrative regulation; (4) the question before the Subcommittee is not whether the decision was correct, but whether the proper procedure was followed in making the RFG decision; (5) the purpose of KRS Chapter 13A is to: (a) enable the legislature to review policy decisions made by the executive branch of government; (b) ensure that certain legislative steps are followed when the executive branch implements policy which include: 1. public notice; 2. regulatory impact analysis; 3. an opportunity for public comment; 4. a statement of consideration; and 5. review by a legislative subcommittee; and (6) under the provisions of KRS Chapter 13A, the Governor must exercise his authority pursuant to administrative regulation.

Mr. Hornback responded that: (1) the RFG program will be totally federally enforced; (2) the state will have no role in implementation of this program; (3) no state money will be spent for enforcement; and (3) no state personnel will be utilized in implementation of the federal RFG regulation.

Mr. Coniff pointed out that: (1) KRS Chapter 13A is not limited to those provisions that require implementation; (2) KRS Chapter 13A states that an action used to implement, interpret, or prescribe law or policy must be in an administrative regulation; (3) the decision by the Governor was a state decision; (4) while federal law may have given the governor an option, it did not mandate the Governor's decision or action; (5) the federal law simply tells the state that it has the option of utilizing RFG gasoline; (6) if the selection is to be made, an administrative regulation should be adopted because it clearly implements law or policy in Kentucky; (7) it is state action that determines what gasoline must be sold in nonattainment areas.

Chairman Kerr stated that: (1) this issue particularly affects those areas represented by him and Representative Yates; (2) Mr. Conniff and Mr. Kumpf should be commended for bringing this issue to the attention of the subcommittee and for the brief filed in support of their position; (3) the Subcommittee is the guardian of KRS Chapter 13A, and is always concerned when administrative agencies are using standards, forms or policies that have not been promulgated in administrative regulations; (4) the position of Mr. Conniff is very convincing and at first blush appeared to be correct and may ultimately prevail; (5) however, the research of the Subcommittee has revealed that the issue is not as clear cut as it originally appeared; (6) normally, if there is any question about the applicability of KRS Chapter 13A, the subcommittee will request that an administrative regulation be promulgated; (7) this situation involves federal law and a federal program; (8) there is a legitimate legal issue as to the Governor's authority to make this decision and opt in by letter; (9) RVP gasoline may in fact require Stage II and annual vehicle inspections; (10) the Governor has made this election and a court should decide whether the method in which it was made was correct; (11) it would appear that the spirit, if not the letter, of KRS Chapter 13A was violated; (12) certainly the way the matter was handled excluded many people from the process; (13) while documents that outlined the reasons for choosing RFG gasoline were requested by Mr. Conniff, he was told that there were no such documents and that the recommendation to the Governor was not made in writing.

Mr. Conniff pointed out that: (1) an open records request was made to the Governor, the Secretary of Natural Resources and the Director of the Division of Air Quality, requesting a copy of the recommendation made to the Governor; (2) he was informed by Counsel for the Governor that no such document existed; (3) this is another reason why an administrative regulation is essential in this case; and (4) a decision of this magnitude which clearly implements state law should be promulgated as an administrative regulation.

Mr. Hornback pointed out that: (1) there have been a number of public forums in Northern Kentucky where options have been discussed; (2) a chart of the credits to be received for various pollution control alternatives was provided to Mr. Conniff; (3) the chart was the heart of the decision to use RFG gasoline; (4) it is not correct to say that no information was provided, or that an analysis was

provided to Mr. Conniff; (5) there was a very sound reason for the decision; (6) there were other alternatives that could have been selected; and (7) the only alternative available was selected.

Mr. Conniff stated that: (1) if the pollution control measures in the Cabinet's 15% reduction plan do not meet the reduction, then additional pollution control requirements must be imposed and could include annual vehicle inspection and Stage II; and (2) the information provided by the Cabinet does not address the cost of RFG or the reason why other alternatives were rejected.

Subcommittee staff added that: (1) the General Assembly, which is in the ultimate authority in this area, is in session may want to review this issue and determine whether to clarify KRS Chapter 13A or the Cabinet's operating statutes; (2) the legal question is debatable, with valid arguments on both sides; (3) staff would not recommend a conclusion that KRS Chapter 13A was violated.

Mr. Conniff pointed out that his client was not requesting a finding that KRS Chapter 13A was violated, but that an administrative regulation was needed.

Subcommittee staff pointed out that: (1) if the subcommittee determined that an administrative regulation was needed, such a determination would be based on a finding that KRS Chapter 13A was violated; (2) Chairman Kerr stated that he agreed with staff opinion, and believed that the issues raised should be resolved by the courts.

Mr. Conniff responded that: (1) this is a decision that the Subcommittee should make; (2) while he did not deny that the Governor has the authority to make the determination, the procedures of KRS Chapter 13A should have been followed.

Chairman Kerr stated that he wished he could say that an administrative regulation should have been promulgated; however, after reviewing the law, it is simply unclear that an administrative regulation is required.

The Subcommittee adjourned at 11:50 a.m. until February 7, 1994 at 1 p.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, unless deferred.

INTERIM JOINT COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES
Meeting of December 17, 1993

The Interim Joint Committee on Agriculture and Natural Resources met Friday, December 17, 1993, and submits the following report:

The Committee determined that the following administrative regulations comply with KRS Chapter 13A:

Petroleum Storage Tank Environmental Assurance Fund Commission: 415 KAR 1:110 and 415 KAR 1:115 & E.

Kentucky River Authority: 420 KAR 1:010, 420 KAR 1:020, 420 KAR 1:030, 420 KAR 1:040, and 420 KAR 1:050.

Administrative regulations 401 KAR 5:036 and 402 KAR 2:030 relating to the protection of groundwater were deferred until the next meeting.

The Committee meeting adjourned December 17, 1993 at 11:40 a.m.

CUMULATIVE SUPPLEMENT

Locator Index - Effective Dates H2

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 H14

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 H26

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

VOLUME 19

EMERGENCY REGULATIONS: (Note: Emergency regulations expire 120 days from publication or upon replacement or repeal, whichever occurs first)

Regulation Number	20 Ky.R Page No.	Effective Date
302 KAR 20:040E	2596	4-30-93
Expires		9-29-93
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

ORDINARY REGULATIONS:

Regulation Number	20 Ky.R Page No.	Effective Date
201 KAR 20:235	2755	(See Volume 20)
603 KAR 5:230		
Amended	2684	(See Volume 20)
704 KAR 7:120	2539	(See Volume 20)
704 KAR 20:120		
Amended	2316	6-7-93
707 KAR 1:061	2540	(See Volume 20)
707 KAR 1:160	2541	(See Volume 20)
707 KAR 1:170	2543	(See Volume 20)
707 KAR 1:180	2545	(See Volume 20)
707 KAR 1:190	2551	(See Volume 20)
707 KAR 1:200	2554	(See Volume 20)
707 KAR 1:210	2558	(See Volume 20)
707 KAR 1:220	2561	(See Volume 20)
707 KAR 1:230	2564	(See Volume 20)
707 KAR 1:240	2569	(See Volume 20)
707 KAR 1:250	2572	(See Volume 20)
707 KAR 1:260	2574	(See Volume 20)
803 KAR 2:310		
Amended	2736	(See Volume 20)
805 KAR 7:030		
Amended	2740	8-25-93
902 KAR 8:040	2760	(See Volume 20)
902 KAR 8:050	2761	(See Volume 20)
902 KAR 8:060	2763	(See Volume 20)
902 KAR 8:070	2765	(See Volume 20)
902 KAR 8:080	2768	(See Volume 20)
902 KAR 8:090	2770	(See Volume 20)
902 KAR 8:100	2771	(See Volume 20)
902 KAR 8:110	2773	9-3-93
902 KAR 8:120	2774	(See Volume 20)
902 KAR 8:130	2777	9-3-93
902 KAR 8:140	2778	9-3-93
902 KAR 20:004	659	
Amended	2745	(See Volume 20)
908 KAR 2:070	2779	(See Volume 20)

*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)

Regulation Number	20 Ky.R Page No.	Effective Date
2 KAR 2:010E	483	8-12-93
Replaced	668	10-13-93
Resubmitted	1756	12-6-93
2 KAR 2:020E	1756	12-6-93
2 KAR 2:030E	1756	12-6-93
9 KAR 1:040E	736	9-9-93
Replaced	1567	12-6-93
11 KAR 3:001E	915	10-4-93
Replaced	1777	1-10-94
31 KAR 5:020E	736	9-15-93
Replaced	869	12-6-93
32 KAR 2:160E	1550	10-22-93
Expires		3-31-93
101 KAR 2:100E	483	8-3-93
Replaced	1568	12-6-93
101 KAR 3:010E	488	8-3-93
Replaced	1573	12-6-93
201 KAR 20:240E	1551	10-22-93
Replaced	2046	1-10-94
301 KAR 2:044E	492	7-30-93
Replaced	596	10-27-93
301 KAR 2:220E	1552	10-27-93
301 KAR 2:260E	494	7-30-93
Replaced	679	10-27-93
301 KAR 3:030E	494	7-30-93
Replaced	952	10-27-93
302 KAR 15:010E	4	5-18-93
Expired	1029	10-29-93
415 KAR 1:115E	495	8-13-93
Replaced	1615	12-17-93
501 KAR 6:020E	277	6-24-93
Resubmitted	1758	12-1-93
501 KAR 6:060E	1557	10-19-93
Replaced	1375	1-10-94
501 KAR 6:080E	1759	12-1-93
501 KAR 6:120E	1558	10-19-93
Replaced	1378	1-10-94
601 KAR 1:040E	1560	10-22-93
601 KAR 1:101E	1562	10-22-93
601 KAR 2:010E	1563	10-22-93
601 KAR 9:040E	1564	10-22-93
601 KAR 11:040E	228	6-16-93
Replaced	145	9-3-93
780 KAR 3:070E	918	9-21-93
780 KAR 6:060E	923	9-21-93
806 KAR 2:120E	8	6-15-93
Replaced	247	9-3-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
806 KAR 2:130E	8	6-15-93
Replaced	248	9-3-93
810 KAR 1:031E	496	7-20-93
902 KAR 8:040E	9	5-19-93
Replaced	511	9-3-93
902 KAR 8:050E	10	5-19-93
Replaced	369	9-3-93
902 KAR 8:060E	11	5-19-93
Replaced	513	9-3-93
902 KAR 8:070E	13	5-19-93
Replaced	371	9-3-93
902 KAR 8:080E	15	5-19-93
Replaced	514	9-3-93
902 KAR 8:090E	17	5-19-93
Replaced	516	9-3-93
902 KAR 8:100E	18	5-19-93
Replaced	517	9-3-93
902 KAR 8:110E	19	5-19-93
Replaced		9-3-93
902 KAR 8:120E	19	5-19-93
Replaced	377	9-3-93
902 KAR 8:130E	23	5-19-93
Replaced		9-3-93
902 KAR 8:140E	23	5-19-93
Replaced		9-3-93
902 KAR 13:090E	1760	12-2-93
902 KAR 20:004E	24	5-18-93
Replaced	797	10-13-93
Resubmitted	1761	12-15-93
902 KAR 50:031E	1766	12-2-93
902 KAR 50:032E	1768	12-2-93
902 KAR 50:033E	1771	12-2-93
902 KAR 55:015E	502	7-20-93
Replaced	659	10-21-93
902 KAR 55:030E	1773	11-23-93
902 KAR 65:010E	737	9-1-91
Expired (Ordinary Withdrawn)		12-22-93
903 KAR 5:270E	280	6-16-93
Replaced	155	9-3-93
904 KAR 2:116E	1774	12-15-93
905 KAR 1:010E	929	9-23-93
Replaced	865	12-6-93
905 KAR 2:001E	29	6-7-93
Replaced	803	10-13-93
905 KAR 2:011E	31	6-7-93
Replaced	250	10-13-93
905 KAR 2:090E	31	6-7-93
Replaced	805	10-13-93
905 KAR 2:100E	33	6-7-93
Replaced	806	10-13-93
905 KAR 2:110E	36	6-7-93
Replaced	810	10-13-93
905 KAR 2:120E	38	6-7-93
Replaced	812	10-13-93
905 KAR 2:130E	42	6-7-93
Replaced	816	10-13-93
907 KAR 1:013E	281	7-7-93
Expired		11-29-93
907 KAR 1:017E	284	6-16-93
Replaced	161	9-3-93
907 KAR 1:022E	285	7-7-93
Replaced	437	10-13-93
907 KAR 1:025E	288	7-7-93
Replaced	441	10-13-93
907 KAR 1:031E	294	7-7-93
Replaced	447	10-13-93
907 KAR 1:044E	504	7-28-93
Replaced	663	10-21-93
907 KAR 1:045E	505	7-28-93
Replaced	664	10-21-93
907 KAR 1:536E	296	7-7-93
Replaced	572	10-13-93
908 KAR 2:060E	506	7-28-93
Replaced	666	10-21-93

ORDINARY REGULATIONS:

2 KAR 1:020		
Expired		9-16-93
2 KAR 2:010	668	10-13-93
Amended	2039	
2 KAR 2:020	2267	
2 KAR 2:030	2267	
9 KAR 1:040	868	
As Amended	1567	12-6-93
11 KAR 3:001		
Amended	1022	
As Amended	1777	1-10-94
11 KAR 10:010		
Amended	383	
As Amended	741	10-7-93
11 KAR 10:020		
Amended	385	
As Amended	743	10-7-93
15 KAR 1:010		
Repealed	1427	1-10-94
15 KAR 1:011	1427	1-10-94
31 KAR 5:020	869	12-6-93
32 KAR 2:170	1720	
32 KAR 2:180	1721	
32 KAR 2:190	1722	
32 KAR 2:200	2269	
45 KAR 1:070	163	
Amended	522	
As Amended	743	10-13-93
101 KAR 1:335		
Amended	826	
As Amended	1567	12-6-93
101 KAR 2:056		
Amended	1640	
101 KAR 2:066		
Amended	1641	
101 KAR 2:100		
Amended	567	
Amended	972	
As Amended	1568	12-6-93
101 KAR 2:105	1723	
101 KAR 3:010		
Amended	572	
As Amended	1573	12-6-93
102 KAR 1:035		
Amended	2358	
105 KAR 1:010		
Amended	2040	
105 KAR 1:130		
Amended	827	12-6-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
105 KAR 1:210		
Amended	829	12-6-93
105 KAR 1:270		
Amended	830	12-6-93
106 KAR 2:010	1427	
As Amended	1780	1-10-94
109 KAR 10:010		
Amended	131	10-13-93
201 KAR 1:140		
Amended	2043	
201 KAR 1:300	668	10-8-93
201 KAR 7:010		
Amended	1643	
201 KAR 7:020		
Amended	1644	
As Amended	2319	
201 KAR 7:025	1724	
201 KAR 7:040		
Amended	1645	
As Amended	2319	
201 KAR 7:050		
Amended	1646	
201 KAR 7:070		
Amended	1646	
As Amended	2320	
201 KAR 7:075		
Amended	1647	
As Amended	2320	
201 KAR 7:085	2270	
201 KAR 7:090		
Amended	1648	
201 KAR 7:100		
Amended	1649	
As Amended	2321	
201 KAR 7:105	1725	
As Amended	2323	
201 KAR 8:420	869	
As Amended	1577	12-6-93
201 KAR 9:023		
Amended	1652	
201 KAR 9:031		
Amended	1653	
201 KAR 9:041		
Amended	1655	
201 KAR 9:051		
Amended	1656	
201 KAR 9:061		
Amended	1657	
201 KAR 9:081		
Amended	1658	
201 KAR 9:084		
Amended	1661	
201 KAR 9:136		
Amended	1662	
201 KAR 9:141		
Amended	1664	
201 KAR 9:151		
Amended	1665	
201 KAR 9:175		
Amended	1666	
201 KAR 9:310	163	
As Amended	744	10-13-93
201 KAR 9:315	450	
As Amended	744	10-13-93
201 KAR 12:010		
Amended	1026	1-10-94
201 KAR 12:031		
Amended	1027	1-10-94
201 KAR 12:050		
Amended	1027	1-10-94
201 KAR 12:055		
Amended	1028	1-10-94
201 KAR 12:060		
Amended	1028	
As Amended	1780	1-10-94
201 KAR 12:065		
Amended	1029	
As Amended	1781	1-10-94
201 KAR 12:080		
Amended	1030	1-10-94
201 KAR 12:085		
Amended	1030	
As Amended	1781	1-10-94
201 KAR 12:100		
Amended	1031	
As Amended	1781	1-10-94
201 KAR 12:110		
Amended	1032	
As Amended	1782	1-10-94
201 KAR 12:120		
Amended	1033	
As Amended	1783	1-10-94
201 KAR 12:125		
Amended	1034	
As Amended	1783	1-10-94
201 KAR 12:190		
Amended	1036	1-10-94
201 KAR 15:020		
Repealed	871	12-6-93
201 KAR 15:021	871	12-6-93
201 KAR 15:030		
Amended	831	12-6-93
201 KAR 15:070		
Repealed	871	12-6-93
201 KAR 15:090	2271	
201 KAR 16:010		
Amended	832	
As Amended	1578	12-6-93
201 KAR 18:200	871	
As Amended	1579	12-6-93
201 KAR 20:070		
Amended	2044	
201 KAR 20:090		
Amended	2045	
201 KAR 20:235		
Amended	312	
As Amended	508	9-3-93
201 KAR 20:240		
Amended	1037	
As Amended	1784	
Amended	2046	1-10-94
201 KAR 20:370		
Amended	2047	
201 KAR 20:390		
Amended	387	10-13-93
201 KAR 25:031		
Amended	389	10-13-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
201 KAR 25:080	1726	
As Amended	2325	
201 KAR 26:115	671	
As Amended	931	10-21-93
201 KAR 26:121		
Amended	577	
As Amended	931	10-21-93
201 KAR 26:125	672	
As Amended	933	10-21-93
201 KAR 26:130		
Amended	579	
As Amended	933	10-21-93
201 KAR 26:140		
Amended	580	
As Amended	934	10-21-93
201 KAR 26:145	672	10-21-93
201 KAR 26:150		
Repealed	673	10-21-93
201 KAR 26:151	673	10-21-93
201 KAR 26:155	674	
As Amended	936	10-21-93
201 KAR 26:160		
Amended	583	10-21-93
201 KAR 26:165	675	
As Amended	937	10-21-93
201 KAR 26:171		
Amended	584	
As Amended	937	10-21-93
201 KAR 26:175	676	
As Amended	940	10-21-93
201 KAR 26:180		
Amended	587	10-21-93
201 KAR 26:185	677	
As Amended	941	10-21-93
201 KAR 26:190		
Amended	588	
As Amended	942	10-21-93
201 KAR 26:215	678	
As Amended	944	10-21-93
201 KAR 26:220		
Repealed	673	10-21-93
201 KAR 26:230		
Amended	590	
As Amended	944	10-21-93
201 KAR 27:005		
Amended	1038	1-10-94
201 KAR 27:007	1429	1-10-94
201 KAR 27:010		
Amended	1039	
As Amended	1785	1-10-94
201 KAR 27:013	1439	
As Amended	1787	1-10-94
201 KAR 27:015		
Amended	1041	
As Amended	1789	1-10-94
201 KAR 27:016		
Repealed	1432	1-10-94
201 KAR 27:017		
Repealed	1432	1-10-94
201 KAR 27:018		
Repealed	1432	1-10-94
201 KAR 27:019		
Repealed	1432	1-10-94
201 KAR 27:020		
Amended	1042	
As Amended	1790	1-10-94
201 KAR 27:025		
Repealed	1432	1-10-94
201 KAR 27:030		
Amended	1043	
As Amended	1790	1-10-94
201 KAR 27:035		
Amended	1045	1-10-94
201 KAR 27:040		
Amended	1045	
As Amended	1791	1-10-94
201 KAR 27:044		
Repealed	1432	1-10-94
201 KAR 27:045		
Amended	1046	1-10-94
201 KAR 27:050		
Amended	1047	
As Amended	1791	1-10-94
201 KAR 27:055		
Amended	1048	1-10-94
201 KAR 27:060		
Amended	1048	1-10-94
201 KAR 27:065		
Repealed	1432	1-10-94
201 KAR 27:070		
Amended	1049	1-10-94
201 KAR 27:080		
Repealed	1432	1-10-94
201 KAR 27:081	1432	1-10-94
201 KAR 28:010		
Amended	1050	
Amended	1852	
201 KAR 28:020		
Amended	1052	
201 KAR 28:030		
Amended	1053	
Amended	1853	
201 KAR 28:050		
Amended	1054	
Amended	1854	
201 KAR 28:060		
Amended	1055	
201 KAR 28:070		
Amended	1056	
Amended	1854	
201 KAR 28:090		
Amended	1057	
Amended	1855	
201 KAR 28:110		
Amended	1058	
201 KAR 28:120		
Amended	1059	
Amended	1856	
201 KAR 28:130		
Amended	1060	
Amended	1856	
201 KAR 28:140		
Amended	1062	
Amended	1857	
As Amended	2325	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
201 KAR 28:150		
Amended	1063	
Amended	1859	
201 KAR 28:160		
Amended	1066	
Amended	1860	
As Amended	2327	
201 KAR 30:010		
Amended	2048	
201 KAR 30:030		
Amended	2049	
201 KAR 30:040		
Amended	2050	
201 KAR 30:050		
Amended	2051	
201 KAR 30:140	2272	
201 KAR 31:020	451	10-8-93
202 KAR 2:010	1432	
As Amended	1792	1-10-94
301 KAR 1:085		
Amended	592	10-27-93
301 KAR 1:200		
Amended	594	
As Amended	946	10-27-93
301 KAR 2:044		
Amended	596	10-27-93
301 KAR 2:140		
Amended	834	
As Amended	1581	11-29-93
301 KAR 2:171		
Amended	599	
As Amended	948	10-27-93
301 KAR 2:220		
Amended	1670	
301 KAR 2:260	679	10-27-93
301 KAR 3:030		
Amended	604	
As Amended	952	10-27-93
302 KAR 37:010		
Amended	605	10-27-93
401 KAR 8:010		
Amended	2053	
401 KAR 8:020		
Amended	2058	
401 KAR 8:040		
Amended	2062	
401 KAR 8:060		
Amended	2064	
401 KAR 8:070		
Amended	2068	
401 KAR 8:100		
Amended	2080	
401 KAR 8:150		
Amended	2083	
401 KAR 8:200		
Amended	2087	
401 KAR 8:250		
Amended	2093	
401 KAR 8:300		
Amended	2100	
401 KAR 8:400		
Amended	2113	
401 KAR 8:420		
Amended	2119	
401 KAR 8:440		
Amended	2127	
401 KAR 8:500		
Amended	2130	
401 KAR 8:600		
Amended	2133	
401 KAR 5:036	680	
Amended	976	
401 KAR 30:010		
Amended	1068	
401 KAR 31:010		
Amended	1080	
Amended	1862	
401 KAR 31:020		
Amended	1092	
401 KAR 31:030		
Amended	1094	
401 KAR 31:040		
Amended	1096	
Amended	1874	
401 KAR 31:060		
Amended	1110	
Amended	1887	
401 KAR 31:120		
Amended	1113	
401 KAR 31:160		
Amended	1122	
401 KAR 31:170		
Amended	1125	
401 KAR 32:010		
Amended	1133	
401 KAR 32:020		
Amended	1135	
401 KAR 32:030		
Amended	1137	
Amended	1889	
401 KAR 32:050		
Amended	1139	
Amended	1890	
401 KAR 34:020		
Amended	1142	
Amended	1893	
401 KAR 34:050		
Amended	1146	
401 KAR 34:070		
Amended	1148	
Amended	1896	
401 KAR 34:080		
Amended	1154	
401 KAR 34:090		
Amended	1157	
Amended	1901	
401 KAR 34:100		
Amended	1164	
Amended	1907	
401 KAR 34:120		
Amended	1172	
Amended	1914	
401 KAR 34:190		
Amended	1176	
Amended	1918	
401 KAR 34:200		
Amended	1182	
Amended	1923	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
401 KAR 34:210		
Amended	1187	
Amended	1927	
401 KAR 34:220		
Amended	1191	
Amended	1930	
401 KAR 34:230		
Amended	1196	
Amended	1934	
401 KAR 34:240		
Amended	1200	
Amended	1938	
401 KAR 34:275	1433	
Amended	1940	
401 KAR 34:280	1441	
Amended	1947	
401 KAR 34:285	1447	
Amended	1952	
401 KAR 35:010		
Amended	1203	
401 KAR 35:020		
Amended	1205	
Amended	1955	
401 KAR 35:050		
Amended	1209	
401 KAR 35:060		
Amended	1212	
Amended	1957	
401 KAR 35:070		
Amended	1215	
Amended	1960	
401 KAR 35:080		
Amended	1222	
401 KAR 35:090		
Amended	1225	
Amended	1966	
401 KAR 35:100		
Amended	1231	
Amended	1972	
401 KAR 35:120		
Amended	1238	
Amended	1978	
401 KAR 35:190		
Amended	1242	
Amended	1981	
401 KAR 35:200		
Amended	1249	
Amended	1987	
401 KAR 35:210		
Amended	1252	
401 KAR 35:220		
Amended	1254	
Amended	1989	
401 KAR 35:230		
Amended	1257	
Amended	1992	
401 KAR 35:240		
Amended	1261	
Amended	1995	
401 KAR 35:250		
Amended	1262	
401 KAR 35:275	1451	
Amended	1996	
401 KAR 35:280	1457	
401 KAR 35:285	1463	
Amended	2001	
401 KAR 36:020	1466	
401 KAR 36:025	1487	
401 KAR 36:030		
Amended	1264	
401 KAR 36:050		
Amended	1266	
Amended	2004	
401 KAR 37:010		
Amended	1269	
Amended	2006	
401 KAR 37:030		
Amended	1278	
401 KAR 37:040		
Amended	1283	
401 KAR 37:050		
Amended	1339	
401 KAR 38:010		
Amended	1341	
401 KAR 38:020		
Amended	1343	
Amended	2014	
401 KAR 38:040		
Amended	1346	
Amended	2016	
401 KAR 38:050		
Amended	1351	
Amended	2020	
401 KAR 38:060		
Amended	1355	
Amended	2023	
401 KAR 38:090		
Amended	1361	
Amended	2029	
401 KAR 38:170		
Amended	1365	
Amended	2032	
401 KAR 38:180		
Amended	1367	
Amended	2033	
401 KAR 38:210		
Amended	1368	
Amended	2034	
401 KAR 38:240	1499	
401 KAR 38:250	1501	
401 KAR 38:260	1502	
Amended	2035	
401 KAR 38:270	1505	
Amended	2036	
401 KAR 50:034	693	11-29-93
401 KAR 50:035		
Amended	607	
Amended	982	
As Amended	1583	11-29-93
401 KAR 50:038	695	
Amended	998	
As Amended	1599	11-29-93
401 KAR 57:041	164	
Withdrawn		9-3-93
401 KAR 57:061	698	
Amended	1000	11-29-93
401 KAR 58:001	166	
Withdrawn		10-4-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
401 KAR 58:020	168	
Amended	522	
Withdrawn		9-29-93
401 KAR 59:025		
Repealed	190	9-22-93
401 KAR 59:031		
Repealed	192	9-22-93
401 KAR 59:041		
Repealed	193	9-22-93
401 KAR 59:052		
Repealed	195	9-22-93
401 KAR 59:055		
Repealed	197	9-22-93
401 KAR 59:061		
Repealed	198	9-22-93
401 KAR 59:066		
Repealed	200	9-22-93
401 KAR 59:068		
Repealed	202	9-22-93
401 KAR 59:082		
Repealed	215	9-22-93
401 KAR 59:131		
Repealed	203	9-22-93
401 KAR 59:136		
Repealed	205	9-22-93
401 KAR 59:141		
Repealed	207	9-22-93
401 KAR 59:146		
Repealed	208	9-22-93
401 KAR 59:150		
Repealed	210	9-22-93
401 KAR 59:166		
Repealed	211	9-22-93
401 KAR 59:168		
Repealed	213	9-22-93
401 KAR 59:196		
Repealed	220	9-22-93
401 KAR 59:251		
Repealed	216	9-22-93
401 KAR 59:275		
Repealed	218	9-22-93
401 KAR 59:435	189	9-22-93
401 KAR 59:450	190	9-22-93
401 KAR 59:455	192	9-22-93
401 KAR 59:465	193	9-22-93
401 KAR 59:485	195	9-22-93
401 KAR 59:490	197	9-22-93
401 KAR 59:495	198	9-22-93
401 KAR 59:500	200	9-22-93
401 KAR 59:505	202	9-22-93
401 KAR 59:535	203	9-22-93
401 KAR 59:540	205	9-22-93
401 KAR 59:545	207	9-22-93
401 KAR 59:550	208	9-22-93
401 KAR 59:555	210	9-22-93
401 KAR 59:570	211	9-22-93
401 KAR 59:575	213	9-22-93
401 KAR 59:580	215	9-22-93
401 KAR 59:585	216	9-22-93
401 KAR 59:590	218	9-22-93
401 KAR 59:595	220	9-22-93
401 KAR 63:036	221	
Amended	540	
Withdrawn		9-29-93

Regulation Number	20 Ky.R Page No.	Effective Date
401 KAR 65:001	451	
As Amended	1601	11-29-93
401 KAR 65:010	454	
Amended	817	
As Amended	952	
As Amended	1603	11-29-93
402 KAR 2:030	702	
Amended	1004	
405 KAR 7:200	1728	
405 KAR 10:050		
Amended	132	
Amended	544	9-22-93
405 KAR 12:001		
Amended	134	9-22-93
405 KAR 12:010		
Amended	137	9-22-93
415 KAR 1:110	706	
Amended	1006	
As Amended	1612	12-17-93
415 KAR 1:115	709	
Amended	1009	
As Amended	1615	12-17-93
420 KAR 1:010	873	
Amended	1619	
As Amended	1792	12-17-93
420 KAR 1:020	877	
As Amended	1794	12-17-93
420 KAR 1:030	879	12-17-93
420 KAR 1:040	881	
Amended	1621	12-17-93
420 KAR 1:050	883	
Amended	1622	12-17-93
501 KAR 3:080		
Amended	2135	
501 KAR 3:120		
Amended	2136	
501 KAR 6:020		
Amended	139	9-3-93
Amended	390	10-13-93
Amended	1370	1-10-94
Amended	2138	
501 KAR 6:030		
Amended	141	9-3-93
Amended	392	10-13-93
Amended	624	11-8-93
Amended	837	12-6-93
Amended	1372	1-10-94
Amended	1676	
Amended	2358	
501 KAR 6:040		
Amended	839	12-6-93
Amended	1677	
501 KAR 6:050		
Amended	626	11-8-93
Amended	1374	1-10-94
Amended	2140	
Amended	2360	
501 KAR 6:060		
Amended	394	10-13-93
Amended	627	11-8-93
Amended	1375	1-10-94
Amended	1679	
501 KAR 6:080		
Amended	2141	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
501 KAR 6:110		
Amended	1377	1-10-94
501 KAR 6:120		
Amended	1378	1-10-94
501 KAR 6:130		
Amended	143	9-3-93
Amended	628	11-8-93
Amended	1380	1-10-94
501 KAR 6:140		
Amended	144	9-3-93
501 KAR 6:150		
Amended	395	10-13-93
600 KAR 1:100	227	
Amended	545	10-5-93
600 KAR 3:010		
Amended	397	
As Amended	745	10-5-93
601 KAR 1:005		
Amended	840	11-16-93
601 KAR 1:025		
Amended	1680	
As Amended	2329	
601 KAR 1:040		
Amended	1381	
601 KAR 1:101	1506	
As Amended	2330	
601 KAR 2:010		
Amended	1384	
601 KAR 9:010		
Amended	629	11-8-93
601 KAR 9:012		
Amended	414	10-5-93
601 KAR 9:015		
Amended	415	10-5-93
601 KAR 9:020		
Amended	416	10-5-93
601 KAR 9:040		
Amended	1386	
601 KAR 9:060		
Amended	417	10-5-93
601 KAR 9:065		
Amended	417	10-5-93
601 KAR 9:085		
Amended	418	
As Amended	761	10-5-93
601 KAR 9:095		
Amended	419	10-5-93
601 KAR 11:030		
Amended	2142	
601 KAR 11:040		
Amended	145	9-3-93
601 KAR 11:080	2273	
601 KAR 13:030		
Repealed	885	11-16-93
601 KAR 13:031	885	11-16-93
601 KAR 13:050		
Repealed	885	11-16-93
601 KAR 14:020	1508	
Amended	2037	
602 KAR 50:010		
Amended	148	9-3-93
603 KAR 3:060		
Repealed	962	10-5-93
603 KAR 3:080	236	
As Amended	962	10-5-93
603 KAR 5:230		
Amended	313	9-3-93
701 KAR 5:050		
Amended	1683	
701 KAR 5:110	886	
702 KAR 3:130		
Amended	1684	
702 KAR 3:190		
Amended	150	9-2-93
702 KAR 3:201		
Repealed	241	9-2-93
702 KAR 4:160	1732	
702 KAR 5:150		
Amended	2361	
703 KAR 3:060	465	
As Amended	966	11-4-93
703 KAR 3:205	241	9-2-93
703 KAR 4:070	2456	
703 KAR 4:080	2456	
704 KAR 3:035		
Amended	843	12-6-93
704 KAR 3:285		
Amended	1685	
Amended	2350	
704 KAR 3:345		
Amended	845	12-6-93
704 KAR 3:405		
Amended	152	9-2-93
704 KAR 7:090		
Amended	420	
As Amended	762	10-7-93
704 KAR 7:120		
Amended	98	
As Amended	764	10-7-93
704 KAR 20:005		
Amended	630	11-4-93
704 KAR 20:065		
Amended	2362	
704 KAR 20:085		
Amended	2363	
704 KAR 20:120		
Amended	423	
As Amended	765	10-7-93
704 KAR 20:150		
Amended	2364	
704 KAR 20:251	1738	
704 KAR 20:270		
Amended	2365	
704 KAR 20:350		
Amended	2366	
704 KAR 20:360		
Amended	2367	
704 KAR 20:370		
Amended	2367	
704 KAR 20:470		
Amended	631	
Withdrawn		10-6-93
704 KAR 20:585		
Amended	633	11-4-93
704 KAR 20:620	711	
Amended	1010	
As Amended	2331	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
705 KAR 2:030		
Repealed	243	9-2-93
705 KAR 2:031	243	9-2-93
705 KAR 2:130		
Repealed	243	9-2-93
707 KAR 1:041		
Repealed	766	10-7-93
707 KAR 1:051		
Repealed	766	10-7-93
707 KAR 1:052		
Repealed	766	10-7-93
707 KAR 1:053		
Repealed	766	10-7-93
707 KAR 1:054		
Repealed	766	10-7-93
707 KAR 1:055		
Repealed	766	10-7-93
707 KAR 1:056		
Repealed	766	10-7-93
707 KAR 1:057		
Repealed	766	10-7-93
707 KAR 1:058		
Repealed	766	10-7-93
707 KAR 1:059		
Repealed	766	10-7-93
707 KAR 1:060		
Repealed	766	10-7-93
707 KAR 1:061		
As Amended	766	10-7-93
707 KAR 1:070		
Repealed	766	10-7-93
707 KAR 1:080		
Repealed	766	10-7-93
707 KAR 1:160		
Amended	98	
As Amended	766	10-7-93
707 KAR 1:170		
Amended	100	10-7-93
Amended	2143	
707 KAR 1:180		
Amended	101	
As Amended	768	10-7-93
Amended	2145	
707 KAR 1:190		
Amended	107	
As Amended	774	10-7-93
Amended	2151	
707 KAR 1:200		
Amended	109	
As Amended	776	10-7-93
Amended	2154	
707 KAR 1:210		
Amended	112	
As Amended	781	10-7-93
707 KAR 1:220		
Amended	114	
As Amended	784	10-7-93
Amended	1689	
707 KAR 1:230		
Amended	117	
As Amended	787	10-7-93
707 KAR 1:240		
As Amended	790	10-7-93
707 KAR 1:250		
Amended	120	
As Amended	793	10-7-93
707 KAR 1:260		
As Amended	794	10-7-93
750 KAR 2:010	716	
As Amended	967	
As Amended	1617	11-4-93
780 KAR 2:015	244	
As Amended	795	10-7-93
780 KAR 2:020		
Amended	1693	
As Amended	2336	
780 KAR 2:060		
Amended	1694	
780 KAR 2:090		
Amended	1695	
780 KAR 3:070		
Amended	847	
Amended	1623	
As Amended	2336	
780 KAR 3:140		
Amended	154	10-7-93
780 KAR 4:030	245	10-7-93
780 KAR 6:060		
Amended	853	
Amended	1629	
As Amended	2342	
780 KAR 7:035	246	10-7-93
781 KAR 1:040		
Amended	1388	
Reprint	1795	1-10-94
803 KAR 2:200		
Amended	638	
As Amended	968	11-8-93
803 KAR 2:309		
Amended	640	11-8-93
803 KAR 2:310		
Amended	367	
As Amended	511	9-3-93
803 KAR 2:320		
Amended	642	11-8-93
803 KAR 2:403		
Amended	645	11-8-93
803 KAR 2:500		
Amended	646	11-8-93
803 KAR 2:600		
Amended	648	11-8-93
803 KAR 25:092	717	
Amended	1015	11-10-93
805 KAR 3:010		
Amended	424	
As Amended	796	9-22-93
805 KAR 3:090		
Amended	426	
Withdrawn		8-26-93
805 KAR 5:040	2457	
806 KAR 2:090		
Amended	1696	
806 KAR 2:095		
Amended	1697	
806 KAR 2:096		
Amended	1698	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
806 KAR 2:097		
Amended	1699	
806 KAR 2:120	247	9-3-93
806 KAR 2:130	248	9-3-93
806 KAR 3:140		
Repealed	1509	1-10-94
806 KAR 3:141	1509	1-10-94
806 KAR 4:010		
Amended	1389	
Withdrawn		12-2-93
Resubmitted	2368	
806 KAR 14:005		
Amended	2370	
806 KAR 26:010		
Amended	2371	
808 KAR 10:160		
Amended	649	11-8-93
808 KAR 10:290	719	11-8-93
810 KAR 1:031	466	
810 KAR 1:032	1510	
As Amended	1797	1-10-94
811 KAR 1:015		
Amended	428	
As Amended	1798	1-10-94
811 KAR 1:055		
Amended	432	
As Amended	1804	1-10-94
815 KAR 7:010		
Repealed	1808	1-10-94
815 KAR 7:025		
Repealed	1808	1-10-94
815 KAR 7:060		
Repealed	1808	1-10-94
815 KAR 7:090	1511	
As Amended	1808	1-10-94
815 KAR 20:020		
Amended	650	11-8-93
Amended	2159	
815 KAR 20:073		
Amended	1391	1-10-94
815 KAR 20:100		
Amended	1392	1-10-94
815 KAR 20:150		
Amended	1394	1-10-94
815 KAR 25:030		
Amended	2377	
815 KAR 30:010		
Amended	1700	
Amended	2354	
815 KAR 35:030		
Amended	653	11-8-93
900 KAR 1:015		
Amended	2162	
900 KAR 2:030		
Amended	2166	
900 KAR 2:040		
Amended	2172	
900 KAR 3:001	2275	
901 KAR 5:020		
Amended	1396	
As Amended	1828	1-10-94
901 KAR 5:070		
Amended	1397	
As Amended	1828	1-10-94
901 KAR 5:080		
Amended	655	
As Amended	970	10-21-93
901 KAR 5:090		
Amended	656	
As Amended	970	10-21-93
902 KAR 2:001	2284	
902 KAR 8:040		
Amended	367	
As Amended	511	9-3-93
902 KAR 8:050		
Amended	369	9-3-93
902 KAR 8:060		
Amended	369	
As Amended	513	9-3-93
902 KAR 8:070		
Amended	371	9-3-93
902 KAR 8:080		
Amended	373	
As Amended	514	9-3-93
902 KAR 8:090		
Amended	375	
As Amended	516	9-3-93
902 KAR 8:100		
Amended	376	
As Amended	517	9-3-93
902 KAR 8:120		
Amended	377	9-3-93
902 KAR 10:020		
Amended	1398	
As Amended	1829	1-10-94
902 KAR 10:050		
Amended	2177	
902 KAR 10:071	2275	
902 KAR 11:010		
Amended	2179	
902 KAR 11:020		
Amended	2180	
902 KAR 11:030		
Amended	2181	
902 KAR 11:035		
Amended	2184	
902 KAR 11:040		
Amended	2186	
902 KAR 11:045		
Amended	2188	
902 KAR 11:050		
Amended	2189	
902 KAR 13:090		
Amended	2191	
902 KAR 20:004		
As Amended	797	10-13-93
Amended	2193	
902 KAR 20:350	719	
Amended	1016	12-6-93
902 KAR 45:005		
Amended	1400	
As Amended	1831	1-10-94
902 KAR 45:020		
Amended	1413	
As Amended	1843	1-10-94
902 KAR 45:030		
Amended	2199	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
902 KAR 45:040		
Amended	1419	
As Amended	1848	1-10-94
902 KAR 45:050		
Amended	2203	
902 KAR 45:060		
Amended	2209	
902 KAR 47:010		
Amended	2213	
902 KAR 47:020		
Amended	2215	
902 KAR 47:030		
Amended	2218	
902 KAR 47:040		
Amended	1422	1-10-94
902 KAR 50:002		
Amended	657	10-21-93
902 KAR 50:005		
Amended	658	10-21-93
902 KAR 50:031	2276	
902 KAR 50:032	2278	
902 KAR 50:033	2281	
902 KAR 50:040		
Amended	2219	
902 KAR 50:080		
Amended	2222	
902 KAR 50:120		
Amended	2222	
902 KAR 55:015		
Amended	659	10-21-93
902 KAR 55:020		
Amended	859	12-6-93
902 KAR 55:025		
Amended	861	12-6-93
902 KAR 55:030		
Amended	862	
Withdrawn		10-21-93
Amended	1701	
902 KAR 55:035		
Amended	660	10-21-93
902 KAR 55:040		
Amended	863	12-6-93
902 KAR 55:045		
Amended	864	12-6-93
902 KAR 55:060		
Amended	1425	1-10-94
902 KAR 55:065		
Amended	2226	
902 KAR 55:070		
Amended	2227	
902 KAR 65:010	887	
Amended	1634	
Withdrawn		12-22-93
902 KAR 100:019	2460	
902 KAR 100:021		
Amended	2380	
902 KAR 100:041	2511	
902 KAR 100:073		
Amended	2385	
902 KAR 100:100		
Amended	2398	
903 KAR 5:270		
Amended	155	9-3-93
904 KAR 2:006		
Amended	2229	
904 KAR 2:015		
Amended	2234	
904 KAR 2:016		
Amended	2238	
904 KAR 2:017	2285	
904 KAR 2:020		
Amended	2247	
904 KAR 2:046		
Amended	2250	
904 KAR 2:060		
Amended	2252	
904 KAR 2:116		
Amended	2253	
904 KAR 2:141	2290	
904 KAR 2:171	2291	
904 KAR 2:380	2292	
904 KAR 2:390	2295	
904 KAR 2:400	2296	
904 KAR 2:410	2299	
904 KAR 2:420	2302	
904 KAR 2:430	2303	
904 KAR 3:030		
Amended	2256	
904 KAR 3:080		
Amended	661	10-21-93
904 KAR 3:110	2304	
905 KAR 1:010		
Amended	865	12-6-93
905 KAR 1:030		
Amended	2403	
905 KAR 1:050		
Amended	2405	
905 KAR 1:140		
Amended	2406	
905 KAR 1:180		
Amended	2407	
905 KAR 1:210		
Amended	2409	
905 KAR 1:230		
Amended	2413	
905 KAR 1:300		
Amended	2414	
905 KAR 1:310		
Amended	2424	
905 KAR 1:320		
Amended	2431	
905 KAR 1:330		
Amended	2435	
905 KAR 2:001	249	
Amended	553	
As Amended	803	10-13-93
905 KAR 2:011	250	10-13-93
905 KAR 2:090	251	
Amended	555	
As Amended	805	10-13-93
905 KAR 2:100		
Amended	155	
Amended	556	
As Amended	806	10-13-93
905 KAR 2:110	254	
Amended	560	
As Amended	810	10-13-93

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	20 Ky.R Page No.	Effective Date
905 KAR 2:120	256	
Amended	562	
As Amended	812	10-13-93
905 KAR 2:130	261	
As Amended	816	10-13-93
905 KAR 3:020		
Amended	2440	
905 KAR 3:030		
Amended	2442	
905 KAR 3:040		
Amended	2443	
905 KAR 5:040		
Amended	2444	
905 KAR 5:050		
Amended	2447	
905 KAR 6:010		
Amended	2449	
905 KAR 6:040		
Amended	2452	
905 KAR 8:150		
Repealed	1016	12-6-93
907 KAR 1:004		
Amended	1703	
907 KAR 1:013		
Amended	434	
Withdrawn		12-3-93
907 KAR 1:017		
Amended	161	9-3-93
907 KAR 1:022		
Amended	437	10-13-93
907 KAR 1:025		
Amended	441	10-13-93
907 KAR 1:027		
Amended	1713	
907 KAR 1:031		
Amended	447	10-13-93
907 KAR 1:038		
Amended	1714	
907 KAR 1:040		
Amended	1715	
907 KAR 1:044		
Amended	663	10-21-93
907 KAR 1:045		
Amended	664	10-21-93
907 KAR 1:470		
Amended	2453	
907 KAR 1:472		
Amended	2454	
907 KAR 1:480		
Repealed	296	7-7-93
907 KAR 1:485		
Repealed	296	7-7-93
907 KAR 1:490		
Repealed	296	7-7-93
907 KAR 1:495		
Repealed	296	7-7-93
907 KAR 1:535		
Repealed	296	7-7-93
907 KAR 1:536	472	10-13-93
907 KAR 1:540		
Amended	1716	
Amended	2354	
907 KAR 1:580	1531	
Amended	2038	
As Amended	2348	
907 KAR 1:585	1741	
As Amended	2348	
907 KAR 1:615	2305	
908 KAR 2:010		
Amended	2257	
908 KAR 2:020		
Amended	2258	
908 KAR 2:030		
Amended	2259	
908 KAR 2:050		
Amended	2261	
908 KAR 2:060		
Amended	666	10-21-93
Amended	2263	
908 KAR 2:070		
Amended	380	
As Amended	518	9-3-93
908 KAR 2:080	890	12-6-93
908 KAR 3:100		
Amended	2264	
908 KAR 3:110		
Amended	2265	
908 KAR 3:120		
Amended	2266	

KRS SECTION	REGULATION	
Chapter 6	2 KAR	2:030
6.666	2 KAR	2:010
6.781-6.797	2 KAR	2:020
6.807	2 KAR	2:010
11A.211	9 KAR	1:040
11A.241	9 KAR	1:040
13A.110	401 KAR	50:034
13A.120	900 KAR	3:011
13A.130	900 KAR	3:011
13A.224	907 KAR	1:536
16.505-16.652	105 KAR	1:010
	105 KAR	1:210
	105 KAR	1:270
17.165	905 KAR	2:001
	905 KAR	2:090
	905 KAR	2:100
	905 KAR	2:110
	905 KAR	2:120
	905 KAR	2:130
18A.005	101 KAR	2:056
18A.030	101 KAR	2:066
	101 KAR	2:100
	101 KAR	2:105
18A.075	101 KAR	1:335
18A.0751	101 KAR	1:335
18A.110	101 KAR	2:056
	101 KAR	2:066
	101 KAR	2:100
	101 KAR	2:105
18A.120	101 KAR	2:056
18A.155	101 KAR	3:010
18A.165	101 KAR	2:066
18A.1976	101 KAR	2:100
40.460	106 KAR	2:010
42.450-42.495	109 KAR	10:010
45.350-45.359	905 KAR	3:020
45A.800-45A.835	600 KAR	1:100
Chapter 47	902 KAR	11:010
56.610-56.760	600 KAR	3:010
61.190	45 KAR	1:070
61.510-61.705	105 KAR	1:010
	105 KAR	1:210
	105 KAR	1:270
61.592	105 KAR	1:130
61.805-61.850	201 KAR	2:010
64.840	45 KAR	1:070
64.850	45 KAR	1:070
66.480	45 KAR	1:070
68.300	45 KAR	1:070
78.510-78.852	105 KAR	1:010
	105 KAR	1:210
	105 KAR	1:270
78.530	105 KAR	1:130
78.545	105 KAR	1:130
91A.080	806 KAR	2:090
	806 KAR	2:095
	806 KAR	2:096
	806 KAR	2:097
117.065	31 KAR	5:020
117.265	32 KAR	2:160E
121.010	32 KAR	2:170
121.015	32 KAR	2:170
121.150	32 KAR	2:190
	32 KAR	2:200
121.180	32 KAR	2:160E
	32 KAR	2:180
132.601	45 KAR	1:070

KRS SECTION	REGULATION	
Chapter 138	601 KAR	1:005
	601 KAR	9:040
Chapter 146	402 KAR	2:030
150.010	301 KAR	1:085
	301 KAR	1:200
	301 KAR	2:171
	301 KAR	2:220
	301 KAR	3:030
150.015	301 KAR	2:044
	301 KAR	2:220
	301 KAR	2:260
150.025	301 KAR	1:085
	301 KAR	2:044
	301 KAR	3:030
150.105	301 KAR	2:260
150.110	301 KAR	1:085
150.170	301 KAR	1:085
	301 KAR	1:200
	301 KAR	2:044
	301 KAR	2:140
	301 KAR	2:171
	301 KAR	2:220
	301 KAR	2:260
	301 KAR	3:030
150.175	301 KAR	1:085
	301 KAR	2:140
	301 KAR	2:171
	301 KAR	2:220
	301 KAR	2:260
150.180	301 KAR	1:085
	301 KAR	2:171
150.190	301 KAR	1:085
150.235	301 KAR	2:220
	301 KAR	2:260
150.240	301 KAR	2:220
150.300	301 KAR	2:044
150.305	301 KAR	2:140
	301 KAR	2:220
150.320	301 KAR	2:044
	301 KAR	2:140
150.330	301 KAR	2:044
	301 KAR	2:140
	301 KAR	2:220
	301 KAR	2:260
	301 KAR	3:030
150.340	301 KAR	2:044
	301 KAR	2:171
	301 KAR	2:220
	301 KAR	2:260
150.360	301 KAR	2:044
	301 KAR	2:140
	301 KAR	2:171
	301 KAR	2:220
	301 KAR	3:030
150.370	301 KAR	2:171
150.390	301 KAR	2:140
	301 KAR	2:171
150.395	301 KAR	2:171
150.470	301 KAR	1:200
150.510	301 KAR	1:085
150.520	301 KAR	1:085
150.525	301 KAR	1:085
150.600	301 KAR	2:220
	301 KAR	2:260
150.603	301 KAR	2:044
	301 KAR	2:220
150.630	301 KAR	2:220

KRS INDEX

KRS SECTION	REGULATION
	301 KAR 2:260
150.990	301 KAR 1:085
	301 KAR 1:200
	301 KAR 2:140
	301 KAR 2:171
	301 KAR 2:220
	301 KAR 2:260
	301 KAR 3:030
151.100-151.600	420 KAR 1:010
	420 KAR 1:020
	420 KAR 1:030
	420 KAR 1:040
	420 KAR 1:050
151.700-151.730	420 KAR 1:010
	420 KAR 1:020
	420 KAR 1:030
	420 KAR 1:040
	420 KAR 1:050
151.990	420 KAR 1:010
	420 KAR 1:020
	420 KAR 1:030
	420 KAR 1:040
	420 KAR 1:050
151B.025	780 KAR 2:015
	780 KAR 2:020
	780 KAR 2:060
	780 KAR 2:090
151B.030	780 KAR 2:015
	780 KAR 2:020
151B.035	780 KAR 3:070
	780 KAR 3:140
	780 KAR 6:060
151B.110	780 KAR 2:015
	780 KAR 2:020
	780 KAR 2:060
	780 KAR 2:090
	780 KAR 4:030
	780 KAR 7:035
151B.145	780 KAR 2:015
151B.150	780 KAR 7:035
151B.190	781 KAR 1:040
156.035	704 KAR 7:090
	705 KAR 2:031
156.070	702 KAR 3:130
	705 KAR 2:031
156.095	704 KAR 3:035
156.0951	704 KAR 3:035
156.101	704 KAR 3:345
156.111	704 KAR 3:405
156.132	701 KAR 5:050
156.160	702 KAR 4:160
	702 KAR 5:150
	707 KAR 1:170
156.200	702 KAR 3:130
156.210	701 KAR 5:050
156.670	701 KAR 5:110
Chapter 157	750 KAR 2:010
157.200	704 KAR 3:285
	707 KAR 1:170
	707 KAR 1:180
	707 KAR 1:190
	707 KAR 1:200
	707 KAR 1:220
157.224	704 KAR 3:285
157.226	702 KAR 5:150
157.230	704 KAR 3:285
157.3175	702 KAR 5:150
157.360	702 KAR 3:190
	707 KAR 1:170
	707 KAR 1:180
	707 KAR 1:190
157.420	702 KAR 4:160
157.650	701 KAR 5:110
157.655	701 KAR 5:110
157.660	701 KAR 5:110
157.665	701 KAR 5:110
158.030	707 KAR 1:170
	707 KAR 1:180
158.070	704 KAR 3:035
158.100	707 KAR 1:170
	707 KAR 1:180
158.645	703 KAR 3:060
	703 KAR 4:080
158.6451	703 KAR 3:060
	703 KAR 4:070
	703 KAR 4:080
	707 KAR 1:170
	707 KAR 1:190
	707 KAR 1:200
	707 KAR 1:220
158.6453	703 KAR 3:060
	703 KAR 4:070
	703 KAR 4:080
158.6455	703 KAR 3:060
	703 KAR 4:070
	703 KAR 4:080
158.780	703 KAR 3:205
158.785	703 KAR 3:205
160.160	701 KAR 5:110
160.290	707 KAR 1:170
	707 KAR 1:190
	707 KAR 1:200
	707 KAR 1:220
160.350	704 KAR 3:405
161.020	704 KAR 20:005
	704 KAR 20:065
	704 KAR 20:085
	704 KAR 20:120
	704 KAR 20:150
	704 KAR 20:251
	704 KAR 20:270
	704 KAR 20:350
	704 KAR 20:360
	704 KAR 20:370
	704 KAR 20:470
	704 KAR 20:620
161.027	704 KAR 20:470
161.028	704 KAR 20:005
	704 KAR 20:065
	704 KAR 20:085
	704 KAR 20:120
	704 KAR 20:150
	704 KAR 20:270
	704 KAR 20:350
	704 KAR 20:360
	704 KAR 20:370
	704 KAR 20:470
	704 KAR 20:585
161.030	704 KAR 20:005
	704 KAR 20:065
	704 KAR 20:085
	704 KAR 20:120
	704 KAR 20:150

KRS SECTION	REGULATION
	704 KAR 20:251
	704 KAR 20:270
	704 KAR 20:350
	704 KAR 20:360
	704 KAR 20:370
	704 KAR 20:470
	704 KAR 20:620
161.042	704 KAR 20:005
161.100	704 KAR 20:120
161.120	704 KAR 20:585
161.605	102 KAR 1:035
162.060	702 KAR 4:160
162.065	702 KAR 4:160
162.070	702 KAR 4:160
164.740	11 KAR 3:001
164.744	11 KAR 3:001
	11 KAR 10:010
	11 KAR 10:020
164.748	11 KAR 3:001
	11 KAR 10:010
	11 KAR 10:020
164.753	11 KAR 3:001
164.766	11 KAR 3:001
164A.060	15 KAR 1:011
167.150	707 KAR 1:170
	707 KAR 1:180
	707 KAR 1:190
	707 KAR 1:200
	707 KAR 1:220
167.170	707 KAR 1:190
	707 KAR 1:200
	707 KAR 1:220
174.400-174.435	601 KAR 1:025
177.830-177.890	603 KAR 3:080
183.861-183.990	602 KAR 50:010
Chapter 186	601 KAR 2:010
	601 KAR 9:040
	601 KAR 9:060
186.053	601 KAR 9:020
186.070	601 KAR 9:015
186.174	601 KAR 9:012
186.276	601 KAR 9:010
186.281	601 KAR 9:010
186.531	601 KAR 11:080
186.560	601 KAR 13:031
186.650	601 KAR 9:065
186A.115	601 KAR 9:085
186A.145	601 KAR 9:095
Chapter 189	601 KAR 14:020
189.540	702 KAR 5:150
189A.070	601 KAR 13:031
194.050	900 KAR 3:011
	904 KAR 2:116
	904 KAR 2:141
	904 KAR 2:430
	904 KAR 3:030
	904 KAR 3:080
	904 KAR 3:110
194.060	905 KAR 1:180
Chapter 196	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:050
	501 KAR 6:060
	501 KAR 6:080
	501 KAR 6:110
	501 KAR 6:120

KRS SECTION	REGULATION
	501 KAR 6:130
	501 KAR 6:140
	501 KAR 6:150
Chapter 197	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:050
	501 KAR 6:060
	501 KAR 6:080
	501 KAR 6:110
	501 KAR 6:120
	501 KAR 6:130
	501 KAR 6:140
	501 KAR 6:150
Chapter 198A	202 KAR 2:010
Chapter 198B	815 KAR 7:090
198B.040	815 KAR 20:100
198B.050	815 KAR 20:100
199.011	905 KAR 1:300
	905 KAR 1:310
199.420	905 KAR 3:020
	905 KAR 3:030
199.420-199.990	905 KAR 1:180
199.467	905 KAR 1:140
199.470	905 KAR 1:010
199.471	905 KAR 1:010
	905 KAR 1:030
199.472	905 KAR 1:010
	905 KAR 1:030
199.473	905 KAR 1:010
199.480	905 KAR 1:010
199.520	905 KAR 1:010
199.555	905 KAR 1:050
199.557	905 KAR 1:050
199.572	905 KAR 1:010
199.640	905 KAR 1:310
199.640-199.670	905 KAR 1:300
199.645	905 KAR 1:210
199.650	905 KAR 1:310
199.660	905 KAR 1:310
199.670	905 KAR 1:310
199.894-199.898	905 KAR 2:001
	905 KAR 2:011
	905 KAR 2:090
	905 KAR 2:110
	905 KAR 2:120
	905 KAR 2:130
199.898	905 KAR 2:100
199.8982	905 KAR 2:100
200.080-200.120	905 KAR 1:180
Chapter 202A	908 KAR 3:100
	908 KAR 3:110
Chapter 202B	908 KAR 3:120
	908 KAR 3:100
	908 KAR 3:110
	908 KAR 3:120
Chapter 205	904 KAR 2:171
205.010	904 KAR 2:006
205.010-205.410	904 KAR 2:141
205.170	904 KAR 2:060
205.175	904 KAR 2:020
205.200	904 KAR 2:006
	904 KAR 2:016
	904 KAR 2:017
	904 KAR 2:046
205.201-205.204	905 KAR 1:180
205.204	905 KAR 3:020

KRS SECTION	REGULATION
	905 KAR 3:030
205.210	904 KAR 2:016
205.211	904 KAR 2:016
	904 KAR 2:017
205.245	904 KAR 2:015
	904 KAR 2:046
205.455-205.465	905 KAR 1:180
205.510-205.710	904 KAR 2:141
205.520	907 KAR 1:004
	907 KAR 1:013
	907 KAR 1:017
	907 KAR 1:022
	907 KAR 1:025
	907 KAR 1:027
	907 KAR 1:031
	907 KAR 1:038
	907 KAR 1:040
	907 KAR 1:044
	907 KAR 1:045
	907 KAR 1:470
	907 KAR 1:472
	907 KAR 1:536
	907 KAR 1:540
	907 KAR 1:580
	907 KAR 1:585
	907 KAR 1:615
205.575	907 KAR 1:013
205.710-205.800	904 KAR 2:001
	904 KAR 2:380
	904 KAR 2:400
	904 KAR 2:410
	904 KAR 2:420
205.712	904 KAR 2:020
205.800	904 KAR 2:020
205.810-205.855	904 KAR 2:141
205.992	904 KAR 2:380
Chapter 208	905 KAR 1:180
Chapter 209	905 KAR 1:180
209.030	905 KAR 3:020
	905 KAR 3:030
	905 KAR 5:040
	905 KAR 5:050
209.160	905 KAR 5:040
	905 KAR 5:050
Chapter 210	908 KAR 3:100
	908 KAR 3:110
	908 KAR 3:120
210.120	908 KAR 2:020
210.370	908 KAR 2:020
210.370-210.460	908 KAR 2:060
210.400	908 KAR 2:030
210.410	908 KAR 2:030
210.420	908 KAR 2:050
210.440	908 KAR 2:010
	908 KAR 2:050
210.450	908 KAR 2:010
	908 KAR 2:020
	908 KAR 2:030
210.770-210.795	908 KAR 2:080
211.025	902 KAR 10:050
	902 KAR 47:040
211.090	902 KAR 10:050
	902 KAR 47:040
211.180	902 KAR 10:050
	902 KAR 47:040
211.375	902 KAR 10:071
211.842-211.852	902 KAR 100:019

KRS SECTION	REGULATION
	902 KAR 100:021
	902 KAR 100:041
	902 KAR 100:073
	902 KAR 100:100
211.960-211.968	902 KAR 13:090
211.990	902 KAR 13:090
	902 KAR 100:019
	902 KAR 100:021
	902 KAR 100:041
	902 KAR 100:073
	902 KAR 100:100
Chapter 213	901 KAR 5:020
	901 KAR 5:070
	901 KAR 5:080
	901 KAR 5:090
216.270-216.287	902 KAR 65:010
216.550	900 KAR 2:030
	900 KAR 2:040
216.555	900 KAR 2:040
216.557	900 KAR 2:040
216.560	900 KAR 2:040
216.553	900 KAR 2:040
216.565	900 KAR 2:040
216.577	900 KAR 2:040
216B.010-216B.130	902 KAR 20:004
216B.300-216B.320	902 KAR 20:350
216B.990	902 KAR 20:004
	902 KAR 20:350
Chapter 217	902 KAR 45:020
	902 KAR 45:030
	902 KAR 45:040
	902 KAR 45:050
	902 KAR 45:060
217.005-217.215	902 KAR 45:005
	902 KAR 50:031
	902 KAR 50:032
	902 KAR 50:033
	902 KAR 55:065
217.650-217.710	902 KAR 47:020
	902 KAR 47:030
217.700	902 KAR 47:040
217.950	900 KAR 1:015
217.952	900 KAR 1:015
217.992	902 KAR 45:005
	902 KAR 55:065
Chapter 217C	902 KAR 50:120
217C.010-217C.990	902 KAR 50:002
	902 KAR 50:005
	902 KAR 50:031
	902 KAR 50:032
	902 KAR 50:033
	902 KAR 50:040
	902 KAR 50:080
218A.010-218A.020	902 KAR 55:060
218A.010-218A.030	902 KAR 55:020
	902 KAR 55:025
	902 KAR 55:030
	902 KAR 55:035
218A.010-218A.050	902 KAR 55:015
218A.020-218A.130	902 KAR 55:040
	902 KAR 55:045
218A.060-218A.070	902 KAR 55:020
218A.080-218A.090	902 KAR 55:025
218A.100-218A.110	902 KAR 55:030
218A.120-218A.130	902 KAR 55:035
218A.150-218A.200	902 KAR 55:060
218A.180	902 KAR 55:070

KRS SECTION	REGULATION
218A.200	902 KAR 55:070
Chapter 221	902 KAR 10:020
Chapter 223	401 KAR 8:010
	401 KAR 8:020
223.400-223.460	420 KAR 1:010
	420 KAR 1:020
	420 KAR 1:030
	420 KAR 1:040
	420 KAR 1:050
Chapter 224	401 KAR 5:036
	401 KAR 8:010
	401 KAR 8:020
	401 KAR 8:040
	401 KAR 8:060
	401 KAR 8:070
	401 KAR 8:100
	401 KAR 8:150
	401 KAR 8:200
	401 KAR 8:250
	401 KAR 8:300
	401 KAR 8:400
	401 KAR 8:420
	401 KAR 8:440
	401 KAR 8:500
	401 KAR 8:600
	401 KAR 63:036
224.01	401 KAR 30:010
	401 KAR 31:010
	401 KAR 31:030
	401 KAR 31:040
	401 KAR 31:120
	401 KAR 31:160
	401 KAR 31:170
	401 KAR 32:010
	401 KAR 32:020
	401 KAR 32:030
	401 KAR 32:050
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:070
	401 KAR 34:120
	401 KAR 34:190
	401 KAR 34:230
	401 KAR 34:275
	401 KAR 34:280
	401 KAR 35:020
	401 KAR 35:050
	401 KAR 35:070
	401 KAR 35:190
	401 KAR 36:030
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 38:010
	401 KAR 38:020
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
224.01-010	401 KAR 58:001
	401 KAR 63:036
	401 KAR 65:001
224.10	401 KAR 30:010
	401 KAR 31:060
	401 KAR 32:010
	401 KAR 32:020
	401 KAR 32:050

KRS SECTION	REGULATION
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:070
	401 KAR 34:080
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:120
	401 KAR 34:190
	401 KAR 34:200
	401 KAR 34:210
	401 KAR 34:220
	401 KAR 34:230
	401 KAR 34:240
	401 KAR 34:275
	401 KAR 34:280
	401 KAR 34:285
	401 KAR 35:010
	401 KAR 35:020
	401 KAR 35:050
	401 KAR 35:060
	401 KAR 35:070
	401 KAR 35:090
	401 KAR 35:100
	401 KAR 35:120
	401 KAR 35:190
	401 KAR 35:200
	401 KAR 35:210
	401 KAR 35:220
	401 KAR 35:230
	401 KAR 35:240
	401 KAR 35:250
	401 KAR 35:275
	401 KAR 35:280
	401 KAR 35:285
	401 KAR 36:020
	401 KAR 36:025
	401 KAR 36:030
	401 KAR 36:050
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 38:010
	401 KAR 38:020
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:090
	401 KAR 38:170
	401 KAR 38:180
	401 KAR 38:210
	401 KAR 38:240
	401 KAR 38:250
	401 KAR 38:260
	401 KAR 38:270
224.10-100	401 KAR 50:034
	401 KAR 50:035
	401 KAR 50:038
	401 KAR 57:041
	401 KAR 57:061
	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

KRS SECTION	REGULATION
	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
224.10-230	401 KAR 50:038
224.20-050	401 KAR 50:038
224.20-100	401 KAR 50:035
	401 KAR 50:038
	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
224.20-110	401 KAR 50:034
	401 KAR 50:035
	401 KAR 57:041
	401 KAR 57:061
	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

KRS SECTION	REGULATION
	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 50:035
	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
224.20-130	401 KAR 50:038
224.20-300	401 KAR 58:020
224.20-320	401 KAR 58:020
224.20-710-224.20-765	401 KAR 65:010
224.40	401 KAR 30:010
	401 KAR 31:010
	401 KAR 31:030
	401 KAR 31:040
	401 KAR 31:060
	401 KAR 31:120
	401 KAR 31:160
	401 KAR 31:170
	401 KAR 32:020
	401 KAR 32:030
	401 KAR 32:050
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:070
	401 KAR 34:080
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:190
	401 KAR 34:200
	401 KAR 34:210
	401 KAR 34:220
	401 KAR 34:230
	401 KAR 34:240
	401 KAR 34:275
	401 KAR 34:280
	401 KAR 34:285
	401 KAR 35:010
	401 KAR 35:020
	401 KAR 35:050
	401 KAR 35:060
	401 KAR 35:070

KRS SECTION	REGULATION
	401 KAR 35:080
	401 KAR 35:090
	401 KAR 35:100
	401 KAR 35:120
	401 KAR 35:190
	401 KAR 35:200
	401 KAR 35:210
	401 KAR 35:220
	401 KAR 35:230
	401 KAR 35:240
	401 KAR 35:250
	401 KAR 35:275
	401 KAR 35:280
	401 KAR 35:285
	401 KAR 36:020
	401 KAR 36:025
	401 KAR 36:030
	401 KAR 36:050
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 38:010
	401 KAR 38:020
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:090
	401 KAR 38:170
	401 KAR 38:180
	401 KAR 38:210
	401 KAR 38:240
	401 KAR 38:250
	401 KAR 38:260
	401 KAR 38:270
224.43	401 KAR 30:010
	401 KAR 31:010
	401 KAR 31:030
	401 KAR 31:040
	401 KAR 31:060
	401 KAR 31:170
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:070
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:120
	401 KAR 34:190
	401 KAR 34:200
	401 KAR 34:210
	401 KAR 34:220
	401 KAR 34:230
	401 KAR 34:240
	401 KAR 34:275
	401 KAR 34:280
	401 KAR 35:010
	401 KAR 35:020
	401 KAR 35:050
	401 KAR 35:060
	401 KAR 35:070
	401 KAR 35:080
	401 KAR 35:090
	401 KAR 35:100
	401 KAR 35:120
	401 KAR 35:190
	401 KAR 35:200
	401 KAR 35:210

KRS SECTION	REGULATION
	401 KAR 35:220
	401 KAR 35:230
	401 KAR 35:240
	401 KAR 35:250
	401 KAR 35:275
	401 KAR 35:280
	401 KAR 36:020
	401 KAR 36:025
	401 KAR 36:030
	401 KAR 36:050
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 38:010
	401 KAR 38:020
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
224.46	401 KAR 30:010
	401 KAR 31:010
	401 KAR 31:020
	401 KAR 31:030
	401 KAR 31:040
	401 KAR 31:060
	401 KAR 31:160
	401 KAR 31:170
	401 KAR 32:010
	401 KAR 32:020
	401 KAR 32:030
	401 KAR 32:050
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:070
	401 KAR 34:080
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:120
	401 KAR 34:190
	401 KAR 34:200
	401 KAR 34:210
	401 KAR 34:220
	401 KAR 34:230
	401 KAR 34:240
	401 KAR 34:275
	401 KAR 34:280
	401 KAR 34:285
	401 KAR 35:010
	401 KAR 35:020
	401 KAR 35:050
	401 KAR 35:060
	401 KAR 35:070
	401 KAR 35:080
	401 KAR 35:090
	401 KAR 35:100
	401 KAR 35:120
	401 KAR 35:190
	401 KAR 35:200
	401 KAR 35:210
	401 KAR 35:220
	401 KAR 35:230
	401 KAR 35:240
	401 KAR 35:250
	401 KAR 35:275
	401 KAR 35:280
	401 KAR 35:285
	401 KAR 36:020

KRS SECTION	REGULATION
	401 KAR 36:025
	401 KAR 36:030
	401 KAR 36:050
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 38:010
	401 KAR 38:020
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:090
	401 KAR 38:170
	401 KAR 38:180
	401 KAR 38:210
	401 KAR 38:240
	401 KAR 38:250
	401 KAR 38:260
	401 KAR 38:270
224.50	401 KAR 30:010
	401 KAR 31:020
	401 KAR 31:060
	401 KAR 34:070
	401 KAR 34:275
	401 KAR 34:280
	401 KAR 35:020
	401 KAR 35:050
	401 KAR 35:070
224.50-760	405 KAR 7:200
224.60-110	415 KAR 1:115
224.60-120	415 KAR 1:110
224.60-130	415 KAR 1:110
	415 KAR 1:115
224.60-140	415 KAR 1:110
224.70	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:070
	401 KAR 34:090
	401 KAR 34:190
	401 KAR 34:200
	401 KAR 34:210
	401 KAR 34:220
	401 KAR 34:230
	401 KAR 34:240
	401 KAR 34:275
	401 KAR 34:280
	401 KAR 34:285
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	420 KAR 1:010
	420 KAR 1:020
	420 KAR 1:030
	420 KAR 1:040
	420 KAR 1:050
224.70-100	402 KAR 2:030
224.70-110	402 KAR 2:030
224.73	420 KAR 1:010
	420 KAR 1:020
	420 KAR 1:030
	420 KAR 1:040
	420 KAR 1:050
224.99	401 KAR 30:010
	401 KAR 31:010
	401 KAR 31:040
	401 KAR 31:060
	401 KAR 31:120
	401 KAR 31:160
	401 KAR 31:170
	401 KAR 32:010
	401 KAR 32:020
	401 KAR 32:030
	401 KAR 32:050
	401 KAR 34:020
	401 KAR 34:050
	401 KAR 34:070
	401 KAR 34:090
	401 KAR 34:100
	401 KAR 34:120
	401 KAR 34:190
	401 KAR 34:200
	401 KAR 34:210
	401 KAR 34:220
	401 KAR 34:230
	401 KAR 34:240
	401 KAR 34:275
	401 KAR 34:280
	401 KAR 34:285
	401 KAR 35:010
	401 KAR 35:020
	401 KAR 35:050
	401 KAR 35:070
	401 KAR 35:080
	401 KAR 35:090
	401 KAR 35:100
	401 KAR 35:120
	401 KAR 35:190
	401 KAR 35:200
	401 KAR 35:210
	401 KAR 35:220
	401 KAR 35:230
	401 KAR 35:240
	401 KAR 35:250
	401 KAR 35:275
	401 KAR 35:280
	401 KAR 35:285
	401 KAR 36:020
	401 KAR 36:025
	401 KAR 36:030
	401 KAR 36:050
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 38:010
	401 KAR 38:020
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060
	401 KAR 38:090
	401 KAR 38:170
	401 KAR 38:180
	401 KAR 38:210
	401 KAR 38:240
	401 KAR 38:250
	401 KAR 38:260
	401 KAR 38:270
224.99-010	401 KAR 58:020
227.450-227.500	815 KAR 35:030
227.550-227.660	815 KAR 25:030
Chapter 229	201 KAR 27:081
229.011	201 KAR 27:005

KRS SECTION	REGULATION
229.031	201 KAR 27:020
229.071	201 KAR 27:010
229.081	201 KAR 27:015
	201 KAR 27:030
	201 KAR 27:040
	201 KAR 27:045
	201 KAR 27:055
	201 KAR 27:060
	201 KAR 27:070
229.091	201 KAR 27:015
	201 KAR 27:030
	201 KAR 27:040
	201 KAR 27:045
	201 KAR 27:055
	201 KAR 27:060
	201 KAR 27:070
229.101	201 KAR 27:013
229.131	201 KAR 27:013
229.171	201 KAR 27:007
	201 KAR 27:010
	201 KAR 27:013
	201 KAR 27:035
	201 KAR 27:050
229.200	201 KAR 27:007
229.991	201 KAR 27:015
230.217	810 KAR 1:032
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
234.120	815 KAR 30:010
260.010	302 KAR 37:010
Chapter 262	402 KAR 2:030
273.405-273.453	905 KAR 6:010
273.446	905 KAR 3:040
273.451	905 KAR 6:040
Chapter 281	601 KAR 1:005
	601 KAR 1:040
	601 KAR 1:101
	601 KAR 2:010
	601 KAR 9:040
281.600	601 KAR 11:040
281.720	601 KAR 9:010
Chapter 281A	601 KAR 11:030
	601 KAR 11:040
	601 KAR 11:080
Chapter 292	808 KAR 10:160
	808 KAR 10:290
304.2-250	806 KAR 2:120
304.2-260	806 KAR 2:130
304.2-270	806 KAR 2:130
304.3-315	806 KAR 3:141
304.4-010	806 KAR 2:095
	806 KAR 2:097
	806 KAR 4:010
	806 KAR 14:005
304.12-080	806 KAR 2:096
304.12-090	806 KAR 2:096
304.13-031	806 KAR 14:005
304.13-051	806 KAR 14:005
304.13-061	806 KAR 14:005
304.13-081	806 KAR 14:005
304.14-120	806 KAR 14:005
304.14-190	806 KAR 14:005
304.26-050	806 KAR 26:010
304.99-125	902 KAR 65:010
311.410	201 KAR 25:080
311.450	201 KAR 25:031
311.530-311.620	201 KAR 9:023
	201 KAR 9:041
	201 KAR 9:051
	201 KAR 9:061
	201 KAR 9:081
	201 KAR 9:084
311.565	201 KAR 9:031
	201 KAR 9:175
	201 KAR 9:310
	201 KAR 9:315
311.601	201 KAR 9:310
	201 KAR 9:315
311.650-311.658	201 KAR 9:136
	201 KAR 9:141
	201 KAR 9:151
311.950-311.966	900 KAR 1:015
311.990	201 KAR 9:023
	201 KAR 9:041
	201 KAR 9:051
	201 KAR 9:061
	201 KAR 9:081
	201 KAR 9:084
	201 KAR 9:136
	201 KAR 9:141
	201 KAR 9:151
311.991	900 KAR 1:015
314.025	201 KAR 20:390
314.026	201 KAR 20:390
314.027	201 KAR 20:390
314.041	201 KAR 20:070
	201 KAR 20:240
	201 KAR 20:370
314.042	201 KAR 20:240
314.051	201 KAR 20:070
	201 KAR 20:240
	201 KAR 20:370
314.071	201 KAR 20:240
	201 KAR 20:370
314.073	201 KAR 20:240
314.101	201 KAR 20:290
314.161	201 KAR 20:240
316.050	201 KAR 15:030
316.130	201 KAR 15:021
316.155	201 KAR 15:090
316.210	201 KAR 15:021
317A.010	201 KAR 12:120
317A.020	201 KAR 12:080
317A.030	201 KAR 12:010
	201 KAR 12:080
317A.040	201 KAR 12:010
	201 KAR 12:080
317A.050	201 KAR 12:031
	201 KAR 12:055
	201 KAR 12:060
	201 KAR 12:065
	201 KAR 12:080
	201 KAR 12:085
317A.060	201 KAR 12:060
	201 KAR 12:065
	201 KAR 12:100
	201 KAR 12:110
317A.090	201 KAR 12:110

KRS SECTION	REGULATION
	201 KAR 12:125
317A.100	201 KAR 12:050
	201 KAR 12:055
317A.140	201 KAR 12:190
317A.145	201 KAR 12:190
Chapter 318	815 KAR 20:020
	815 KAR 20:073
	815 KAR 20:100
	815 KAR 20:150
Chapter 319	201 KAR 26:151
319.005	201 KAR 26:130
319.010	201 KAR 26:115
319.015	201 KAR 26:215
319.032	201 KAR 26:121
	201 KAR 26:180
	201 KAR 26:185
319.050	201 KAR 26:125
	201 KAR 26:155
	201 KAR 26:160
	201 KAR 26:171
	201 KAR 26:175
	201 KAR 26:190
	201 KAR 26:230
319.058	201 KAR 26:160
	201 KAR 26:171
	201 KAR 26:175
	201 KAR 26:230
319.062	201 KAR 26:160
319.064	201 KAR 26:155
	201 KAR 26:160
	201 KAR 26:171
	201 KAR 26:175
	201 KAR 26:230
319.071	201 KAR 26:165
319.082	201 KAR 26:130
	201 KAR 26:145
319.092	201 KAR 26:140
319.118	201 KAR 26:130
319.990	201 KAR 26:130
319A.010	201 KAR 28:130
319A.010-319A.210	201 KAR 28:010
319A.080	201 KAR 28:020
319A.090	201 KAR 28:030
319A.100	201 KAR 28:060
	201 KAR 28:130
319A.110	201 KAR 28:020
	201 KAR 28:050
	201 KAR 28:060
319A.120	201 KAR 28:020
	201 KAR 28:050
	201 KAR 28:070
319A.130	201 KAR 28:020
	201 KAR 28:060
319A.140	201 KAR 28:020
	201 KAR 28:050
319A.160	201 KAR 28:090
	201 KAR 28:140
319A.170	201 KAR 28:110
319A.180	201 KAR 28:120
319A.190	201 KAR 28:140
	201 KAR 28:150
	201 KAR 28:160
319A.200	201 KAR 28:160
321.351	201 KAR 16:010
Chapter 322	201 KAR 18:200
322.360	702 KAR 4:160
322A.020	201 KAR 31:020

KRS SECTION	REGULATION
324A.010	201 KAR 30:010
	201 KAR 30:030
	201 KAR 30:140
324A.030	201 KAR 30:030
	201 KAR 30:050
	201 KAR 30:140
324A.035	201 KAR 30:010
	201 KAR 30:030
	201 KAR 30:040
	201 KAR 30:050
	201 KAR 30:140
342A.040	201 KAR 30:010
	201 KAR 30:050
	201 KAR 30:140
324A.045	201 KAR 30:030
	201 KAR 30:140
324A.050	201 KAR 30:040
	201 KAR 30:140
324A.065	201 KAR 30:030
	201 KAR 30:050
	201 KAR 30:140
325.240	201 KAR 1:300
325.330	201 KAR 1:140
325.340	201 KAR 1:300
Chapter 333	902 KAR 11:010
	902 KAR 11:020
	902 KAR 11:030
	902 KAR 11:035
	902 KAR 11:040
	902 KAR 11:045
	902 KAR 11:050
Chapter 334	201 KAR 7:085
334.010	201 KAR 7:010
334.020	201 KAR 7:010
	201 KAR 7:050
334.040	201 KAR 7:010
334.050	201 KAR 7:010
	201 KAR 7:020
	201 KAR 7:105
334.060	201 KAR 7:040
334.070	201 KAR 7:040
334.080	201 KAR 7:020
	201 KAR 7:040
334.090	201 KAR 7:020
	201 KAR 7:040
334.100	201 KAR 7:010
334.110	201 KAR 7:070
334.120	201 KAR 7:090
	201 KAR 7:100
	201 KAR 7:105
334.150	201 KAR 7:040
	201 KAR 7:075
	201 KAR 7:100
334.160	201 KAR 7:020
334.190	201 KAR 7:010
334.210	201 KAR 7:025
Chapter 337	780 KAR 3:070
Chapter 338	803 KAR 2:200
	803 KAR 2:309
	803 KAR 2:320
	803 KAR 2:403
	803 KAR 2:500
	803 KAR 2:600
341.380	903 KAR 5:270
Chapter 342	803 KAR 25:092
344.030	101 KAR 2:100
	105 KAR 1:210

KRS SECTION	REGULATION
Chapter 350	405 KAR 12:001
350.020	405 KAR 10:050
	405 KAR 12:010
350.028	405 KAR 12:010
350.050	405 KAR 12:010
350.060	405 KAR 10:050
350.064	405 KAR 10:050
350.085	405 KAR 12:010
350.093	405 KAR 10:050
350.095	405 KAR 10:050
350.113	405 KAR 12:010
350.130	405 KAR 10:050
	405 KAR 12:010
350.131	405 KAR 10:050
350.151	405 KAR 10:050
	405 KAR 12:010
350.465	405 KAR 10:050
	405 KAR 12:010
350.990	405 KAR 12:010
351.010	805 KAR 3:010
351.990	805 KAR 5:040
352.010	805 KAR 3:010
352.220	805 KAR 3:090
352.230	805 KAR 3:090
352.990	805 KAR 5:040
403.210-403.240	904 KAR 2:001
	904 KAR 2:400
403.215	904 KAR 2:410
Chapter 405	904 KAR 2:171
405.400-405.991	904 KAR 2:420
405.520	904 KAR 2:001
	904 KAR 2:400
	904 KAR 2:410
Chapter 406	904 KAR 2:171
406.011-406.180	904 KAR 2:390
Chapter 407	904 KAR 2:171
407.010-407.480	904 KAR 2:001
	904 KAR 2:380
Chapter 439	501 KAR 6:020
	501 KAR 6:030
	501 KAR 6:040
	501 KAR 6:050
	501 KAR 6:060
	501 KAR 6:080
	501 KAR 6:110
	501 KAR 6:120
	501 KAR 6:130
	501 KAR 6:140
	501 KAR 6:150
441.055	501 KAR 3:080
	501 KAR 3:120
Chapters 600-645	905 KAR 1:180
600.010	905 KAR 1:330
600.020	905 KAR 1:300
	905 KAR 1:310
605.130	905 KAR 1:330
615.010	905 KAR 1:300
	905 KAR 1:310
615.030	905 KAR 1:010
620.010	905 KAR 1:230
620.010-620.050	905 KAR 1:330
620.020	905 KAR 1:300
	905 KAR 1:310
620.040	905 KAR 1:230
620.050	905 KAR 1:230
620.060	905 KAR 1:230
620.990	905 KAR 1:300

KRS SECTION	REGULATION
PL 103-3	101 KAR 2:100
Ky.Const. §173	45 KAR 1:070
1992 Acts, c. 462	907 KAR 1:013
7 CFR	904 KAR 3:030
	904 KAR 3:110
10 CFR	902 KAR 100:019
	902 KAR 100:021
	902 KAR 100:041
	902 KAR 100:073
	902 KAR 100:100
14 CFR	602 KAR 50:010
16 CFR	902 KAR 10:050
	902 KAR 47:030
	902 KAR 47:040
20 CFR	904 KAR 2:015
21 CFR	900 KAR 1:015
21 CFR 1	902 KAR 45:005
21 CFR 1020.40	902 KAR 100:100
21 CFR 1304, 1305, 1307	902 KAR 55:060
21 CFR 1308	902 KAR 55:015
	902 KAR 55:020
	902 KAR 55:025
	902 KAR 55:030
	902 KAR 55:035
23 CFR	600 KAR 1:100
	603 KAR 3:080
29 CFR 1630	105 KAR 1:210
29 CFR 1910	803 KAR 2:309
	803 KAR 2:320
30 CFR	405 KAR 7:200
	405 KAR 10:050
	405 KAR 12:001
	405 KAR 12:010
34 CFR Part 300	707 KAR 1:190
	707 KAR 1:200
	707 KAR 1:220
34 CFR 361	781 KAR 1:040
34 CFR 653	11 KAR 10:010
	11 KAR 10:020
40 CFR	401 KAR 8:010
	401 KAR 8:020
	401 KAR 8:040
	401 KAR 8:060
	401 KAR 8:070
	401 KAR 8:100
	401 KAR 8:150
	401 KAR 8:200
	401 KAR 8:250
	401 KAR 8:300
	401 KAR 8:400
	401 KAR 8:420
	401 KAR 8:440
	401 KAR 8:500
	401 KAR 8:600
	401 KAR 31:120
	401 KAR 31:160
	401 KAR 32:050
	401 KAR 34:230
	401 KAR 37:010
	401 KAR 37:030
	401 KAR 37:040
	401 KAR 37:050
	401 KAR 38:010
	401 KAR 38:020
	401 KAR 38:040
	401 KAR 38:050
	401 KAR 38:060

ADMINISTRATIVE REGISTER - H25
KRS INDEX

KRS SECTION	REGULATION
	401 KAR 38:090
	401 KAR 38:170
	401 KAR 38:180
	401 KAR 38:210
	401 KAR 38:240
	401 KAR 38:250
	401 KAR 38:260
	401 KAR 38:270
	401 KAR 50:034
	401 KAR 50:035
	401 KAR 50:038
	401 KAR 57:041
	401 KAR 57:061
	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 65:001
	401 KAR 65:010
	415 KAR 1:110
40 CFR 190	902 KAR 100:019
42 CFR	904 KAR 2:016
45 CFR	904 KAR 2:001
	904 KAR 2:006
	904 KAR 2:016
	904 KAR 2:017
	904 KAR 2:020
	904 KAR 2:046
	904 KAR 2:060
	904 KAR 2:171
	904 KAR 2:380
	904 KAR 2:390
	904 KAR 2:400
	904 KAR 2:410
	904 KAR 2:420
45 CFR 74	905 KAR 3:030
45 CFR 96	905 KAR 3:020
	905 KAR 3:030
	905 KAR 6:010
45 CFR 205.10	905 KAR 1:320
49 CFR	601 KAR 1:005
	601 KAR 1:025
	601 KAR 1:040
	601 KAR 1:101
	601 KAR 2:010
	601 KAR 3:010
	601 KAR 11:040
	601 KAR 11:080
	902 KAR 100:019
	902 KAR 100:021

KRS SECTION	REGULATION
8 USC 1101	11 KAR 3:001
10 USC	11 KAR 3:001
15 USC	904 KAR 2:001
	904 KAR 2:410
20 USC	707 KAR 1:170
	707 KAR 1:180
	707 KAR 1:190
	707 KAR 1:200
20 USC 1401-1420	707 KAR 1:220
23 USC	600 KAR 1:100
	603 KAR 3:080
29 USC 201-219	780 KAR 3:070
29 USC 706	781 KAR 1:040
29 USC 794	905 KAR 1:320
30 USC	405 KAR 7:200
	405 KAR 10:050
	405 KAR 12:001
	405 KAR 12:010
31 USC	904 KAR 2:001
42 USC	401 KAR 50:034
	401 KAR 50:035
	401 KAR 50:038
	401 KAR 57:041
	401 KAR 57:061
	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
	904 KAR 2:016
	904 KAR 2:116
	904 KAR 2:430
	905 KAR 2:100
42 USC 300EE-2	201 KAR 8:420
42 USC 673	905 KAR 1:050
42 USC 11001	902 KAR 100:041
42 USC 11432	704 KAR 7:090
42 USC 12101	905 KAR 1:320
42 USC 12111	105 KAR 1:210
42 USC 1397	905 KAR 3:020
	905 KAR 3:030
42 USC 2000	905 KAR 1:320
42 USC 9901-9912	905 KAR 3:030
	905 KAR 6:010

SUBJECT INDEX

ACCOUNTANCY BOARD
Reinstatement of certificate, permit; 201 KAR 1:140
Rules of professional conduct; 201 KAR 1:300

ADULT AND TECHNICAL EDUCATION
(See WORKFORCE DEVELOPMENT CABINET)

ADULT SERVICES
(See SOCIAL SERVICES)

AERONAUTICS
Airport Zoning Commission
Definitions; 602 KAR 50:010

AGRICULTURE
Hay, grain; 302 KAR Chapter 37

AIR QUALITY
Administrative Procedures
Permit application form; 401 KAR 50:034
Permits; 401 KAR 50:35
Title V emissions fee; 401 KAR 50:038
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
Hazardous air pollutants, source categories; 401 KAR 57:061
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

ATHLETIC COMMISSION
Announcers; 201 KAR 27:050
Commission, employees powers, duties; 201 KAR 27:007
Contestants; 201 KAR 27:030
Definitions; 201 KAR 27:005
General requirements; 201 KAR 27:010
Judges; 201 KAR 27:045
Managers; 201 KAR 27:040
Payment of fees, fines, forfeitures; 201 KAR 27:015
Physicians; 201 KAR 27:055
Referees; 201 KAR 27:060
Repealer; 201 KAR 27:081
Scoring, conduct; 201 KAR 27:013
Seconds; 201 KAR 27:035
Tickets; 201 KAR 27:020
Timekeeper; 201 KAR 27:070

AUDITS
(See AUDITOR OF PUBLIC ACCOUNTS)

AUDITOR OF PUBLIC ACCOUNTS
Technical audit bulletins; 45 KAR 1:070

BLOCK GRANTS
(See SOCIAL SERVICES)

BOARDING HOMES
(See HEALTH SERVICES)

BUILDING CODE
Code; 815 KAR 7:090

CHILD WELFARE
(See SOCIAL SERVICES)

COMMUNITY ACTION AGENCIES
(See SOCIAL SERVICES)

CONGRESSIONAL TEACHER SCHOLARSHIP PROGRAM
(See HIGHER EDUCATION ASSISTANCE AUTHORITY)

CONSERVATION
Soil and water conservation peer group; 402 KAR 2:030

CONTROLLED SUBSTANCES
(See HEALTH SERVICES)

CORRECTIONS
Jail Standards
Admission, release; 501 KAR 3:120
Sanitation, hygiene; 501 KAR 3:080
Office of the Secretary
Bell County Forestry Camp; 501 KAR 6:140
Blackburn Correctional Complex; 501 KAR 6:120
Eastern Kentucky Correctional Complex; 501 KAR 6:150
Kentucky State Penitentiary; 501 KAR 6:040
Kentucky State Reformatory; 501 KAR 6:030
Luther Luckett Correctional Complex; 501 KAR 6:050
Manuals; 501 KAR 6:080
Northpoint Training Center; 501 KAR 6:060
Policies and procedures; 501 KAR 6:020
Roederer Correctional Complex; 501 KAR 6:110
Western Kentucky Correctional Complex; 501 KAR 6:130

COSMETOLOGISTS
(See HAIRDRESSERS, COSMETOLOGISTS)

DAY CARE
(See SOCIAL SERVICES)

DENTISTRY
HIV, HBV, prevention of transmission; 201 KAR 8:420

DISTRICT SUPPORT SERVICES (EDUCATION)
Facilities Management
Capital construction process; 702 KAR 4:160
Pupil Transportation
Preschool children transportation; 702 KAR 5:150
School Administration, Finance
Internal accounting; 702 KAR 3:130
Maximum class sizes; 702 KAR 3:190

ECONOMIC ASSISTANCE
(See Local Government)

EDUCATION, ARTS, AND HUMANITIES
Education
Chief State School Officer
Summary hearing procedures; 701 KAR 5:050
Unmet technology need, local monies; 701 KAR 5:110
District Support Services
Facilities management; 702 KAR Chapter 4
Pupil transportation; 702 KAR Chapter 5
School administration, finance; 702 KAR Chapter 3
Exceptional children; 707 KAR Chapter 1
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
Health, PE programs; 703 KAR Chapter 4
Special Instructional Services
Fiscal management; 705 KAR Chapter 2

EDUCATION, HIGHER
(See HIGHER EDUCATION)

EDUCATION PROFESSIONAL STANDARDS BOARD
(See LEARNING PROGRAMS DEVELOPMENT)

ELECTIONS
(See REGISTRY OF ELECTION FINANCE or ELECTIONS, STATE BOARD OF)

ELECTIONS, STATE BOARD OF
Voting
Placement of voting machines; 31 KAR 5:020

ELECTRICAL INSPECTORS
Certification; 815 KAR 35:030

EMBALMERS, FUNERAL DIRECTORS
Examination application, fees; 201 KAR 15:030
Hearings; 201 KAR 15:090
Repealer; 201 KAR 15:021

EMERGENCY MEDICAL TECHNICIANS
(See HEALTH SERVICES)

EMPLOYEES, STATE
(See also PERSONNEL)
Personnel Regulations
Board; 101 KAR Chapter 1
Classified; 101 KAR Chapter 2
Unclassified; 101 KAR Chapter 3

EMPLOYMENT SERVICES
Unemployment Insurance
Maximum weekly benefit rates; 903 KAR 5:270

ENGINEERS, LAND SURVEYORS
Mortgage inspections, minimum standards; 201 KAR 18:200

ETHICS
Executive branch Ethics Commission; 9 KAR Chapter 1
Legislative Ethics Commission; 2 KAR Chapter 2

FINANCE, ADMINISTRATION
Retirement Systems
General rules; 105 KAR Chapter 1

EXCEPTIONAL CHILDREN (EDUCATION)
Children, youth with disabilities, eligibility; 707 KAR 1:200
Children, youth with disabilities, I.D.; 707 KAR 1:170
Due process procedures; 707 KAR 1:180
Evaluation; 707 KAR 1:190
Least restrictive environment placement; 707 KAR 1:220

FINANCIAL INSTITUTIONS
Securities
Assistant representative; 808 KAR 10:290
Definitions; 808 KAR 10:160

FISH AND WILDLIFE RESOURCES
Fish
Angling seasons and limits; 301 KAR 1:200
Mussel shell harvesting; 301 KAR 1:085
Game
Crow hunting season; 301 KAR 2:260
Deer hunting seasons; 301 KAR 2:171
Migratory bird hunting season; 301 KAR 2:220
Taking of migratory wildlife; 301 KAR 2:044
Wild turkey seasons; 301 KAR 2:140
Hunting, Fishing
Birds, animals, year-round season; 301 KAR 3:030

FOOD AND COSMETICS
(See HEALTH SERVICES)

FUNERAL DIRECTORS
(See EMBALMERS, FUNERAL DIRECTORS)

GENERAL ASSEMBLY
Legislative Ethics Commission; 2 KAR Chapter 2

GEOLOGISTS, BOARD FOR
Board member compensation; 201 KAR 31:020

GOVERNOR'S OFFICE
Ethics Commission, Executive Branch
Initial registration statement, card; 9 KAR 1:040

HAIRDRESSERS, COSMETOLOGISTS
Administrator's duties; 201 KAR 12:010
Identification of shops, schools; 201 KAR 12:080
Inspections; 201 KAR 12:060
Instructor's license, out-of-state applicant; 201 KAR 12:055

Investigations, complaints; 201 KAR 12:190
License replacement, duplicate; 201 KAR 12:031
Reciprocity; 201 KAR 12:050
Salon inspection; 201 KAR 12:065
Sanitation standards; 201 KAR 12:100
School advertising; 201 KAR 12:085
School faculty; 201 KAR 12:120
School license; 201 KAR 12:110
Schools' student regulations; 201 KAR 12:125

HARNESS RACING
(See RACING COMMISSION)

HAZARDOUS MATERIALS
LP gas license; 815 KAR 30:010

HAZARDOUS SUBSTANCES
(See HEALTH SERVICES or WASTE MANAGEMENT)

HAY, GRAIN
Standard hay grading program; 302 KAR 37:010

HEALTH CARE DATA COMMISSION
Hospitals, ambulatory care facilities, health data reporting; 902 KAR 65:010

HEALTH SERVICES
Controlled Substances
- Distribution without license; 902 KAR 55:060
- Emergency medication kit storage; 902 KAR 55:070
- Over-the-counter products, excluded; 902 KAR 55:040
- Prescription drug return prohibited, exceptions; 902 KAR 55:065
- Prescription products, exempt; 902 KAR 55:045
- Schedule I substances; 902 KAR 55:015
- Schedule II substances; 902 KAR 55:020
- Schedule III substances; 902 KAR 55:025
- Schedule IV substances; 902 KAR 55:030
- Schedule V substances; 902 KAR 55:035

Emergency Medical Technicians
- Disciplinary actions; 902 KAR 13:090

Food and Cosmetics
- Bakery products; 902 KAR 45:030
- Carbonated beverages; 902 KAR 45:040
- Cosmetic packaging, labeling; 902 KAR 45:060
- Food packaging, labeling; 902 KAR 45:050
- Retail food code; 902 KAR 45:005
- Shellfish; 902 KAR 45:020

Hazardous Substances
- Cellulose insulation; 902 KAR 47:040
- Definitions; 902 KAR 47:010
- Exemptions; 902 KAR 47:030
- Labeling, identification standards; 902 KAR 47:020

Health Services and Facilities
- Boarding homes; 902 KAR 20:350
- Certificate of need process; 902 KAR 20:004

Medical Laboratories
- Equipment, methods, samples; 902 KAR 11:050
- Health, safety, reports, standards; 902 KAR 11:020
- Licensure application, fee; 902 KAR 11:010
- Personnel standards; 902 KAR 11:030
- Proficiency test procedures; 902 KAR 11:035
- Specialty test procedure; 902 KAR 11:040
- Test, specimen records; 902 KAR 11:045

Milk, Milk Products
- Enforcement procedure standards; 902 KAR 50:033
- Farm requirements standards; 902 KAR 50:032
- Grade A milk advisory committee; 902 KAR 50:005
- Hauler requirements; 902 KAR 50:040
- Milk for manufacturing advisory committee; 902 KAR 50:002
- Open dating requirements; 902 KAR 50:080
- Producer eligibility standards; 902 KAR 50:031
- Unpasteurized goat milk; 902 KAR 50:120

Radiology
- Emergency plan; 902 KAR 100:041
- Disposal of radioactive material; 902 KAR 100:021
- Healing arts, use of radionuclides; 902 KAR 100:073
- Industrial radiography; 902 KAR 100:100
- Protection standards, radiation; 902 KAR 100:019

Sanitation
- Frozen food locker plants; 902 KAR 10:020
- Refuse bins; 902 KAR 10:050
- Repealer; 902 KAR 10:071

Vital statistics; 901 KAR Chapter 5

HEARING INSTRUMENT SPECIALISTS
Applicant educational, health qualifications; 201 KAR 7:020
Code of ethics, unethical conduct; 201 KAR 7:090
Complaint processing; 201 KAR 7:100
Continuing education requirements; 201 KAR 7:075
Definitions; 201 KAR 7:010
Examinations; 201 KAR 7:040
Hearing procedures; 201 KAR 7:105
Identification, proof of licensure; 201 KAR 7:050
License renewal; 201 KAR 7:070
Remade, remanufactured, substituted hearing instruments; 201 KAR 7:025
Repealer; 201 KAR 7:085

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

Kentucky Loan Program
- Definitions; 11 KAR 3:001

HIGHER EDUCATION STUDENT LOAN CORPORATION
Repealer; 15 KAR 1:011

HIGHWAYS
Maintenance
- Advertising devices; 603 KAR 3:080

HOMELESS CHILDREN
(See LEARNING PROGRAMS DEVELOPMENT)

HOUSING, BUILDINGS AND CONSTRUCTION
Building code; 815 KAR Chapter 7
Electrical inspectors; 815 KAR Chapter 35
Hazardous materials; 815 KAR Chapter 30
Plumbing; 815 KAR Chapter 20

HOUSING CORPORATION
Affordable housing trust fund; 202 KAR 2:010

HUMAN RESOURCES
Administration
- Laetrile; 900 KAR 1:015

Administrative Services
- Vital statistics; 901 KAR Chapter 5

Employment Services
- Unemployment insurance; 903 KAR Chapter 5

Health Care Data Commission; 902 KAR Chapter 65
Health Services
- Controlled substances; 902 KAR Chapter 55
- Emergency medical technicians; 902 KAR Chapter 13
- Food, cosmetics; 902 KAR Chapter 45

Health services and facilities; 902 KAR Chapter 20
Hazardous substances; 902 KAR Chapter 47
Medical laboratories; 902 KAR Chapter 11
Milk, milk products; 902 KAR Chapter 50
Radiology; 902 KAR Chapter 100
Sanitation; 902 KAR Chapter 10
Vital statistics; 901 KAR Chapter 5
Long-term Care
Citations, violations; 900 KAR 2:040
Quality of care rating system; 900 KAR 2:030
Medicaid services; 907 KAR Chapter 1
Mental Health, Mental Retardation
Institutional care; 908 KAR Chapter 3
Mental health; 908 KAR Chapter 2
Personnel policies, repealer; 900 KAR 3:011
Social Insurance
Food stamp program; 904 KAR Chapter 3
Public assistance; 904 KAR Chapter 2
Social Services
Adult services; 905 KAR Chapter 5
Block grants; 905 KAR Chapter 3
Child welfare; 905 KAR Chapter 1
Community action agencies; 905 KAR Chapter 6
Day care; 905 KAR Chapter 2

INSURANCE
Administration
Filing of examination report; 806 KAR 2:120
Information disclosure, examinations; 806 KAR 2:130
Local Government Premium Tax
Accounting, reporting requirements; 806 KAR 2:095
Disclosure; 806 KAR 2:096
Fee for collecting; 806 KAR 2:090
Filing; 806 KAR 2:097
Authorization of Insurers
Repealer; 806 KAR 3:141
Fees and Taxes
Department fees; 806 KAR 4:010
Insider Trading of Equity Securities
Proxies, consents, authorization; 806 KAR 26:010
Insurance Contract
Rate and form filing; 806 KAR 14:005

JAIL STANDARDS
(See CORRECTIONS)

JUSTICE
Corrections (See CORRECTIONS)

KENTUCKY RIVER AUTHORITY
Administrative procedures; 420 KAR 1:020
Definitions; 420 KAR 1:010
Surface water, groundwater management; 420 KAR 1:030
Tier I water use fees; 420 KAR 1:040
Tier II water use fees; 420 KAR 1:050

LABOR
Occupational safety, health; 803 KAR Chapter 2
Workers' compensation; 803 KAR Chapter 25

LAND SURVEYORS
(See ENGINEERS, LAND SURVEYORS)

LEARNING PROGRAMS DEVELOPMENT (EDUCATION)
Education Professional Standards Board
Certificate revocation procedures; 704 KAR 20:585
Early elementary grades K-4 certificate; 704 KAR 20:360
Elementary certificate; 704 KAR 20:085
Emergency certification; 704 KAR 20:120
Exceptional children certificate; 704 KAR 20:270
High school certificate; 704 KAR 20:065
Interdisciplinary early childhood education; 704 KAR 20:620
Middle grades 5-8 certificate; 704 KAR 20:350
Moderately, severely disabled certification; 704 KAR 20:251
Music, grades K-12, certificate; 704 KAR 20:370
Preparation-certification standards; 704 KAR 20:005
Principal intern program; 704 KAR 20:470
School media librarian certificate; 704 KAR 20:150
Instruction
Evaluation guidelines; 704 KAR 3:345
Gifted, talented programs; 704 KAR 3:285
Professional development, annual plan; 704 KAR 3:035
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
Health, PE Programs
Accountability index to school classification; 703 KAR 4:080
Code of ethics, assessment, accountability; 703 KAR 4:070

LEGISLATIVE ETHICS COMMISSION
Financial disclosure statement; 2 KAR 2:020
Legislative agent, employer forms; 2 KAR 2:010
Rules of procedure; 2 KAR 2:030

LOCAL GOVERNMENT
Policy and Management
Economic assistance fund grants; 109 KAR 10:010

MANUFACTURED HOMES, RECREATIONAL VEHICLES
Certified installers, manufactured homes; 815 KAR 25:030

MEDICAID SERVICES
Dental service payments; 907 KAR 1:027
Durable medical equipment; 907 KAR 1:470
Durable medical equipment payments; 907 KAR 1:472
Estate recovery; 907 KAR 1:585
Health services, providers; additional classes defined; 907 KAR 1:580
Hearing, vision services; 907 KAR 1:038
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
KHCP eligibility, benefits; 907 KAR 1:540
Medically needy, resource, income standard; 907 KAR 1:004
Mental health center services; 907 KAR 1:044
Mental health center services payments; 907 KAR 1:045
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
Supplemental policy; 907 KAR 1:615
Vision care services payments; 907 KAR 1:040

MEDICAL LABORATORIES
(See HEALTH SERVICES)

MEDICAL LICENSURE BOARD
Certificate denial, revocation, suspension; 201 KAR 9:141
Continuing medical education; 201 KAR 9:310
Disciplinary proceedings; 201 KAR 9:081

Emergency permits; 201 KAR 9:175
Endorsement; 201 KAR 9:023
Examinations; 201 KAR 9:031
Fee schedule; 201 KAR 9:041; 201 KAR 9:084
HIV/HBV infection control for physicians; 201 KAR 9:315
License renewal, registration; 201 KAR 9:051
Limited licenses; 201 KAR 9:061
Paramedic advisory committee; 201 KAR 9:151
Paramedics certified out of state; 201 KAR 9:136

MENTAL HEALTH/MENTAL RETARDATION
Institutional Care
- Central State Hospital; 908 KAR 3:110
- Eastern State Hospital; 908 KAR 3:100
- Western State Hospital; 908 KAR 3:120

Mental Health
- Allocation of funds, formula; 908 KAR 2:050
- Board structure, operation, state grant eligibility; 908 KAR 2:030
- Local board authority; 908 KAR 2:010
- Manuals; 908 KAR 2:060
- Personnel rules of local board; 908 KAR 2:020
- Plan, budget, billing instructions; reimbursement guidelines; 908 KAR 2:060
- Supported living services, quality assurance standards; 908 KAR 2:080

MILITARY AFFAIRS
Veterans Program Trust Fund; 106 KAR 2:010

MILK, MILK PRODUCTS
(See HEALTH SERVICES)

MINES AND MINERALS
Division of Mining
- Civil penalties, violation of safety standards; 805 KAR 5:040

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 50 to 65
- Waste management; 401 KAR Chapters 30 to 38
- Water; 401 KAR Chapters 5 to 8

Natural Resources
- Conservation; 402 KAR Chapter 2
- Surface Mining Reclamation, Enforcement; 405 KAR Chapters 7 to 12

NURSING, BOARD OF
Fees; 201 KAR 20:240
Licensure by examination; 201 KAR 20:070
Licensure, registration applications; 201 KAR 20:370
Nursing incentive scholarship fund; 201 KAR 20:390
Temporary work permit; 201 KAR 20:090

OCCUPATIONAL THERAPY BOARD
Administrative hearings; 201 KAR 28:160
Definitions, abbreviations; 201 KAR 28:010
Disciplinary proceedings; 201 KAR 28:150
Examination; 201 KAR 28:070
Fees; 201 KAR 28:110
Foreign-trained applicants; 201 KAR 28:120
General provisions; 201 KAR 28:020
Regular licensure requirements; 201 KAR 28:060
Renewals; 201 KAR 28:090
Short-term practice; 201 KAR 28:030
Special licensure requirements; 201 KAR 28:050
Supervision of assistants, aides, students; 201 KAR 28:130
Unprofessional conduct, code of ethics; 201 KAR 28:140

OCCUPATIONS AND PROFESSIONS
Accountancy; 201 KAR Chapter 1
Athletic Commission; 201 KAR Chapter 27
Dentistry; 201 KAR Chapter 8
Embalmers, funeral directors; 201 KAR Chapter 15
Engineers, land surveyors; 201 KAR Chapter 18
Geologists; 201 KAR Chapter 31
Hairdressers, cosmetologists; 201 KAR Chapter 12
Hearing instrument specialists; 201 KAR Chapter 7
Medical licensure; 201 KAR Chapter 9
Nursing; 201 KAR Chapter 20
Occupational therapy; 201 KAR Chapter 28
Podiatry; 201 KAR Chapter 25
Psychology; 201 KAR Chapter 26
Real estate appraisers; 201 KAR Chapter 30
Veterinary examiners; 201 KAR Chapter 16

OCCUPATIONAL SAFETY, HEALTH
Confined space entry; 803 KAR 2:200
29 CFR Part 1910; 803 KAR 2:309-803 KAR 2:320
29 CFR Parts 1915, 1917, 1918, 1919; 803 KAR 2:500
29 CFR Part 1926; 803 KAR 2:403
29 CFR Part 1928; 803 KAR 2:600

PERSONNEL
Board
- Employee actions; 101 KAR 1:335

Classified
- Eligibles; certification, selection; 101 KAR 2:066
- Leave; 101 KAR 2:100
- Registers; 101 KAR 2:056
- Sick leave sharing procedure; 101 KAR 2:105

Unclassified
- Leave; 101 KAR 3:010

PETROLEUM STORAGE TANK ENVIRONMENTAL ASSURANCE FUND COMMISSION
Contractor certification; 415 KAR 1:115
Contractor costs; 415 KAR 1:110

PLUMBING
Inspection, tests; 815 KAR 20:150
Installation standards; 815 KAR 20:073
Joints, connections; 815 KAR 20:100
Parts or materials list; 815 KAR 20:020

PODIATRY, BOARD OF
Continuing education; 201 KAR 25:031
HIV/HBV infection control; 201 KAR 25:080

PSYCHOLOGY BOARD
Application procedures; 201 KAR 26:155
Complaint procedure; 201 KAR 26:130
Continuing education; 201 KAR 26:175
Disciplinary hearings procedures; 201 KAR 26:140
Ethical violations; 201 KAR 26:145
Examinations; 201 KAR 26:230
Fee schedule; 201 KAR 26:160
Health service provider designation; 201 KAR 26:125
Inactive status; 201 KAR 26:165
Nonresident status; 201 KAR 26:215
Out-of-state licensure or certification; 201 KAR 26:185
Psychological testing definition; 201 KAR 26:115
Reciprocity; 201 KAR 26:180
Repealer; 201 KAR 26:151
Scope of practice; 201 KAR 26:121

Supervised professional experience requirements; 201 KAR 26:190
Supervision requirements; 201 KAR 26:171
Temporary license or certificate; 201 KAR 26:155

PUBLIC ASSISTANCE
(See SOCIAL INSURANCE)

PUBLIC PROTECTION AND REGULATION CABINET
Financial Institutions
Securities; 808 KAR Chapter 10
Insurance
Administration; 806 KAR Chapter 2
Authorization of insurers; 806 KAR Chapter 3
Fees and taxes; 806 KAR Chapter 4
Insider trading of equity securities; 806 KAR Chapter 26
Insurance contract; 806 KAR Chapter 14
Housing, Buildings and Construction
Building code; 815 KAR Chapter 7
Electrical inspectors; 815 KAR Chapter 35
Hazardous materials; 815 KAR Chapter 30
Manufactured homes, RVs; 815 KAR Chapter 25
Plumbing; 815 KAR Chapter 20
Mines and Minerals
Division of Mining; 805 KAR Chapter 5
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
Breeders' award program; 810 KAR 1:032
Intertrack simulcasting; 810 KAR 1:031

RADIOLOGY
(See HEALTH SERVICES)

REAL ESTATE APPRAISERS BOARD
Definitions; 201 KAR 30:010
Examination, education, experience; 201 KAR 30:050
Federally-related transaction appraisers; 201 KAR 30:030
Standards of practice; 201 KAR 30:040
Transitional licensed appraiser; 201 KAR 30:140

RECREATIONAL VEHICLES
(See MANUFACTURED HOMES, RECREATIONAL VEHICLES)

REGISTRY OF ELECTION FINANCE
General Provisions
Allowable campaign expenditures; 32 KAR 2:200
Candidate with write-in opposition; 32 KAR 2:160E
Committee affiliation; 32 KAR 2:190
Extension of credit; 32 KAR 2:180
In-kind contributions; 32 KAR 2:170

RETIREMENT, STATE EMPLOYEES
General Rules
Contributions, interest rates; 105 KAR 1:010
Disability procedures; 105 KAR 1:210
Hazardous duty coverage; 105 KAR 1:130
Special federal income tax withholding; 105 KAR 1:270

RETIREMENT, TEACHERS
General rules; 102 KAR Chapter 1

SCHOOL FACILITY CONSTRUCTION COMMISSION
Education technology funding program guidelines; 750 KAR 2:010

SOCIAL INSURANCE
Food Stamp Program
Application process; 904 KAR 3:030
Contingency plan; 904 KAR 3:080
Supplemental policy; 904 KAR 3:110
Public Assistance
Adverse action, conditions; 904 KAR 2:046
AFDC, standards for need and amount; 904 KAR 2:016
AFDC, technical requirements; 904 KAR 2:006
Aged, blind disabled, supplemental programs; 904 KAR 2:015
Child support collection, distribution; 904 KAR 2:410
Definitions; 904 KAR 2:001
Enforcement program; 904 KAR 2:020
Enforcement program application; 904 KAR 2:380
Enforcement program paternity establishment; 904 KAR 2:390
Home energy assistance; 904 KAR 2:116
JOBS; 904 KAR 2:017
Money payment programs, supplemental policy; 904 KAR 2:430
Oaths, affirmations; delegation of power; 904 KAR 2:060
Orders, establishment, review, modification; 904 KAR 2:400
Repealer; 904 KAR 2:141; 904 KAR 2:171; 904 KAR 2:420

SOCIAL SERVICES
Adult Services
Spouse abuse shelters funding requirements; 905 KAR 5:050
State-funded spouse abuse shelters standards; 905 KAR 5:040
Block Grants
Allocation formula; 905 KAR 3:040
Matching requirements; 905 KAR 3:030
Technical eligibility; 905 KAR 3:020
Child Welfare
Adoptive parents, selection, approval; 905 KAR 1:030
Child caring facilities standards; 905 KAR 1:300
Child placing agencies standards; 905 KAR 1:310
Child protective services; 905 KAR 1:330
Detention alternative, court resource home; 905 KAR 1:210
DSS policy, procedures manual; 905 KAR 1:180
Emergency protective services; 905 KAR 1:230
Fair hearing; 905 KAR 1:320
Foster care, adoption assistance; 905 KAR 1:140
Place, receive child, permission application; 905 KAR 1:010
Subsidies approval; 905 KAR 1:050
Community Action Agencies
Funding, hearing procedures, termination; 905 KAR 6:040
Standards; 905 KAR 6:010
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

Provisions, General
Disposal of coal combustion fly ash, bottom ash, scrubber sludge; 405 KAR 7:200

TEACHERS' RETIREMENT
General Rules
Retired members employment; 102 KAR 1:035

THOROUGHBRED RACING
(See RACING COMMISSION)

TOURISM CABINET
Fish and Wildlife Resources
Fish; 301 KAR Chapter 1
Game; 301 KAR Chapter 2
Hunting, fishing; 301 KAR Chapter 3

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
Administration; 601 KAR Chapter 2
Commercial driver's license; 601 KAR Chapter 11
Driver improvement; 601 KAR Chapter 13
Motor carriers; 601 KAR Chapter 1
Motor vehicle tax; 601 KAR Chapter 9
Motorcycle, bicycle safety; 601 KAR Chapter 14

VEHICLE REGULATION
Administration
General procedures; 601 KAR 2:010
Commercial Driver's License
Farm-related service industries, limited license; 601 KAR 11:080
Medical waivers, commercial vehicles intrastate operators; 601 KAR 11:040
Restrictions, endorsements; 601 KAR 11:030
Driver Improvement
Alcohol, substance abuse education, treatment; 601 KAR 13:031
Motor Carriers
Hazardous materials transported by air, highway; 601 KAR 1:025
Intrastate, interstate operating; 601 KAR 1:040
Liability, cargo insurance; proof; 601 KAR 1:101
Safety regulations; 601 KAR 1:005
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 carrier vehicle registration, paying seat tax; 601 KAR 9:010
Motor vehicle dealers, manufacturers registration; 601 KAR 9:015
Personalized license plates; 601 KAR 9:012
Reciprocity, ID cards; 601 KAR 9:040
Motorcycle and Bicycle Safety
Bicycle safety standards; 601 KAR 14:020

VETERANS PROGRAM TRUST FUND
(See MILITARY AFFAIRS)

VETERINARY EXAMINERS
Code of ethical conduct; 201 KAR 16:010

VITAL STATISTICS
Burial, disinterment of dead bodies; 901 KAR 5:090
Certificate of birth amended; 901 KAR 5:070
Delayed birth registration; 901 KAR 5:020
Delayed registration of deaths; 901 KAR 5:080

VOCATIONAL REHABILITATION
Administration
Rehabilitation technology; 781 KAR 1:040

VOTING
(See ELECTIONS, STATE BOARD OF)

WASTE MANAGEMENT
General Administrative Procedures
Definitions; 401 KAR 30:010
Hazardous Waste; Generator Standards
General provisions; 401 KAR 32:010
Manifest system; 401 KAR 32:020
Pretransport requirements; 401 KAR 32:030
Special conditions; 401 KAR 32:050
Hazardous Waste; Identification, Listing
Appendix, basis for listing; 401 KAR 31:160
Appendix, chemical analysis test methods; 401 KAR 31:120
Appendix, constituents; 401 KAR 31:170
Characteristics; 401 KAR 31:030
General provisions; 401 KAR 31:010
Identifying criteria; 401 KAR 31:020
Lists; 401 KAR 31:040
Rulemaking petitions; 401 KAR 31:060
Hazardous Waste; Permitting Process
General provisions; 401 KAR 38:010
Interim status provisions; 401 KAR 38:020
Part B application, contents; 401 KAR 38:090
Part B requirements, boilers, industrial furnaces; 401 KAR 38:260
Part B requirements, drip pads; 401 KAR 38:270
Part B requirements, equipment; 401 KAR 38:250
Part B requirements, landfills; 401 KAR 38:210
Part B requirements, process vents; 401 KAR 38:240
Part B requirements, surface impoundments; 401 KAR 38:170
Part B requirements, waste piles; 401 KAR 38:180
Permit changes, expiration; 401 KAR 38:040
Public information procedures; 401 KAR 38:050
Special permits; 401 KAR 38:060
Hazardous Waste Storage, Treatment, Disposal Facilities; Interim Status Standards
Closure, postclosure; 401 KAR 35:070
Drip pads; 401 KAR 35:285
Equipment leaks, air emission standards; 401 KAR 35:280
Financial requirements, closure; 401 KAR 35:090
Financial requirements; postclosure; 401 KAR 35:100
General facilities standards; 401 KAR 35:020
General financial requirements; 401 KAR 35:080
General provisions; 401 KAR 35:010
Groundwater monitoring; 401 KAR 35:060
Incinerators; 401 KAR 35:240
Land treatment; 401 KAR 35:220
Landfill; 401 KAR 35:230
Liability requirements; 401 KAR 35:120
Manifest system; recordkeeping, reporting; 401 KAR 35:050
Process vents, air emission standards; 401 KAR 35:275
Surface impoundments; 401 KAR 35:200
Tanks; 401 KAR 35:190
Thermal treatment; 401 KAR 35:250
Waste piles; 401 KAR 35:210
Hazardous Waste Storage, Treatment, Disposal Facilities; Owner and Operator Standards
Closure, postclosure; 401 KAR 34:070

Drip pads; 401 KAR 34:285
Equipment leaks, air emission standards; 401 KAR 34:280
Financial requirements, closure; 401 KAR 34:090
Financial requirements, postclosure; 401 KAR 34:100
General facility standards; 401 KAR 34:020
General financial requirements; 401 KAR 34:080
Incinerators; 401 KAR 34:240
Land treatment; 401 KAR 34:220
Landfills; 401 KAR 34:230
Liability requirements; 401 KAR 34:120
Manifest system; recordkeeping, reporting; 401 KAR 34:050
Process vents, air emission standards; 401 KAR 34:275
Surface impoundments; 401 KAR 34:200
Tanks; 401 KAR 34:190
Waste piles; 401 KAR 34:210
Land Disposal Restrictions
General provisions; 401 KAR 37:010
Land disposal prohibitions; 401 KAR 37:030
Storage prohibitions; 401 KAR 37:050
Treatment standards; 401 KAR 37:040
Waste Management Facilities
Boilers, industrial furnaces; 401 KAR 36:020
Recyclable materials; 401 KAR 36:030
Tables, procedures; 401 KAR 36:025
Used oil; 401 KAR 36:050

WATER
Public Water Supply
Definitions; 401 KAR 8:010
Disinfection by-products; 401 KAR 8:500
Disinfection, filtration; 401 KAR 8:150
Facility design, construction; 401 KAR 8:100
General provisions; 401 KAR 8:020
Inorganic chemical sampling, analysis; 401 KAR 8:250
Laboratory certification; 401 KAR 8:040
Lead, copper; 401 KAR 8:300
Microbiological monitoring; 401 KAR 8:200
Public notification; 401 KAR 8:070
Secondary standards; 401 KAR 8:600
Synthetic organic chemicals; 401 KAR 8:400
Unregulated inorganic, synthetic organic chemicals; 401 KAR 8:440
Variances, exemptions; 401 KAR 8:060
Volatile organic chemicals; 401 KAR 8:420
Quality
Groundwater protection plans; 401 KAR 5:036

WORKERS' COMPENSATION BOARD
Pharmacy fee schedule; 803 KAR 25:092

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
Occupational appeals officer; 780 KAR 2:020
Postsecondary admission; 780 KAR 2:090
Suspension, expulsion of students; 780 KAR 2:060
Personnel System, Certified and Equivalent Employees
Attendance, compensatory time, leave; 780 KAR 3:070
Certification, professional development requirements; 780 KAR 3:140
Unclassified Personnel
Attendance, compensatory time, leave; 780 KAR 6:060
Vocational Rehabilitation
Rehabilitation technology; 781 KAR 1:040